State of Iowa

2009

ACTS AND JOINT RESOLUTIONS

(Session Laws)

Enacted at the

2009 REGULAR SESSION

of the

Eighty-Third General Assembly

of the

State of Iowa

HELD AT DES MOINES, THE CAPITAL OF THE STATE
IN THE ONE HUNDRED SIXTY-THIRD YEAR OF THE STATE

REGULAR SESSION CONVENED ON THE TWELFTH DAY OF JANUARY
AND ADJOURNED ON THE TWENTY-SIXTH DAY OF APRIL, A.D. 2009

Published under the authority of Iowa Code section 2B.10
by the
Legislative Services Agency
GENERAL ASSEMBLY OF IOWA
Des Moines

PREFACE

CERTIFICATION

We, Glen P. Dickinson, Director, Legislative Services Agency, Richard L. Johnson, Legal Services Division Director, Leslie E. W. Hickey, Iowa Code Editor, and Joanne R. Page, Deputy Iowa Code Editor, certify that, to the best of our knowledge, the Acts and Resolutions in this volume have been prepared from the original enrolled Acts and Resolutions on file in the office of the Secretary of State; are correct copies of those Acts and Resolutions; are published under the authority of the statutes of this state; and constitute the Acts and Resolutions of the 2009 Regular Session of the Eighty-third General Assembly of the State of Iowa.

STATUTES AS EVIDENCE

Iowa Code section 622.59 is as follows:

622.59 Printed copies of statutes. Printed copies of the statute laws of this or any other of the United States, or of Congress, or of any foreign government, purporting or proved to have been published under the authority thereof, or proved to be commonly admitted as evidence of the existing laws in the courts of such state or government, shall be admitted in the courts of this state as presumptive evidence of such laws.

EXPLANATORY NOTES

Temporary Code numbers. CODE NUMBERS ASSIGNED TO NEW SECTIONS AND SUBSECTIONS IN THE ACTS ARE TEMPORARY AND MAY BE CHANGED WHEN THE 2009 IOWA CODE SUPPLEMENT IS PUBLISHED. Changes will be shown in the Tables of Disposition of Acts in the 2009 Iowa Code Supplement.

Typographic style. The Acts and Resolutions in this volume are printed as they appear on file in the office of the Secretary of State. No editorial corrections have been made. Underlined type indicates new material added to existing statutes; strike-through type indicates deleted material. Italics within an Act indicate material that the Governor has item vetoed. Item vetoed text is also indicated by asterisks at the beginning and ending of the vetoed material. Superscript numbers indicate explanatory footnotes.

Effective and enactment dates. The Acts of the 2009 Regular Session took effect on July 1, 2009, unless otherwise provided. The date of enactment generally is the date an Act is approved by the Governor, which is shown at the end of each Act. See Iowa Code section 3.7.

State mandates. Iowa Code section 25B.5 requires that for each enacted bill or joint resolution containing a state mandate (defined in section 25B.3), an estimate of additional local revenue expenditures required by the mandate must be filed with the Secretary of State. Section 2B.10(6) states that a notation of the filing of the estimate must be included in the Iowa Acts with the text of the bill or resolution. A dagger is placed at the beginning of the enacting clause and a footnote is included for each enrolled Act or Resolution for which a mandate notation is required.

Resolutions. Concurrent resolutions and Senate and House resolutions are generally not included. See Senate and House Journals for adopted resolutions.

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PATTY JUDGE	Monroe
Matt Unger, Senior Advisor to Lieutenant Governor	Polk
Cindy Dilliner, Executive Assistant to Lieutenant Governor	Wayne
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MICHAEL A. MAURO	Polk
Linda Langenberg, Deputy of Elections	Linn
Harry Davis, Deputy of Business Services	Polk
Frank Chiodo, Deputy of Administration/Legislative Liaison	Polk
Pam Conner, Deputy of Administration/Capitol Manager	Polk
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WILLIAM NORTHEY	Dickinson
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"X" means First Extraordinary Session; "XX" means Second Extraordinary Session
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Horbach, Lance J. ..... Tama	Insurance	40th—Grundy, *Tama*	78, 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Hunter, Bruce L. ..... Des Moines	.....	62nd—*Polk*	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Huseman, Daniel Adair Aurelia	Farmer	53rd—*Cherokee*, ... Plymouth, Woodbury	76, 77, 78, 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Huser, Geri D. ..... Altoona	Social Worker/ ..... Attorney	42nd—Jasper, *Polk*	77, 78, 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Isenhart, Charles ..... Dubuque	.....	27th—*Dubuque*	None
Jacoby, Dave J. ..... Coralville	Self-employed/Small ... Business	30th—*Johnson*	80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Kaufmann, Jeff ..... Wilton	Teacher/Livestock ..... Operator	79th—*Cedar*, Johnson, Muscatine	81(1st), 81(2nd), 81(2nd)X, 82
Kearns, Jerry A. ..... Keokuk	Staff Representative—United Steelworkers Union	92nd—*Lee*	None
Kelley, Doris ..... Waterloo	Telecommunications and Marketing Consultant	20th—*Black Hawk*	82
Koester, Kevin ..... Ankeny	School Administrator	70th—*Polk*	None
Kressig, Bob M. ..... Cedar Falls	Retired/John Deere	19th—*Black Hawk*	81(1st), 81(2nd), 81(2nd)X, 82

Name and Residence	Occupation	Representative District	Former Legislative Service
Kuhn, Mark A. ..... Charles City	Family Farmer	14th—Cerro Gordo, ... *Floyd*, Howard, Mitchell	78, 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Lensing, Vicki S. ..... Iowa City	Funeral Home Owner	78th—*Johnson*	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Lukan, Steven F. ..... New Vienna	Account Executive— ... English & Associates	32nd—Delaware, ... *Dubuque*	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Lykam, Jim ..... Davenport	Legislator	85th—*Scott*	73, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Marek, Larry K. ..... Riverside	Family Farmer	89th—Jefferson, ... Johnson, *Washington*	None
Mascher, Mary ..... Iowa City	Teacher	77th—*Johnson*	76, 77, 78, 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
May, Mike ..... Spirit Lake	Resort Owner ..... and Operator/Retired Teacher	6th—Clay, *Dickinson*	81(1st), 81(2nd), 81(2nd)X, 82
McCarthy, Kevin M. ... Des Moines	Majority Leader/Attorney	67th—*Polk*	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Mertz, Dolores M. ..... Ottosen	.....	8th—Humboldt, *Kossuth*, Pocahontas, Webster	73, 74, 74X, 74XX, 75, 76, 77, 78, 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Miller, Helen ..... Fort Dodge	Attorney/Arts Educator	49th—*Webster*	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Miller, Linda J. ..... Bettendorf	Registered Nurse	82nd—*Scott*	82
Murphy, Pat J. ..... Dubuque	Speaker of the House	28th—*Dubuque*	73(2nd), 74, 74X, 74XX, 75, 76, 77, 78, 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82

Name and Residence	Occupation	Representative District	Former Legislative Service
Oldson, Jo ..... Des Moines	.....	61st—*Polk*	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Olson, Donovan ..... Boone	Distance Education .... Coordinator—Iowa State University	48th—*Boone*, Dallas ...	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Olson, Rick ..... Des Moines	Attorney	68th—*Polk*	81(1st), 81(2nd), 81(2nd)X, 82
Olson, Steven N. ..... DeWitt	Farmer	83rd—*Clinton*, Scott ...	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Olson, Tyler ..... Cedar Rapids	Attorney	38th—*Linn*	82
Palmer, Eric J. ..... Oskaloosa	Attorney at Law	75th—*Mahaska*, ... Poweshiek	82
Paulsen, Kraig ..... Hiawatha	Minority Leader/ ..... Attorney	35th—*Linn*	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Petersen, Janet ..... Des Moines	Marketing ..... Communications Consultant	64th—*Polk*	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Pettengill, Dawn E. .... Mount Auburn	Legislator	39th—*Benton*, Iowa	81(1st), 81(2nd), 81(2nd)X, 82
Quirk, Brian J. ..... New Hampton	Electrical Contractor	15th—*Chickasaw*, ... Howard, Winneshiek	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Raecker, J. Scott ..... Urbandale	Executive Director— ... Institute for Character Development	63rd—*Polk*	78, 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Rants, Christopher ..... Sioux City	Self-employed	54th—*Woodbury*	75, 76, 77, 78, 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Rayhons, Henry V. ..... Garner	Semiretired/Farmer	11th—*Hancock*, ... Winnebago, Worth	77, 78, 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Reasoner, Michael J. ... Creston	Legislator	95th—Clarke, Decatur, *Union*	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82

Name and Residence	Occupation	Representative District	Former Legislative Service
Reichert, Nathan K. .... Muscatine	Community College .... Instructor	80th—*Muscatine*	81(1st), 81(2nd), 81(2nd)X, 82
Roberts, Rod A. ..... Carroll	Development Director— Christian Church of Christ	51st—*Carroll*, Crawford, Sac	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Sands, Thomas R. ..... Columbus Junction	Bank Officer/Real Estate Appraiser/Farm Owner	87th—Des Moines, ... *Louisa*, Muscatine	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Schueller, Tom J. ..... Maquoketa	Contractor	25th—Clinton, Dubuque, *Jackson*	81(1st), 81(2nd), 81(2nd)X, 82
Schulte, Renee ..... Cedar Rapids	Adjunct Professor— .... Mount Mercy College	37th—*Linn*	None
Schultz, Jason ..... Schleswig	Farmer	55th—*Crawford*, Ida, Monona, Woodbury	None
Shomshor, Paul C., Jr. Council Bluffs	Certified Public ..... Accountant	100th—*Pottawattamie*	80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Smith, Mark D. ..... Marshalltown	Licensed Independent Social Worker	43rd—*Marshall*	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Soderberg, Chuck ..... Le Mars	Vice President Planning and Legislative Services—Northwest Iowa Power Cooperative	3rd—*Plymouth*, Sioux	81(1st), 81(2nd), 81(2nd)X, 82
Sorenson, Kent ..... Indianola	Business Owner	74th—*Warren*	None
Steckman, Sharon S. Mason City	Retired/Educator	13th—*Cerro Gordo*	None
Struyk, Doug ..... Council Bluffs	.....	99th—*Pottawattamie*	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Swaim, Kurt ..... Bloomfield	Lawyer	94th—Appanoose, *Davis*, Wayne	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Sweeney, Annette ..... Alden	Farmer/Publisher	44th—Franklin, *Hardin*, Marshall	None
Taylor, Dick ..... Cedar Rapids	Retired/Electrical ..... and Construction Manager	33rd—*Linn*	78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82

Name and Residence	Occupation	Representative District	Former Legislative Service
Taylor, Todd E. ..... Cedar Rapids	AFSCME ..... Representative	34th—*Linn*	76(2nd), 77, 78, 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Thede, Phyllis ..... Bettendorf	.....	81st—*Scott*	None
Thomas, Roger ..... Elkader	Executive Director ..... Elkader Development Corporation/Main Street Elkader	24th—*Clayton*, ... Delaware, Fayette	77, 78, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Tjepkes, David A. ..... Gowrie	Retired/State Trooper	50th—Calhoun, Greene, *Webster*	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Tymeson, Jodi S. ..... Winterset	Licensed Teacher/ ..... Retired National Guard Officer	73rd—Dallas, *Madison*, Warren	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Upmeyer, Linda L. ..... Garner	Nurse Practitioner	12th—Cerro Gordo, ... Franklin, *Hancock*	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Van Engelenhoven, Jim Pella	Farmer	71st—Jasper, *Marion*	78, 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Wagner, Nick ..... Marion	Electrical Engineer	36th—*Linn*	None
Watts, Ralph C. ..... Adel	Retired/Engineer	47th—Boone, *Dallas* ...	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Wendt, Roger F. ..... Sioux City	Retired	2nd—*Woodbury*	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Wenthe, Andrew J. .... Hawkeye	Director of External ... Affairs/e-center	18th—Black Hawk, ... Bremer, *Fayette*	82
Wessel-Kroeschell, Beth Ames	Legislator	45th—*Story*	81(1st), 81(2nd), 81(2nd)X, 82
Whitaker, John R. ..... Hillsboro	Family Farmer	90th—Jefferson, ... *Van Buren*, Wapello	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Whitead, Wesley E. .... Sioux City	Retired/Small ..... Business Owner	1st—*Woodbury*	77, 78, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Willems, Nathan ..... Lisbon	Attorney	29th—Johnson, *Linn*	None

Name and Residence	Occupation	Representative District	Former Legislative Service
Winckler, Cindy Lou ... Davenport	Educational Consultant	86th—*Scott*	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82
Windschitl, Matt W. ... Missouri Valley	Gunsmith/Conductor—Union Pacific Railroad	56th—*Harrison*, Monona, Pottawattamie	82
Worthan, Gary ..... Storm Lake	Farmer	52nd—*Buena Vista*, ... Sac	82
Zirkelbach, Ray S. ..... Monticello	Correctional Counselor	31st—Dubuque, *Jones*	81(1st), 81(2nd), 81(2nd)X, 82

JUDICIAL DEPARTMENT

JUSTICES OF THE SUPREME COURT

(Justices listed according to seniority)

Name	Office Address	Term Ending
Marsha K. Ternus, C.J.	Des Moines	December 31, 2010
Mark S. Cady	Fort Dodge	December 31, 2016
Michael J. Streit	Johnston	December 31, 2010
David S. Wiggins	West Des Moines	December 31, 2012
Daryl L. Hecht	Sioux City	December 31, 2016
Brent R. Appel	Ackworth	December 31, 2016
David L. Baker	Cedar Rapids	December 31, 2010

JUDGES OF THE COURT OF APPEALS

(Judges listed according to seniority)

Rosemary Shaw Sackett, C.J.	Okoboji	December 31, 2014
Gayle N. Vogel	Knoxville	December 31, 2010
Robert E. Mahan	Waterloo	December 31, 2010
John C. Miller	Burlington	December 31, 2012
Anuradha Vaitheswaran	Des Moines	December 31, 2012
Larry J. Eisenhauer	Des Moines	December 31, 2014
Amanda P. Potterfield	Cedar Rapids	December 31, 2010
Richard H. Doyle	Des Moines	December 31, 2010
Edward Mansfield	Des Moines	December 31, 2010

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CONDITION OF STATE TREASURY

June 30, 2008

	Balance July 1, 2007	Total Receipts and Transfers	Total Available	Total Disbursements and Transfers	Balance June 30, 2008
General Fund	$ 897,770,015	$10,902,036,358	$11,799,806,373	$10,836,450,333	$ 963,356,040
Special Revenue Fund	947,727,270	3,883,071,142	4,830,798,412	3,773,593,615	1,057,204,797
Capitol Projects Fund	2,928,732	18,001,664	20,930,396	17,752,196	3,178,200
Debt Service Fund	6,238,109	11,444,475	17,682,584	17,681,944	640
Enterprise Fund	45,733,430	519,425,141	565,158,571	520,442,133	44,716,438
Internal Service Fund	56,189,696	381,995,627	438,185,323	365,467,279	72,718,044
Expendable Trust Fund	177,573,132	427,236,306	604,809,438	425,943,014	178,866,424
Nonexpendable Trust Fund	16,481,859	7,814,265	24,296,124	6,473,923	17,822,201
Pension Fund	18,664,621,430	2,050,105,062	20,714,726,492	1,202,273,339	19,512,453,153
Trust and Agency Fund	231,305,784	4,665,502,954	4,896,808,738	4,592,023,986	304,784,752
Totals	$21,046,569,457	$22,866,632,994	$43,913,202,451	$21,758,101,762	$22,155,100,689

Balance July 1, 2007	$21,046,569,457
Receipts and Transfers	22,866,632,994
Total Available	43,913,202,451
Disbursements and Transfers	21,758,101,762
Balance June 30, 2008	$22,155,100,689

DEPARTMENT OF ADMINISTRATIVE SERVICES
STATE ACCOUNTING ENTERPRISE

May 4, 2009

ANALYSIS BY CHAPTERS

2009 REGULAR SESSION

For Conversion Tables of Senate and House Files and Joint Resolutions to chapters of the 2009 Acts, Regular Session, see page 958

2009 Regular Session

of the

Eighty-Third General Assembly

of the

State of Iowa

CHAPTER 1

2008 DISASTER RELIEF FUNDING —
LOCAL OPTION SALES AND SERVICES TAX

S.F. 44

AN ACT relating to the imposition of a local option sales and services tax after a disaster and providing an effective date.

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

Section 1. A city or unincorporated area located in a county in which the president of the United States declared a disaster to exist at any time during 2008 may impose a local option sales and services tax pursuant to chapter 423B using the procedure provided in this section. A city or unincorporated area where a local option sales and services tax is imposed pursuant to chapter 423B on the effective date of this Act is prohibited from using this section. The provisions of chapter 423B shall apply to the imposition of a local option sales and services tax pursuant to this section with the following exceptions:

1. Notwithstanding section 423B.1, subsection 3, subsection 6, paragraph "a", and subsection 9, and section 423B.5, unnumbered paragraph 1, cities contiguous to each other shall not be treated as part of one incorporated area for purposes of the election on, imposition of, and repeal of a local option sales and services tax. For purposes of this Act, a local option sales and services tax shall be imposed in a city only if a majority of the votes cast in the city on the proposition favors the imposition of the tax, and a local option sales and services tax shall be imposed in an unincorporated area of a county only if a majority of the votes cast in the unincorporated area on the proposition favors the imposition of the tax.

2. a. For purposes of section 423B.1, subsection 4, a motion by the governing body of a city or county requesting that the question of imposition of a local option sales and services tax be submitted to the registered voters must be received by the county commissioner of elections by 5:00 p.m. on February 3, 2009, or by 5:00 p.m. on March 10, 2009. If the fifty percent threshold required in section 423B.1, subsection 4, paragraph "b", is met in a county by the February 3, 2009, deadline, then by February 8, 2009, or as soon as practicable, the county commissioner of elections shall publish notice of the ballot proposition concerning the imposition of the local

option sales and services tax. If the fifty percent threshold required in section 423B.1, subsection 4, paragraph "b", is met in a county by the March 10, 2009, deadline, then by March 15, 2009, or as soon as practicable, the county commissioner of elections shall publish notice of the ballot proposition concerning the imposition of the local option sales and services tax.

b. The petition method described in section 423B.1, subsection 4, paragraph "a", for requesting the submission of the question of the imposition of a local option sales and services tax to the registered voters shall not apply under this Act.

3. Notwithstanding section 423B.1, subsection 5, and pursuant to section 39.2, subsection 4, the question of the imposition of a local option sales and services tax shall be submitted at an election held on March 3, 2009, if the February 3, 2009, deadline provided in subsection 2 of this section is met, and on May 5, 2009, if the March 10, 2009, deadline provided in subsection 2 of this section is met.

4. Notwithstanding section 423B.1, subsection 5, and section 423B.6, subsection 1, paragraph "a", the imposition date for a local option sales and services tax approved at an election held pursuant to this Act, on March 3, 2009, shall be April 1, 2009, and the imposition date for a local option sales and services tax approved at an election held pursuant to this Act, on May 5, 2009, shall be July 1, 2009.

5. Notwithstanding section 423B.7, subsection 4, for a local option sales and services tax imposed pursuant to this Act, the three-year period referenced in section 423B.7, subsection 4, shall be the three-year period beginning July 1, 2004, and ending June 30, 2007. This subsection shall not apply to a city or the unincorporated area of a county that is imposing a local option sales and services tax on the effective date of this Act.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved February 2, 2009

CHAPTER 2

GENERAL COUNTY PURPOSE BONDS —
NOTICE AND ELECTION PROCEDURES

S.F. 45

AN ACT relating to issuance of certain county general obligation bonds by requiring published notice and modifying the ballot proposition, and including effective date, validation, and retroactive applicability provisions.

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

Section 1. Section 331.442, subsection 2, Code 2009, is amended to read as follows:

2. a. The board shall publish notice of the proposal to issue the bonds, including a statement of the amount and purpose of the bonds and a statement of the estimated cost of the project for which the bonds are to be issued. The notice shall be published as provided in section 331.305 with the minutes of the meeting at which the board adopts a resolution to call a county special election to vote upon the question of issuing the bonds. The cost of the project, as published in the notice pursuant to this paragraph, is an estimate and is not intended to be binding on the board in later proceedings related to the project.

b. Before the board may institute proceedings for the issuance of bonds for a general county purpose, it shall call a county special election to vote upon the question of issuing the bonds. At the election the proposition shall be submitted in the following form:

Shall the county of . . . . . , state of Iowa, ~~be authorized to . . . . . (state purpose of project) at a total cost not exceeding $ . . . . . and~~ issue its general obligation bonds in an amount not exceeding the amount of $ . . . . . for ~~that~~ the purpose of . . . . . ?

Sec. 2. Section 331.447, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. The amount estimated and certified to apply on principal and interest for any one year may only exceed the statutory rate of levy limit, if any, by the amount that the registered voters of the county have approved at a special election, which may be held at the same time as the general election and may be included in the proposition authorizing the issuance of bonds, if an election on the proposition is necessary, or may be submitted as a separate proposition at the same election or at a different election. Notice of the election shall be given as specified in section 331.305. If the proposition includes issuing bonds and increasing the levy limit, it shall be in substantially the following form:

Shall the county of . . . . . , state of Iowa, be authorized to . . . . . (here state purpose of project) ~~at a total cost not exceeding $ . . . . . .~~ and issue its general obligation bonds in an amount not exceeding the amount of $ . . . . . for that purpose, and be authorized to levy annually a tax not exceeding . . . . . dollars and . . . . . cents per thousand dollars of the assessed value of the taxable property within the county to pay the principal of and interest on the bonds?

If the proposition includes only increasing the levy limit it shall be in substantially the following form:

Shall the county of . . . . . , state of Iowa, be authorized to levy annually a tax not exceeding . . . . . dollars and . . . . . cents per thousand dollars of the assessed value of the taxable property within the county to pay principal and interest on the bonded indebtedness of the county for the purpose of . . . . . ?

Sec. 3. VALIDATION AND RETROACTIVE APPLICABILITY — BOARD RESOLUTION.

1. If, on the effective date of this Act, the cost of a project authorized by ballot proposition that approved the issuance of county general obligation bonds at an election held prior to the effective date of this Act does not exceed one hundred ten percent of the project cost stated on the ballot proposition, the bond issuance amount and tax levy authorization as stated on the ballot and the increased cost of the project are hereby legalized and validated and, to that extent, this Act applies retroactively to the date of the election.

2. The board of supervisors of a county may proceed with a project under subsection 1 only after adoption of a resolution stating the project's compliance with the conditions of subsection 1 and the board's intention to proceed with the project.

Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved February 16, 2009

CHAPTER 3

IOWA WORKFORCE DEVELOPMENT BOARD
NONVOTING MEMBERS

S.F. 82

AN ACT adding four nonvoting members to the Iowa workforce development board.

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

Section 1. Section 84A.1A, subsection 1, Code 2009, is amended to read as follows:

1. An Iowa workforce development board is created, consisting of nine voting members appointed by the governor and ~~eight~~ twelve ex officio, nonvoting members. The ex officio, nonvoting members are four legislative members; one president, or the president's designee, of the university of northern Iowa, the university of Iowa, or Iowa state university of science and technology, designated by the state board of regents on a rotating basis; one representative from the largest statewide public employees' organization representing state employees; one president, or the president's designee, of an independent Iowa college, appointed by the Iowa association of independent colleges and universities; ~~and~~ one superintendent, or the superintendent's designee, of a community college, appointed by the Iowa association of community college presidents; one representative of the vocational rehabilitation community appointed by the state rehabilitation council in the division of Iowa vocational rehabilitation services; one representative of the department of education appointed by the state board of education; one representative of the department of economic development appointed by the director; and one representative of the United States department of labor, office of apprenticeship. The legislative members are two state senators, one appointed by the president of the senate after consultation with the majority leader of the senate, and one appointed by the minority leader of the senate from their respective parties; and two state representatives, one appointed by the speaker of the house of representatives after consultation with the majority leader of the house of representatives, and one appointed by the minority leader of the house of representatives from their respective parties. The legislative members shall serve for terms as provided in section 69.16B. Not more than five of the voting members shall be from the same political party. Of the nine voting members, one member shall represent a nonprofit organization involved in workforce development services, four members shall represent employers, and four members shall represent nonsupervisory employees. Of the members appointed by the governor to represent nonsupervisory employees, two members shall be from statewide labor organizations, one member shall be an employee representative of a labor management council, and one member shall be a person with experience in worker training programs. The governor shall consider recommendations from statewide labor organizations for the members representing nonsupervisory employees. The governor shall appoint the nine voting members of the workforce development board for a term of four years beginning and ending as provided by section 69.19, subject to confirmation by the senate, and the governor's appointments shall include persons knowledgeable in the area of workforce development.

Approved February 26, 2009

CHAPTER 4

COUNTY COMMISSIONS OF VETERAN AFFAIRS —
EXECUTIVE DIRECTOR OR ADMINISTRATOR SERVICES

H.F. 283

AN ACT relating to the county commissions of veteran affairs fund and required hours of service for executive directors and administrators.

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

Section 1. Section 35A.16, subsection 3, as enacted by 2008 Iowa Acts, chapter 1130, section 2, is amended to read as follows:

3. a. If sufficient moneys are available, the department shall annually allocate ten thousand dollars to each county commission of veteran affairs, or to each county sharing the services of an executive director or administrator pursuant to chapter 28E, to be used ~~for the employment of an executive director or administrator~~ to provide services to veterans pursuant to section 35B.6.

b. If a county fails to be in compliance with the requirements of section 35B.6 on June 30 of each fiscal year, all moneys received by the county pursuant to this subsection during that fiscal year shall be reimbursed to the county commissions of veteran affairs fund.

c. Moneys distributed to a county under this subsection shall be used to supplement and not supplant any existing funding provided by the county or received by the county from any other source. The department shall adopt a maintenance of effort requirement for moneys distributed under this subsection.

Sec. 2. Section 35B.6, subsection 4, paragraph c, as enacted by 2008 Iowa Acts, chapter 1130, section 6, is amended to read as follows:

c. Counties sharing the services of an executive director or administrator shall ~~consider the aggregate population of such counties when determining~~ provide the number of hours of service required under paragraph "b" for each county. ~~The number of hours shall be allocated between the counties in the proportion that the population of each county bears to the aggregate population.~~

Approved February 26, 2009

CHAPTER 5

SCHOOL FINANCE — CATEGORICAL ALLOWABLE GROWTH

S.F. 217

AN ACT providing for the establishment of the categorical state percent of growth for purposes of the state school foundation program, and providing an applicability date.

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

Section 1. Section 257.8, subsection 2, Code 2009, is amended to read as follows:

2. CATEGORICAL STATE PERCENT OF GROWTH. The categorical state percent of growth for the budget year beginning July 1, 2010, is two percent. The categorical state percent

of growth for each budget year shall be established by statute which shall be enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21. The establishment of the categorical state percent of growth for a budget year shall be the only subject matter of the bill which enacts the categorical state percent of growth for a budget year. The categorical state percent of growth may include state percents of growth for the teacher salary supplement, the professional development supplement, and the early intervention supplement.

Sec. 2. APPLICABILITY. This Act is applicable for computing state aid under the state school foundation program for the school budget year beginning July 1, 2010.

Approved February 27, 2009

CHAPTER 6

SCHOOL FINANCE — ALLOWABLE GROWTH

S.F. 218

AN ACT providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

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

Section 1. Section 257.8, subsection 1, Code 2009, is amended to read as follows:

1. STATE PERCENT OF GROWTH. ~~The state percent of growth for the budget year beginning July 1, 2008, is four percent.~~ The state percent of growth for the budget year beginning July 1, 2009, is four percent. The state percent of growth for the budget year beginning July 1, 2010, is two percent. The state percent of growth for each subsequent budget year shall be established by statute which shall be enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21. The establishment of the state percent of growth for a budget year shall be the only subject matter of the bill which enacts the state percent of growth for a budget year.

Sec. 2. APPLICABILITY. This Act is applicable for computing state aid under the state school foundation program for the school budget year beginning July 1, 2010.

Approved February 27, 2009

CHAPTER 7

SHAKEN BABY SYNDROME PREVENTION PROGRAM

S.F. 101

AN ACT establishing a shaken baby syndrome prevention program in the department of public health.

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

Section 1. NEW SECTION. 135.119 SHAKEN BABY SYNDROME PREVENTION PROGRAM.

1. For the purposes of this section:

a. "Birth center" and "birthing hospital" mean the same as defined in section 135.131.

b. "Child care provider" means the same as a child care facility, as defined in section 237A.1, that is providing child care to a child who is newborn through age three.

c. "Family support program" means a program offering instruction and support for families in which home visitation is the primary service delivery mechanism.

d. "Parent" means the same as "custodian", "guardian", or "parent", as defined in section 232.2, of a child who is newborn through age three.

e. "Person responsible for the care of a child" means the same as defined in section 232.68, except that it is limited to persons responsible for the care of a child who is newborn through age three.

f. "Shaken baby syndrome" means the collection of signs and symptoms resulting from the vigorous shaking of a child who is three years of age or younger. Shaken baby syndrome may result in bleeding inside the child's head and may cause one or more of the following conditions: irreversible brain damage; blindness, retinal hemorrhage, or eye damage; cerebral palsy; hearing loss; spinal cord injury, including paralysis; seizures; learning disability; central nervous system injury; closed head injury; rib fracture; subdural hematoma; or death. Shaken baby syndrome also includes the symptoms included in the diagnosis code for shaken infant syndrome utilized by Iowa hospitals.

2. a. The department shall establish a statewide shaken baby syndrome prevention program to educate parents and persons responsible for the care of a child about the dangers to children three years of age or younger caused by shaken baby syndrome and to discuss ways to reduce the syndrome's risks. The program plan shall allow for voluntary participation by parents and persons responsible for the care of a child.

b. The program plan shall describe strategies for preventing shaken baby syndrome by providing education and support to parents and persons responsible for the care of a child and shall identify multimedia resources, written materials, and other resources that can assist in providing the education and support.

c. The department shall consult with experts with experience in child abuse prevention, child health, and parent education in developing the program plan.

d. The program plan shall incorporate a multiyear, collaborative approach for implementation of the plan. The plan shall address how to involve those who regularly work with parents and persons responsible for the care of a child, including but not limited to child abuse prevention programs, child care resource and referral programs, child care providers, family support programs, programs receiving funding through the community empowerment initiative, public and private schools, health care providers, local health departments, birth centers, and birthing hospitals.

e. The program plan shall identify the methodology to be used for improving the tracking of shaken baby syndrome incidents and for evaluating the effectiveness of the plan's education and support efforts.

f. The program plan shall describe how program results will be reported.

g. The program plan may provide for implementation of the program through a contract

with a private agency or organization experienced in furnishing the services set forth in the program plan.

3. The department shall implement the program plan to the extent of the amount appropriated or made available for the program for a fiscal year.

Approved March 5, 2009

CHAPTER 8

CAMPAIGN FINANCE —
ELECTRONIC FILING OF STATEMENTS AND REPORTS

S.F. 51

AN ACT relating to electronic filing of campaign finance disclosure statements and reports by certain political committees and providing an effective date.

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

Section 1. Section 68A.401, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. A state statutory political committee, a political committee expressly advocating for or against the nomination, election, or defeat of a candidate for statewide office or the general assembly, and a candidate's committee of a candidate for statewide office or the general assembly shall file all statements and reports in an electronic format by 4:30 p.m. of the day the filing is due and according to rules adopted by the board. Any other candidate or ~~political~~ committee may submit the statements and reports in an electronic format as prescribed by rule.

Sec. 2. EFFECTIVE DATE. The amendment in this Act to section 68A.401 takes effect May 1, 2010.

Approved March 6, 2009

CHAPTER 9

ETHICS REGULATION

S.F. 52

AN ACT relating to ethics regulations for the executive branch, legislative branch, and local officials and employees.

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

Section 1. Section 68B.2A, subsection 1, Code 2009, is amended to read as follows:

1. Any person who serves or is employed by the state or a political subdivision of the state

shall not engage in any ~~outside employment or activity which is in conflict with the person's official duties and responsibilities. In determining whether particular outside employment or activity creates an unacceptable conflict of interest, situations in which an unacceptable conflict shall be deemed to exist shall include, but not to be limited to, any~~ of the following conduct:

a. ~~The outside~~ Outside employment or an activity that involves the use of the state's or the political subdivision's time, facilities, equipment, and supplies or the use of the state or political subdivision badge, uniform, business card, or other evidences of office or employment to give the person or member of the person's immediate family an advantage or pecuniary benefit that is not available to other similarly situated members or classes of members of the general public. This paragraph does not apply to off-duty peace officers who provide private duty security or fire fighters or emergency medical care providers certified under chapter 147A who provide private duty fire safety or emergency medical services while carrying their badge or wearing their official uniform, provided that the person has secured the prior approval of the agency or political subdivision in which the person is regularly employed to engage in the activity. For purposes of this paragraph, a person is not "similarly situated" merely by being or being related to a person who serves or is employed by the state or a political subdivision of the state.

b. ~~The outside~~ Outside employment or an activity that involves the receipt of, promise of, or acceptance of money or other consideration by the person, or a member of the person's immediate family, from anyone other than the state or the political subdivision for the performance of any act that the person would be required or expected to perform as a part of the person's regular duties or during the hours during which the person performs service or work for the state or political subdivision of the state.

c. ~~The outside~~ Outside employment or an activity that is subject to the official control, inspection, review, audit, or enforcement authority of the person, during the performance of the person's duties of office or employment.

Sec. 2. Section 68B.2A, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

If the outside employment or activity is employment or activity described in subsection 1, paragraph "a" or "b", the person shall immediately cease the employment or activity. If the outside employment or activity is employment or activity described in subsection 1, paragraph "c", or constitutes ~~any other unacceptable conflict of interest~~ outside employment or an activity prohibited under rules adopted pursuant to subsection 4 or under the senate or house codes of ethics, unless otherwise provided by law, the person shall take one of the following courses of action:

Sec. 3. Section 68B.7, subsections 1 and 2, Code 2009, are amended to read as follows:

1. A person who has served as an official, state employee of a state agency, member of the general assembly, or legislative employee shall not within a period of two years after the termination of such service or employment ~~appear before the agency or~~ receive compensation for any services rendered on behalf of any person, firm, corporation, or association in relation to any case, proceeding, or application with respect to which the person was directly concerned and personally participated during the period of service or employment.

2. A person who has served as the head of or on a commission or board of a regulatory agency or as a deputy thereof, shall not, within a period of two years after the termination of such service ~~accept~~ do any of the following:

a. Accept employment with that commission, board, or agency ~~or receive~~.

b. Receive compensation for any services rendered on behalf of any person, firm, corporation, or association in any case, proceedings, or application before the department with which the person so served wherein the person's compensation is to be dependent or contingent upon any action by such agency with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit, or in promoting or opposing, directly or indirectly, the passage of bills or resolutions before either house of the general assembly.

Sec. 4. Section 68B.26, Code 2009, is amended to read as follows:

68B.26 ACTIONS COMMENCED.

1. Complaints ~~regarding~~ alleging conduct of local officials or local employees which violates this chapter, except for sections 68B.36, 68B.37, and 68B.38, shall be filed with the county attorney in the county where the accused resides. However, if the county attorney is the person against whom the complaint is filed, or if the county attorney otherwise has a personal or legal conflict of interest, the complaint shall be referred to another county attorney.

2. Complaints alleging conduct of local officials or local employees which violates section 68B.36, 68B.37, or 68B.38, shall be filed with the ethics committee of the appropriate house of the general assembly if the conduct involves lobbying activities before the general assembly or with the board if the conduct involves lobbying activities before the executive branch.

Sec. 5. Section 68B.35, subsection 5, Code 2009, is amended to read as follows:

5. a. A candidate for statewide office shall file a financial statement with the ethics and campaign disclosure board, a candidate for the office of state representative shall file a financial statement with the chief clerk of the house of representatives, and a candidate for the office of state senator shall file a financial statement with the secretary of the senate. Statements shall contain information concerning the year preceding the year in which the election is to be held. ~~The statement shall be filed no later than thirty days after the date on which a person is required to file nomination papers for state office under section 43.11, or, if the person is a candidate in a special election, as soon as practicable after the certification of the name of the nominee under section 43.88, but the statement shall be postmarked no later than seven days after certification.~~

b. The ethics and campaign disclosure board shall adopt rules pursuant to chapter 17A providing for the filing of the financial statements with the board and for the deposit, retention, and availability of the financial statements. The ethics committees of the house of representatives and the senate shall recommend rules for adoption by the respective houses providing for the filing of the financial statements with the chief clerk of the house or the secretary of the senate and for the deposit, retention, and availability of the financial statements. Rules adopted shall also include a procedure for notification of candidates of the duty to file disclosure statements under this section.

Sec. 6. CODE EDITOR DIRECTIVES.

1. The Code editor shall create a new subchapter in chapter 68B and move sections 68B.25 and 68B.26 into the new subchapter.

2. The Code editor shall consider modifying the headnote to section 68B.2A to read, "Prohibited Outside Employment and Activities — Conflicts of Interest".

3. The Code editor shall consider modifying the headnote to section 68B.7 to read, "Prohibited Use of Influence".

Approved March 6, 2009

CHAPTER 10

DISPOSITION OF SCHOOL PROPERTY

H.F. 233

AN ACT relating to the disposition of school property and providing an effective date.

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

Section 1. Section 278.1, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. Except when restricted by section 297.25, direct the sale, lease, or other disposition of any schoolhouse or school site or other property belonging to the corporation, and the application to be made of the proceeds thereof. However, nothing in this section shall be construed to prevent the ~~independent action by the board of directors of the corporation to sell~~ sale, lease, exchange, gift, or grant~~, or otherwise dispose~~ and acceptance of any interest in real or other property of the corporation to the extent authorized in section 297.22. ~~For the purposes of this paragraph, "dispose" or "disposition" includes the exchange, transfer, demolition, or destruction of any real or other property of the corporation.~~

Sec. 2. Section 297.22, subsection 1, paragraph e, Code 2009, is amended by striking the paragraph.

Sec. 3. Section 297.25, Code 2009, is amended to read as follows:

297.25 RULE OF CONSTRUCTION.

Section 297.22 shall be construed as independent of the power vested in the electors by section 278.1, and as additional to such power. If a board of directors has exercised its independent power under section 297.22 regarding the disposition of real or personal property of the school district and has by resolution approved such action, the electors may subsequently proceed to exercise their power under section 278.1 for a purpose directly contrary to an action previously approved by the board of directors in accordance with section 297.22. However, the electors shall be limited to ~~twelve calendar months~~ ten days after an action by the board to exercise such power for a purpose directly contrary to the board's action.

Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 13, 2009

CHAPTER 11

PROPERTY TAX SALES —
BIDDERS AND OWNERS OF TAX SALE CERTIFICATES

H.F. 256

AN ACT relating to bidders at a property tax sale and owners of tax sale certificates and including effective and applicability date provisions.

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

Section 1. Section 446.16, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Only those persons as defined in section 4.1 are authorized to reg-

ister to bid or to bid at the tax sale or to own a tax sale certificate by purchase, assignment, or otherwise. To be authorized to register to bid or to bid at a tax sale or to own a tax sale certificate, a person, other than an individual, must have a federal tax identification number and either a designation of agent for service of process on file with the secretary of state or a verified statement meeting the requirements of chapter 547 on file with the county recorder of the county in which the person wishes to register to bid or to bid at tax sale or of the county where the property that is the subject of the tax sale certificate is located.

Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act, being deemed of immediate importance, takes effect upon enactment and applies to tax sales held on or after June 1, 2009.

Approved March 13, 2009

CHAPTER 12

REGISTRATION OF POSTSECONDARY SCHOOLS

S.F. 270

AN ACT transferring the authority to register postsecondary schools from the secretary of state to the college student aid commission and providing for related matters, and making penalties applicable.

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

Section 1. Section 261.2, subsection 7, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Adopt rules to establish reasonable registration standards for the approval, pursuant to section 261B.3A, of postsecondary schools that are required to register with the ~~secretary of state~~ commission in order to operate in this state. The registration standards established by the commission shall ensure that all of the following conditions are satisfied:

Sec. 2. Section 261.2, subsection 8, Code 2009, is amended by striking the subsection.

Sec. 3. Section 261B.2, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 0A. "Commission" means the college student aid commission created pursuant to section 261.1.

Sec. 4. Section 261B.2, subsection 4, Code 2009, is amended by striking the subsection.

Sec. 5. Section 261B.3, Code 2009, is amended to read as follows:

261B.3 REGISTRATION.

1. ~~A~~ Except as provided in section 261B.11, a school that maintains or conducts one or more courses of instruction, including courses of instruction by correspondence or other distance delivery method, offered in this state or which has a presence in this state and offers courses in other states or foreign countries shall register with the ~~secretary~~ commission. Registrations shall be renewed every four years or upon any substantive change in ~~program offerings,~~ location~~,~~ or accreditation. Registration shall be made on application forms approved and supplied by the ~~secretary~~ commission and at the time and in the manner prescribed by the ~~secretary~~ commission. Upon receipt of a complete and accurate registration application, the ~~secretary~~ commission shall issue an acknowledgment of document filed and send it to the school.

2. The ~~secretary~~ commission may request additional information as necessary to enable the

~~secretary~~ commission to determine the accuracy and completeness of the information contained in the registration application. If the ~~secretary~~ commission believes that false, misleading, or incomplete information has been submitted in connection with an application for registration, the ~~secretary~~ commission may deny registration. The ~~secretary~~ commission shall conduct a hearing on the denial if a hearing is requested by a school. The ~~secretary~~ commission may withhold an acknowledgment of document filed pending the outcome of the hearing. Upon a finding after the hearing that information contained in the registration application is false, misleading, or incomplete, the ~~secretary~~ commission shall deny an acknowledgment of document filed to the school. The ~~secretary~~ commission shall make the final decision on each registration. However, the decision of the ~~secretary~~ commission is subject to judicial review in accordance with section 17A.19.

3. The ~~secretary~~ commission shall adopt rules under chapter 17A for the implementation of this chapter.

Sec. 6. Section 261B.3A, Code 2009, is amended to read as follows:

261B.3A REQUIREMENTS.

1. In order to register, a school shall be accredited by an agency or organization approved or recognized by the United States department of education or a successor agency, be approved by any other state agency authorized to approve the school in this state, and, ~~except as provided in subsection 2~~ subsequently, be approved for operation by the ~~college student aid~~ commission.

2. A practitioner preparation program ~~that is~~ operated by a school that applies to register the program in accordance with this chapter shall, in order to register, be accredited by an agency or organization approved or recognized by the United States department of education or a successor agency ~~and, in addition~~, be approved by the state board of education pursuant to section 256.7, subsection 3, and, subsequently, be approved for operation by the commission.

3. Nothing in this chapter shall be construed to exempt a school from the requirements of chapter 490 or 491.

Sec. 7. Section 261B.4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

As a basis for registration, schools shall provide the ~~secretary~~ commission with the following information:

Sec. 8. Section 261B.5, Code 2009, is amended to read as follows:

261B.5 CHANGES.

If any information provided to the ~~secretary~~ commission under section 261B.3 or 261B.4 changes, the school shall inform the ~~secretary~~ commission within ninety days of the effective date of the change ~~on forms prescribed and furnished~~ in the format specified by the ~~secretary~~ commission.

Sec. 9. Section 261B.6, Code 2009, is amended to read as follows:

261B.6 LIST OF SCHOOLS.

The ~~secretary~~ commission shall maintain a list of registered schools and the list and the information submitted under sections 261B.3 and 261B.4 are public records under chapter 22.

Sec. 10. Section 261B.7, Code 2009, is amended to read as follows:

261B.7 UNAUTHORIZED REPRESENTATION.

Neither a school nor its officials or employees shall advertise or represent that the school is approved or accredited by the ~~secretary~~ commission or the state of Iowa nor shall it use the registration as a reference in promotional materials.

Sec. 11. Section 261B.8, subsection 1, Code 2009, is amended to read as follows:

1. The ~~secretary~~ commission shall set by rule and collect a nonrefundable initial registration fee and a renewal of registration fee from each registered school.

Sec. 12. Section 261B.10, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

261B.10 ADVISORY COMMITTEE.

1. The commission shall establish an advisory committee on postsecondary registration to review and make recommendations relating to applications from schools required to register pursuant to this chapter. The commission shall adopt rules establishing the policies and procedures of the advisory committee. Meetings of the advisory committee are subject to the requirements of chapter 21.

2. The members of the advisory committee on postsecondary registration shall include one representative from the commission and one representative from each of the following:

a. The state board of regents.

b. The department of education.

c. The office of the attorney general.

d. A community college located in this state.

e. A not-for-profit accredited private institution as defined in section 261.9, incorporated or otherwise organized under the laws of this state.

f. A for-profit accredited private institution as defined in section 261.9, subsection 1, incorporated or otherwise organized under the laws of this state.

Sec. 13. Section 261B.11, subsections 8 and 9, Code 2009, are amended to read as follows:

8. Schools and educational programs conducted by religious organizations solely for the religious instruction of ~~members~~ leadership practitioners of that religious organization.

9. Postsecondary educational institutions licensed by the state of Iowa prior to July 1, 2009, to conduct business in the state.

Sec. 14. Section 261B.12, Code 2009, is amended to read as follows:

261B.12 VIOLATIONS — ENFORCEMENT.

1. When the ~~secretary~~ commission or the ~~secretary's~~ commission's designee believes a school is in violation of this chapter, the ~~secretary~~ commission shall order the school to show cause why the ~~secretary~~ commission should not issue a cease and desist order to the school.

2. After the school's response to the show cause order has been reviewed by the ~~secretary~~ commission, the ~~secretary~~ commission may issue a cease and desist order to the school if the ~~secretary~~ commission believes the school continues to be in violation of this chapter. If the school does not cease and desist, the ~~secretary~~ commission may seek judicial enforcement of the cease and desist order in any district court.

3. A violation of this chapter constitutes an unlawful practice pursuant to section 714.16.

Sec. 15. Section 714.18, Code 2009, is amended to read as follows:

714.18 EVIDENCE OF FINANCIAL RESPONSIBILITY.

1. Except as otherwise provided in subsection ~~4~~ 2, every person, firm, association, or corporation maintaining or conducting in Iowa any such course of instruction~~,~~ by classroom instruction or by correspondence~~,~~ or other distance delivery method, or soliciting in Iowa the sale of such course, shall file with the ~~secretary of state~~ college student aid commission the following:

~~1.~~ a. A continuous corporate surety bond to the state of Iowa in the sum of fifty thousand dollars conditioned for the faithful performance of all contracts and agreements with students made by such person, firm, association, or corporation, or their salespersons; but the aggregate liability of the surety for all breaches of the conditions of the bond shall not exceed the sum of the bond. The surety on the bond may cancel the bond upon giving thirty days' written notice to the ~~secretary of state~~ college student aid commission and thereafter shall be relieved of liability for any breach of condition occurring after the effective date of the cancellation.

~~2.~~ b. A statement designating a resident agent for the purpose of receiving service in civil actions. In the absence of such designation, service may be had upon the secretary of state if service cannot otherwise be made in this state.

~~3.~~ c. A copy of any catalog, prospectus, brochure, or other advertising material intended for

distribution in Iowa. Such material shall state the cost of the course offered, the schedule of refunds for portions of the course not completed, and if no refunds are to be paid, the material shall so state. Any contract induced by advertising materials not previously filed as provided in this chapter shall be voidable on the part of the pupil or any person liable for the tuition provided for in the contract.

~~4.~~ 2. A school licensed under the provisions of section 157.8 or 158.7 shall file with the ~~secretary of state~~ college student aid commission the following:

a. (1) A continuous corporate surety bond to the state of Iowa in the sum of fifty thousand dollars or ten percent of the total annual tuition collected, whichever is less, conditioned for the faithful performance of all contracts and agreements with students made by such school. A school desiring to file a surety bond based on a percentage of annual tuition shall provide to the ~~secretary of state~~ college student aid commission, in the form prescribed by the ~~secretary~~ commission, a notarized statement attesting to the total amount of tuition collected in the preceding twelve-month period. The ~~secretary~~ commission shall determine the sufficiency of the statement and the amount of the bond. Tuition information submitted pursuant to this ~~paragraph~~ subparagraph shall be kept confidential.

(2) If the school has filed a performance bond with an agency of the United States government pursuant to federal law, the ~~secretary of state~~ college student aid commission shall reduce the bond required by this paragraph "a" by an amount equal to the amount of the federal bond.

(3) The aggregate liability of the surety for all breaches of the conditions of the bond shall not exceed the sum of the bond. The surety on the bond may cancel the bond upon giving thirty days' written notice to the ~~secretary of state~~ college student aid commission and thereafter shall be relieved of liability for any breach of condition occurring after the effective date of the cancellation.

(4) The ~~secretary of state~~ college student aid commission may accept a letter of credit from a bank in lieu of the corporate surety bond required by this paragraph "a".

b. The statement required in subsection ~~2~~ 1, paragraph "b".

c. The materials required in subsection ~~3~~ 1, paragraph "c".

Sec. 16. NEW SECTION. 714.21A CIVIL ENFORCEMENT.

A violation of chapter 261B, or section 714.17, 714.18, 714.20, 714.23, or 714.25 constitutes an unlawful practice pursuant to section 714.16.

Sec. 17. Section 714.22, subsections 1 and 2, Code 2009, are amended to read as follows:

1. File a bond or a bond is filed on their behalf by a parent corporation with the ~~secretary of state~~ college student aid commission as required by section 714.18.

2. File an annual sworn statement, or such statement is filed on their behalf by a parent corporation, certified by a certified public accountant, showing all assets and liabilities of the trade or vocational school and the assets of any parent corporation. The statement shall show the trade or vocational school's net worth, or the net worth of the parent corporation, to be not less than five times the amount of the bond required by section 714.18. If a parent corporation files the statement or its net worth is included in the statement to comply with this subsection, the parent corporation shall appoint a registered agent and otherwise is subject to section 714.18, subsection ~~2~~ 1, paragraph "b", and is liable for the breach of any contract or agreement with students as well as liable for any fraud in connection with the contract or agreement or for any violation of section 714.16 by the trade or vocational school or any of its agents or salespersons.

Approved March 16, 2009

CHAPTER 13

LEAN ENTERPRISE OFFICE

S.F. 98

AN ACT establishing a lean enterprise office within the department of management.

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

Section 1. NEW SECTION. 8.70 LEAN ENTERPRISE OFFICE.

1. For purposes of this section, "lean" means a business-oriented system for organizing and managing product development, operations, suppliers, and customer relations to create precise customer value, expressed as providing goods and services with higher quality and fewer defects and errors, with less human effort, less space, less capital, and less time than more traditional systems.

2. The office of lean enterprise is established in the department of management. The function of the office is to ensure implementation of lean tools and enterprises as a component of a performance management system for all executive branch agencies. Staffing for the office of lean enterprise shall be provided by an administrator appointed by the director of the department of management.

3. The duties of the office of lean enterprise may include the following:

a. Create strategic and tactical approaches for lean implementation, including integration into state governance and operational systems.

b. Lead and develop state government's capacity to implement lean tools and enterprises, including design and development of instructional materials as needed with the goal of integrating continuous improvement into the organizational culture.

c. (1) Create demand for lean tools and enterprises in departments.

(2) Communicate with agency directors, boards, commissions, and senior management to create interest and organizational will to implement lean tools and enterprises to improve agency results.

(3) Provide direction and advice to department heads and senior management to plan and implement departmental lean programs.

(4) Direct and review plans for leadership and assist with the selection of process improvement projects of key importance to agency goals, programs, and missions.

d. (1) Identify and assist departments in identifying potential lean projects.

(2) Continuously evaluate organizational performance in meeting objectives, identify and structure the direction the lean implementation should take to provide greatest effectiveness, and justify critical and far-reaching changes.

e. (1) Lead the collection and reporting of data and learning related to lean accomplishments.

(2) Widely disseminate lean results and learning with Iowans, stakeholders, and other members of the public to demonstrate the benefits and return on investment.

f. (1) Evaluate the effect of unforeseen developments on plans and programs and present to agency directors, boards, commissions, and senior management suggested changes in overall direction.

(2) Provide input related to proposals regarding new or revised legislation, regulations, and related changes which have a direct impact over the implementation.

g. Lead the development of alliances and partnerships with the business community, associations, consultants, and other stakeholders to enhance external support and advance the implementation of lean tools and enterprises in state government.

h. Lead relations with the general assembly and staff to build support for and understanding of lean work in state government.

Approved March 19, 2009

CHAPTER 14

PUBLIC SAFETY STATEWIDE INTEROPERABLE COMMUNICATIONS SYSTEM BOARD MEMBERSHIP

S.F. 108

AN ACT relating to the membership of the public safety communications interoperability board and providing an effective and applicability date provision.

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

Section 1. Section 80.28, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. The following members, to be appointed by the governor from nominees submitted by volunteer and professional organizations associated with the following:[1]

(1) Two members who are representatives from municipal police departments.

(2) Two members who are representatives of sheriff's offices.

(3) Two members who are representatives from fire departments. One of the members shall be a volunteer fire fighter and the other member shall be a paid fire fighter.

(4) Two members who are law communication center managers employed by state or local government agencies.

(5) One at-large member.

Sec. 2. Section 80.28, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. In addition to the voting members, the board membership shall include four members of the general assembly with one member designated by each of the following: the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives. A legislative member serves for a term as provided in section 69.16B in an ex officio, nonvoting capacity and is eligible for per diem and expenses as provided in section 2.10.

Sec. 3. Section 80.28, subsection 3, Code 2009, is amended to read as follows:

3. ~~Board~~ The voting members of the board shall be appointed in compliance with sections 69.16 and 69.16A. Members shall elect a chairperson and vice chairperson from the board membership, who shall serve two-year terms. The members appointed by the governor shall be appointed to three-year staggered terms and the terms shall commence and end as provided by section 69.19. ~~The governor shall solicit and consider recommendations from professional or volunteer organizations in making appointments to the board.~~ If a vacancy occurs among the voting members, a successor shall be appointed to serve the unexpired term. A successor shall be appointed in the same manner and subject to the same qualifications as the original appointment to serve the unexpired term. ~~Members~~ The voting members of the board are entitled to receive reimbursement for actual expenses incurred while engaged in the performance of official duties from funds appropriated to the department of public safety and the state department of transportation for that purpose. The departments shall enter into an agreement to provide administrative assistance and support to the board.

Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment and initially applies to appointments made on or after April 1, 2009.

Approved March 19, 2009

[1] See chapter 165, §1 herein

CHAPTER 15

CHILD SUPPORT — PAYMENT, RECORDS, FEES, AND INTEREST CHARGES

S.F. 319

AN ACT relating to child support enforcement including withholding of an employee's compensation by an employer for support of a child under a support order, protection of child support information, annual collections fees, and the potential charging of interest on overdue child support payments, and providing an effective date.

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

DIVISION I
WITHHOLDING OF EMPLOYEE COMPENSATION

Section 1. Section 252D.18A, subsection 4, Code 2009, is amended to read as follows:

4. The payor shall identify and report payments by the obligor's name, account number, amount, and date withheld pursuant to section 252D.17. ~~Until October 1, 1999, if payments for multiple obligees are combined, the portion of the payment attributable to each obligee shall be specifically identified. Beginning October 1, 1999, if~~ If payments for multiple obligees are combined, the portion of the payment attributable to each obligee shall be specifically identified only if the payor is directed to do so by the child support recovery unit.

Sec. 2. Section 252E.5, subsection 3, Code 2009, is amended to read as follows:

3. The employer shall withhold from the employee's compensation, the employee's share, if any, of premiums for the health benefit plan in an amount that does not exceed the amount specified in the national medical support notice or order or the amount specified in 15 U.S.C. § 1673(b) and which is consistent with federal law. The employer shall forward the amount withheld to the insurer.

Sec. 3. 2007 Iowa Acts, chapter 218, sections 162 and 167, are repealed.

DIVISION II
CHILD SUPPORT ENFORCEMENT INFORMATION

Sec. 4. Section 252B.5, subsection 9, paragraph b, unnumbered paragraph 1, Code 2009, is amended to read as follows:

~~Notwithstanding section 252B.9, the~~ The unit may forward information to the department of administrative services as necessary to implement this subsection, including but not limited to both of the following:[1]

Sec. 5. Section 252B.9, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Notwithstanding other statutory provisions to the contrary, including but not limited to chapters 22 and 217, as the chapters relate to confidentiality of records maintained by the department, the payment records of the collection services center maintained under section 252B.13A ~~are public records~~ may be released, except when prohibited by federal law or regulation, only as follows:[2]

Sec. 6. Section 252B.9, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. Payment records of the collection services center ~~which are maintained pursuant to chapter 598 are public records and~~ may be released upon request for the administration of a plan or program approved under Title IV, XIX, or XXI of the federal Social Security Act, as amend-

[1] See chapter 182, §133, 136 herein

[2] See chapter 182, §133, 136 herein

ed, and as otherwise permitted under Title IV-D of the federal Social Security Act, as amended. ~~Payment records of the clerk of the district court, to which the department has access to meet the requirements of a state disbursement unit, are also public records and may be released upon request.~~ A payment record shall not include address or location information.[3]

Sec. 7. Section 252B.9, subsection 2, paragraph b, unnumbered paragraph 1, Code 2009, is amended to read as follows:

~~Except as otherwise provided in subsection 1, the~~ The department ~~shall not~~ may release details related to payment records or provide alternative formats for release of the information~~,~~ ~~with the following additional exceptions~~ for the administration of a plan or program under Title IV-D of the federal Social Security Act, as amended, including as follows:[4]

Sec. 8. Section 252B.9, subsection 2, paragraph b, subparagraph (1), Code 2009, is amended to read as follows:

(1) The unit or collection services center may provide ~~additional~~ detail or present the information in an alternative format to an individual or to the individual's legal representative if the individual owes or is owed a support obligation, to an agency assigned the obligation as the result of receipt by a party of public assistance, to an agency charged with enforcing child support pursuant to Title IV-D of the federal Social Security Act, as amended, or to the court.[5]

Sec. 9. Section 252B.9, subsection 3, paragraph e, Code 2009, is amended to read as follows:

e. Information may be released if directly connected with any of the following:

(1) The administration of ~~the~~ a plan or program approved under Title ~~I, IV-A, IV-B, IV-D, IV-E, X, XIV, XVI,~~ IV, XIX, or ~~XX~~ XXI, ~~or the supplemental security income program established under Title XVI,~~ of the federal Social Security Act, as amended.

(2) Any investigations, prosecutions, or criminal or civil proceeding conducted in connection with the administration of any such plan or program.

~~(3) The administration of any other federal or federally assisted program which provides assistance in cash or in kind or provides services, directly to individuals on the basis of need.~~

~~(4)~~ (3) Reporting to an appropriate agency or official of any such plan or program, information on known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child who is the subject of a child support enforcement action under circumstances which indicate that the child's health or welfare is threatened.[6]

Sec. 10. Section 252B.9, subsection 3, paragraph g, Code 2009, is amended to read as follows:

g. The child support recovery unit ~~shall~~ may release information ~~relating to an absent parent to another unit of the department pursuant to a written request for the information approved by the director or the director's designee~~ for the administration of a plan or program approved under Title IV, XIX, or XXI of the federal Social Security Act, as amended, specified under subsection 2 or this subsection, to the extent the release of information does not interfere with the unit meeting its own obligations under Title IV-D of the federal Social Security Act, as amended, and subject to requirements prescribed by the federal office of child support enforcement of the United States department of health and human services.[7]

Sec. 11. Section 252B.9A, subsection 1, Code 2009, is amended to read as follows:

1. A person, except a court or government agency, who is an authorized person to receive specified confidential information under 42 U.S.C. § 653, may submit a written request to the unit for disclosure of specified confidential information regarding a nonrequesting party. The written request shall comply with federal law and regulations, including any evidence and any

[3] See chapter 182, §133, 136 herein
[4] See chapter 182, §133, 136 herein
[5] See chapter 182, §133, 136 herein
[6] See chapter 182, §133, 136 herein
[7] See chapter 182, §133, 136 herein

payment to the federal office of child support enforcement of the United States department of health and human services required by federal law or regulation, and shall include a sworn statement attesting to the reason why the requester is an authorized person under 42 U.S.C. § 653, including that the requester would use the confidential information only for purposes permitted in that section.[8]

Sec. 12. Section 252G.5, subsections 2 and 3, Code 2009, are amended to read as follows:

2. State agencies as specified under 42 U.S.C. § 653A which utilize income information for the determination of eligibility or calculation of payments for benefit or entitlement payments unless prohibited under federal law.

3. State agencies ~~which utilize income information for the recoupment of debts to the state~~ operating employment security and workers' compensation programs for the purposes of administering such programs unless prohibited under federal law.[9]

Sec. 13. Section 598.22, subsection 3, Code 2009, is amended to read as follows:

3. An order or judgment entered by the court for temporary or permanent support or for income withholding shall be filed with the clerk. The orders have the same force and effect as judgments when entered in the judgment docket and lien index and are records open to the public. Unless otherwise provided by federal law, if it is possible to identify the support order to which a payment is to be applied, and if sufficient information identifying the obligee is provided, the clerk or the collection services center, as appropriate, shall disburse the payments received pursuant to the orders or judgments within two working days of the receipt of the payments. All moneys received or disbursed under this section shall be entered in records kept by the clerk, or the collection services center, as appropriate, ~~which~~ and the records kept by the clerk shall be available to the public. The clerk or the collection services center shall not enter any moneys paid in the record book if not paid directly to the clerk or the center, as appropriate, except as provided for trusts and federal social security disability payments in this section, and for tax refunds or rebates in section 602.8102, subsection 47.[10]

Sec. 14. Section 598.26, subsection 1, Code 2009, is amended to read as follows:

1. Until a decree of dissolution has been entered, the record and evidence shall be closed to all but the court, its officers, and the child support recovery unit of the department of human services pursuant to section 252B.9. However, the payment records of a temporary support order~~, whether~~ maintained by the clerk of the district court ~~or the department of human services,~~ are public records and may be released upon request. Payment records shall not include address or location information. No other person shall permit a copy of any of the testimony, or pleading, or the substance ~~thereof~~ of any testimony or pleading, to be made available to any person other than a party to the action or a party's attorney. Nothing in this subsection shall be construed to prohibit publication of the original notice as provided by the rules of civil procedure.[11]

Sec. 15. EFFECTIVE DATE. This division of this Act takes effect March 23, 2009.[12]

DIVISION III
CHILD SUPPORT RECOVERY UNIT COLLECTIONS FEES

Sec. 16. Section 252B.5, subsection 13, paragraph a, Code 2009, is amended to read as follows:

a. Beginning October 1, 2007, implement the provision of the federal Deficit Reduction Act of 2005, Pub. L. No. 109-171 § 7310, requiring an annual collections fee of twenty-five dollars in child support cases in which the family has never received assistance under Title IV-A of the federal Social Security Act for whom the unit has ~~collected~~ disbursed at least five hundred

[8] See chapter 182, §133, 136 herein
[9] See chapter 182, §133, 136 herein
[10] See chapter 182, §133, 136 herein
[11] See chapter 182, §133, 136 herein
[12] See chapter 182, §133, 136 herein

dollars. ~~After~~ When the first five hundred dollars in support is ~~collected~~ disbursed in each federal fiscal year for a family, the fee shall be collected from the ~~obligor~~ obligee by retaining twenty-five dollars from ~~subsequent collections~~ disbursements to the obligee. If five hundred dollars but less than five hundred twenty-five dollars is ~~collected~~ disbursed in any federal fiscal year, any unpaid portion of the annual fee shall not accumulate and is not due. ~~Any amount retained to pay the twenty-five dollar fee shall not reduce the amount of support due under the support order.~~ The unit shall send information regarding the requirements of this subsection by regular mail to the last known address of an affected ~~obligor or~~ obligee, or may include the information for an obligee in an application for services signed by the obligee. In addition, the unit shall take steps necessary regarding the fee to qualify for federal funds in conformity with the provisions of Title IV-D of the federal Social Security Act, including receiving and accounting for fee payments, as appropriate, through the collection services center created in section 252B.13A.

Sec. 17. Section 252B.5, subsection 13, paragraph c, Code 2009, is amended by striking the paragraph and inserting in lieu thereof the following:

c. Until such time as a methodology to secure payment of the collections fee from the obligor is provided by law, an obligee may act pursuant to this paragraph to recover the collections fee from the obligor. If the unit retains all or a portion of the collections fee imposed pursuant to paragraph "a" in a federal fiscal year, there is an automatic nonsupport judgment, in an amount equal to the amount retained, against the obligor payable to the obligee. This paragraph shall serve as constructive notice that the fee amount, once retained, is an automatic nonsupport judgment against the obligor. The obligee may use any legal means, including the lien created by the nonsupport judgment, to collect the nonsupport judgment.

Sec. 18. CHILD SUPPORT COLLECTIONS FEE — METHODOLOGY. The department of human services shall seek a federally approved, cost-effective methodology to secure payment of the collections fee imposed pursuant to section 252B.5, subsection 13, paragraph "a", from the obligor. The department shall report options for such a methodology to the general assembly by December 15, 2009.

DIVISION IV
CHILD SUPPORT COLLECTIONS INTEREST

Sec. 19. INTEREST ON CHILD SUPPORT COLLECTIONS. The department of human services shall perform a cost-benefit analysis of calculating interest on overdue child support payments enforced by the child support recovery unit. The department shall report its findings to the general assembly by December 15, 2009.

Approved March 19, 2009

CHAPTER 16

HAZARDOUS SUBSTANCE CLEANUP —
COSTS AND REIMBURSEMENT

S.F. 328

AN ACT relating to reimbursement of hazardous substance cleanup costs.

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

Section 1. Section 455B.381, subsection 2, Code 2009, is amended to read as follows:

2. "Cleanup costs" means costs incurred by the state or its political subdivisions or ~~their agents, or by any other person participating with the approval of the director~~ the agents of the state or a political subdivision in the prevention or mitigation of damages from a hazardous condition or the cleanup of a hazardous substance involved in a hazardous condition.

Sec. 2. Section 455B.381, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. "Political subdivision" means any municipality, township, or county, or district, or authority, or any portion, or combination of two or more thereof, including but not limited to any emergency services and emergency management agency established pursuant to chapter 28E or 29C, and any municipal fire departments and ambulance services and agents thereof.

Sec. 3. Section 455B.392, subsections 1, 5, 6, and 7, Code 2009, are amended to read as follows:

1. A person having control over a hazardous substance is strictly liable to the state or a political subdivision for all of the following:

a. The reasonable cleanup costs incurred by the state or its political subdivisions~~, by governmental subdivisions, or by any other persons participating in the prevention or mitigation of damages with the approval of the director,~~ or the agents of the state or a political subdivision as a result of the failure of the person to clean up a hazardous substance involved in a hazardous condition caused by that person.

b. The reasonable costs incurred by the state or its political subdivisions or the agents of the state or a political subdivision to evacuate people from the area threatened by a hazardous condition caused by the person.

c. The reasonable damages to the state for the injury to, destruction of, or loss of natural resources resulting from a hazardous condition caused by that person including the costs of assessing the injury, destruction, or loss.

d. The excessive and extraordinary cost~~, excluding salaries,~~ incurred by the ~~department~~ state or its political subdivisions or the agents of the state or a political subdivision in responding at and to the scene of a hazardous condition caused by that person.

If the failure is willful, the person is liable for punitive damages not to exceed triple the cleanup costs incurred by the state or its political subdivisions or the agents of the state or a political subdivision. Prompt and good faith notification to the ~~director~~ state or a political subdivision by the person having control over a hazardous substance that the person does not have the resources or managerial capability to begin or continue cleanup, or a good faith effort to clean up, relieves the person of liability for punitive damages, but not for actual cleanup costs. ~~The director shall keep a record of all expenses incurred in carrying out a project or activity authorized by this part.~~

Claims ~~by the state~~ under this subsection ~~may be appealed to the commission by the person filing a written notice of appeal within thirty days after receipt of the bill~~ shall be made by the state agency or the political subdivision that incurred costs or damages under this subsection, and such costs or damages will be subject to administrative and judicial review, including the terms of chapter 17A when appropriate. If administrative or judicial review is sought, a political subdivision making a claim shall submit an advisory request to the department to determine whether the cleanup actions serving as the basis for the cleanup costs were consistent

with this chapter. The department shall respond in writing to a request within thirty days of receiving the request.

5. Money collected by the department pursuant to this section shall be deposited in the hazardous waste remedial fund created in section 455B.423. Moneys shall be used ~~to reimburse governmental subdivisions requested to assist in the cleanup for which the moneys were collected. The remainder of the moneys shall be used~~ in the manner permitted for the fund. Moneys collected by a state agency other than the department of natural resources pursuant to this section are appropriated to that agency for purposes of reimbursing costs of the agency for emergency response activities described in subsection 1. Moneys collected by a political subdivision pursuant to this section shall be retained by the political subdivision and shall be used for purposes of reimbursing costs of the political subdivision for emergency response activities described in subsection 1.

6. This section does not deny any person any legal or equitable rights, remedies or defenses or affect any legal relationship other than the legal relationship between the state or a political subdivision and a person having control over a hazardous substance pursuant to subsection 1.

7. a. There is no liability under this section for a person who has satisfied the requirements of section 455B.381, subsection 7, unnumbered paragraph 2, regardless of when that person acquired title or right to title to the hazardous condition site, except that a person otherwise exempt from liability under this subsection shall be liable to the state or a political subdivision for the lesser of:

(1) The total reasonable cleanup costs incurred by the state to clean up a hazardous substance at the hazardous condition site; or

(2) The amount representing the postcleanup fair market value of the property comprising the hazardous condition site.

b. Liability under this subsection shall only be imposed when the person holds title to the hazardous condition site at the time the state or a political subdivision incurs reasonable cleanup costs.

c. For purposes of this subsection, "postcleanup fair market value" means the actual amount of consideration received by such person upon sale or transfer of the hazardous condition site which has been cleaned up by the state or a political subdivision to a bona fide purchaser for value.

d. Cleanup expenses incurred by the state or a political subdivision shall be a lien upon the real estate constituting the hazardous condition site, recordable and collectable in the same manner as provided for in section 424.11, subject to the terms of this subsection. The lien shall attach at the time the state or a political subdivision incurs expenses to clean up the hazardous condition site. The lien shall be valid as against subsequent mortgagees, purchasers, or judgment creditors, for value and without notice of the lien, only when a notice of the lien is filed with the recorder of the county in which the property is located. Upon payment by the person to the state or a political subdivision, of the amount specified in this subsection, the state or a political subdivision shall release the lien. If no lien has been recorded at the time the person sells or transfers the property, then the person shall not be liable for any cleanup costs incurred by the state or a political subdivision.

Sec. 4. Section 455B.396, Code 2009, is amended to read as follows:

455B.396 CLAIM OF STATE.

Liability to the state under this part or part 5 of this division is a debt to the state. Liability to a political subdivision under this part of this division is a debt to the political subdivision. The debt, together with interest on the debt at the maximum lawful rate of interest permitted pursuant to section 535.2, subsection 3, paragraph "a" from the date costs and expenses are incurred by the ~~department~~ state or a political subdivision is a lien on real property, except single and multifamily residential property, on which the department incurs costs and expenses creating a liability and owned by the persons liable under this part or part 5. To perfect the lien a statement of claim describing the property subject to the lien~~, signed by the director and approved by the commission~~ must be filed within one hundred twenty days after the incur-

rence of costs and expenses by the ~~department~~ state or a political subdivision. The statement shall be filed with, accepted by, and recorded by the county recorder in the county in which the property subject to the lien is located. The statement of claim may be amended to include subsequent liabilities. To be effective the statement of claim shall be amended and filed within one hundred twenty days after the occurrence of the event resulting in the amendment.

The lien may be dissolved by filing with the appropriate recording officials a certificate~~, signed by the director,~~ that the debt for which the lien is attached, together with interest and costs on the debt, has been paid or legally abated.

Approved March 19, 2009

CHAPTER 17

GRAIN DEPOSITORS AND SELLERS INDEMNITY FUND — FEES AND CLAIMS

H.F. 374

AN ACT relating to the grain depositors and sellers indemnity fund, and providing for an effective date and retroactive applicability.

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

Section 1. Section 203D.5, subsection 2, Code 2009, is amended to read as follows:

2. If, at the end of any three-month period, the assets of the fund exceed ~~six~~ eight million dollars, less any encumbered balances or pending or unsettled claims, the per-bushel fee required under section 203D.3, subsection 2, and the dealer-warehouse fee required under section 203D.3, subsection 3, shall be waived and the fees are not assessable or owing. The board shall reinstate the fees if the assets of the fund, less any unencumbered balances or pending or unsettled claims, are three million dollars or less.

Sec. 2. Section 203D.6, subsection 1, Code 2009, is amended to read as follows:

1. PERSONS WHO MAY FILE CLAIMS ~~— TIME OF FILING~~. A depositor or seller may file a claim with the department for indemnification of a loss from the grain depositors and sellers indemnity fund. A claim shall be filed in the manner prescribed by the board. ~~A claim shall not be filed prior to the~~

1A. TIME OF FILING CLAIM.

a. As used in this subsection, an incurrence date~~, which is the earlier~~ is when either of the following occurs:

~~a.~~ (1) The revocation, termination, or cancellation of the license of the grain dealer or warehouse operator.

~~b.~~ (2) The filing of a petition in bankruptcy by a licensed grain dealer or licensed warehouse operator.

b. To be timely, a claim ~~shall~~ must be filed within a claim period beginning on either incurrence date and ending one hundred twenty days ~~of the~~ after that incurrence date, regardless of whether a previous claim period has expired.

Sec. 3. Section 203D.6, subsection 3, paragraph d, Code 2009, is amended to read as follows:

d. That the claim derives from a covered transaction. For purposes of this paragraph, a claim derives from a covered transaction if the claimant is a seller who transferred title to the

grain to a licensed grain dealer other than by credit-sale contract within six months of the incurrence date for a claim period as provided in subsection 1A, or if the claimant is a depositor who delivered the grain to a licensed warehouse operator.

Sec. 4. Section 203D.6, subsection 3, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. A claim has not been paid for the same loss.

Sec. 5. Section 203D.6, subsection 7, Code 2009, is amended to read as follows:

7. PAYMENT OF CLAIMS. Upon a determination that the claim is eligible for payment, the board shall provide for payment of ninety percent of the loss, as determined under subsection 4, but not more than ~~one~~ three hundred ~~fifty~~ thousand dollars per claimant. If at any time the board determines that there are insufficient funds to make payment of all claims, the board may order that payment be deferred on specified claims. The department, upon the board's instruction, shall hold those claims for payment until the board determines that the fund again contains sufficient assets.

Sec. 6. EFFECTIVE DATE AND RETROACTIVE APPLICATION. This Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to October 1, 2008.

Approved March 19, 2009

CHAPTER 18

OPEN ENROLLMENT — TRANSPORTATION

S.F. 177

AN ACT relating to requirements for school districts providing transportation to students participating in open enrollment.

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

Section 1. Section 282.18, subsection 10, Code 2009, is amended to read as follows:

10. a. Notwithstanding section 285.1 relating to transportation of nonresident pupils, the parent or guardian is responsible for transporting the pupil without reimbursement to and from a point on a regular school bus route of the receiving district. For purposes of this subsection, "a point on a regular school bus route of the receiving district" includes any school bus stop on the regular school bus route of the receiving district that existed prior to road construction that necessitates a change in the regular school bus route, whether or not the change in the regular school bus route resulting from the road construction necessitates sending school vehicles from the receiving district into the district of residence in order to safely, economically, or efficiently transport students to or from the preexisting point.

b. ~~However, a~~ A receiving district may send school vehicles into the district of residence of the pupil using the open enrollment option under this section, for the purpose of transporting the pupil to and from school in the receiving district, if the boards of both the sending and receiving districts agree to this arrangement.

c. If the pupil meets the economic eligibility requirements established by the department and state board of education, the sending district is responsible for providing transportation or paying the pro rata cost of the transportation to a parent or guardian for transporting the pupil to and from a point on a regular school bus route of a contiguous receiving district unless

the cost of providing transportation or the pro rata cost of the transportation to a parent or guardian exceeds the average transportation cost per pupil transported for the previous school year in the district. If the cost exceeds the average transportation cost per pupil transported for the previous school year, the sending district shall only be responsible for that average per pupil amount. A sending district which provides transportation for a pupil to a contiguous receiving district under this subsection may withhold from the district cost per pupil amount, that is to be paid to the receiving district, an amount which represents the average or pro rata cost per pupil for transportation, whichever is less.

Approved March 23, 2009

CHAPTER 19

HUMAN TRAFFICKING AND PROTECTION OF MINORS

S.F. 27

AN ACT relating to the crime of human trafficking.

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

Section 1. Section 710A.1, subsection 1, Code 2009, is amended to read as follows:

1. "Commercial sexual activity" means any sex act ~~on behalf of~~ or sexually explicit performance for which anything of value is given, promised to, or received by any person and includes, but is not limited to, prostitution, participation in the production of pornography, and performance in strip clubs.

Sec. 2. Section 915.35, subsection 1, Code 2009, is amended to read as follows:

1. As used in this section, "victim" means a ~~child~~ minor under the age of eighteen who has been sexually abused or subjected to any other unlawful sexual conduct under chapter 709, 710A, or 726 or who has been the subject of a forcible felony.

Sec. 3. Section 915.37, Code 2009, is amended to read as follows:

915.37 GUARDIAN AD LITEM FOR PROSECUTING CHILD WITNESSES.

1. A prosecuting witness who is a child, as defined in section 702.5, in a case involving a violation of chapter 709 or 710A, or section 726.2, 726.3, 726.6, or 728.12, is entitled to have the witness's interests represented by a guardian ad litem at all stages of the proceedings arising from such violation. The guardian ad litem shall be a practicing attorney and shall be designated by the court after due consideration is given to the desires and needs of the child and the compatibility of the child and the child's interests with the prospective guardian ad litem. If a guardian ad litem has previously been appointed for the child in a proceeding under chapter 232 or a proceeding in which the juvenile court has waived jurisdiction under section 232.45, the court shall appoint the same guardian ad litem under this section. The guardian ad litem shall receive notice of and may attend all depositions, hearings, and trial proceedings to support the child and advocate for the protection of the child but shall not be allowed to separately introduce evidence or to directly examine or cross-examine witnesses. However, the guardian ad litem shall file reports to the court as required by the court. If a prosecuting witness is fourteen, fifteen, sixteen, or seventeen years of age, and would be entitled to the appointment of a guardian ad litem if the prosecuting witness were a child, the court may appoint a guardian ad litem if the requirements for guardians ad litem in this section are met, and the guardian ad litem agrees to participate without compensation.

2. References in this section to a guardian ad litem shall be interpreted to include references to a court appointed special advocate as defined in section 232.2, subsection 9.

Approved March 25, 2009

CHAPTER 20

COMPENSATION FOR CANDIDATES
AND IMMEDIATE FAMILY MEMBERS

S.F. 50

AN ACT relating to the payment of a salary or other compensation to a candidate's family member, and making a penalty applicable.

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

Section 1. Section 68A.302, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. Payment to a candidate or the candidate's immediate family member as a salary, gratuity, or other compensation. However, reimbursement of expenses as otherwise authorized in this section is permitted. For purposes of this paragraph, "immediate family member" means the spouse or dependent child of a candidate.

Approved March 25, 2009

CHAPTER 21

JUDICIAL PROCEDURE AND ADMINISTRATION —
MISCELLANEOUS PROVISIONS

S.F. 118

AN ACT relating to the judicial branch including contested and uncontested parking violations, city and county penalties, filing civil citations of municipal infractions with the clerk, records kept by the clerk, and service of original notice in a small claims action.

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

Section 1. Section 321.236, subsection 1, unnumbered paragraph 2, Code 2009, is amended to read as follows:

Parking meter, snow route, and overtime parking violations which are ~~denied~~ contested shall be charged and proceed before a court the same as other traffic violations. Filing fees and court costs shall be assessed as provided in section 602.8106, subsection 1 and section 805.6, subsection 1, paragraph "a" for parking violation cases. ~~Parking violations which are admitted:~~

Sec. 2. Section 321.236, subsection 1, paragraphs a and b, Code 2009, are amended to read as follows:

a. ~~May~~ Parking violations which are uncontested shall be charged and collected upon a simple notice of a fine payable to the city clerk~~, if authorized by ordinance~~. The fine for each violation charged under a simple notice of a fine shall be established by ordinance. The fine may be increased by five dollars if the parking violation is not paid within thirty days of the date upon which the violation occurred~~, if authorized by ordinance~~. Violations of section 321L.4, subsection 2, ~~may~~ shall be charged and collected upon a simple notice of a one hundred dollar fine payable to the city clerk~~, if authorized by ordinance~~. ~~No costs~~ Costs or other charges shall not be assessed. All fines collected by a city pursuant to this paragraph shall be retained by the city and all fines collected by a county pursuant to this paragraph shall be retained by the county, except as provided by an agreement between a city and a county treasurer for the collection of fines pursuant to section 331.553, subsection 8.

~~b. Notwithstanding any such ordinance, may be prosecuted under the provisions of sections 805.7 to 805.13 or as any other traffic violation.~~

Sec. 3. Section 331.302, subsection 2, Code 2009, is amended to read as follows:

2. ~~A~~ For a violation of an ordinance a county shall not provide a penalty in excess of ~~a five hundred dollar~~ the maximum fine ~~or in excess of thirty days~~ and term of imprisonment for ~~the violation of an ordinance~~ a simple misdemeanor under section 903.1, subsection 1, paragraph "a". The criminal penalty surcharge required by section 911.1 shall be added to a county fine and is not a part of the county's penalty.

Sec. 4. Section 331.302, subsection 4A, paragraph a, subparagraph (2), Code 2009, is amended to read as follows:

(2) A portion of the Code of Iowa may be adopted by reference only if the criminal penalty provided by the law adopted does not exceed ~~thirty days~~ the maximum fine and term of imprisonment ~~and a five hundred dollar fine~~ for a simple misdemeanor under section 903.1, subsection 1, paragraph "a".

Sec. 5. Section 364.3, subsection 2, Code 2009, is amended to read as follows:

2. ~~A~~ For a violation of an ordinance a city shall not provide a penalty in excess of ~~a five hundred dollar~~ the maximum fine ~~or in excess of thirty days'~~ and term of imprisonment for ~~the violation of an ordinance~~ a simple misdemeanor under section 903.1, subsection 1, paragraph "a". An amount equal to ten percent of all fines collected by cities shall be deposited in the account established in section 602.8108. However, one hundred percent of all fines collected by a city pursuant to section 321.236, subsection 1, shall be retained by the city. The criminal penalty surcharge required by section 911.1 shall be added to a city fine and is not a part of the city's penalty.

Sec. 6. Section 364.22, subsection 4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

An officer authorized by a city to enforce a city code or regulation may issue a civil citation to a person who commits a municipal infraction. ~~The~~ A copy of the citation may be served by personal service as provided in rule of civil procedure 1.305, by certified mail addressed to the defendant at the defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in rule of civil procedure 1.310 and subject to the conditions of rule of civil procedure 1.311. A copy of the citation shall be retained by the issuing officer, and ~~one copy~~ the original citation shall be sent to the clerk of the district court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

Sec. 7. Section 380.10, subsection 2, Code 2009, is amended to read as follows:

2. A portion of the Code of Iowa may be adopted by reference only if the criminal penalty

provided by the law adopted does not exceed ~~thirty days'~~ the maximum fine and term of imprisonment ~~and a five hundred dollar fine~~ for a simple misdemeanor under section 903.1, subsection 1, paragraph "a".

Sec. 8. Section 523I.602, subsection 4, Code 2009, is amended to read as follows:

4. RECEIPT — ~~CEMETERY~~ RECORD. Every such trustee shall execute and deliver to the donor a receipt showing the amount of money or other property received, and the use to be made of the net proceeds from the same, duly attested by the clerk of the court granting letters of trusteeship, ~~and a copy thereof, signed by the trustee and so attested, shall be filed with and recorded by the clerk in a book to be known as the cemetery record, in which shall be recorded all reports and other papers, including orders made by the court relative to cemetery matters~~ and the trustee shall keep a signed and attested copy of the receipt.

Sec. 9. Section 602.8104, subsection 2, paragraph h, Code 2009, is amended by striking the paragraph.

Sec. 10. Section 602.8104, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. A record book of certificates of deposit, not in the clerk's name, which are being held by the clerk on behalf of a conservatorship, trust, or an estate pursuant to a court order as provided in section 636.37.

Sec. 11. Section 602.8106, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. For filing and docketing a complaint or information or uniform citation and complaint for parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, eight dollars, effective January 1, 2004. The court costs in cases of parking meter and overtime parking violations which are ~~denied~~ contested, and charged and collected pursuant to section 321.236, subsection 1, or pursuant to a uniform citation and complaint, are eight dollars per information or complaint or per uniform citation and complaint effective January 1, 1991.

Sec. 12. Section 631.4, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. If the defendant is a resident of this state, or if the defendant is a nonresident of this state and is subject to the jurisdiction of the court under rule of civil procedure 1.306, the plaintiff may elect service under this paragraph, and upon receipt of the prescribed costs the clerk shall mail to the defendant by certified mail, restricted delivery, return receipt to the clerk requested, a copy of the original notice together with a conforming copy of an answer form. However, if the defendant is a corporation, partnership, or association, the clerk shall mail to the defendant by certified mail, return receipt to the clerk requested, a copy of the original notice with a conforming copy of an answer form. The defendant is required to appear within twenty days following the date service is made.

Sec. 13. Section 636.37, Code 2009, is amended to read as follows:

636.37 DUTY OF CLERK.

1. The clerk of the district court with whom any deposit of funds, moneys, or securities shall be made, as provided by any law or an order of court, shall enter in a book, to be provided and kept for that purpose, the amount of such deposit, the character thereof, the date of its deposit, from whom received, from what source derived, to whom due or to become due, if known.

2. A separate book shall be maintained for all certificates of deposit not in the name of the clerk of the district court that are being held by the clerk on behalf of a conservatorship, trust, or estate. The book shall list the relevant details of the transaction, including but not limited to the name of the conservator, trustee, or executor, and cross references to the court orders opening and closing the conservatorship, trust, or estate.

Sec. 14. Section 805.8A, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. For parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, the scheduled fine is five dollars, except if the local authority has established the fine by ordinance ~~pursuant to section 321.236, subsection 1~~. The scheduled fine for a parking violation pursuant to section 321.236 increases by five dollars, ~~as~~ if authorized by ordinance ~~pursuant to section 321.236, subsection 1,~~ and if the parking violation is not paid within thirty days of the date upon which the violation occurred. For purposes of calculating the unsecured appearance bond required under section 805.6, the scheduled fine shall be five dollars, or if the amount of the fine is greater than five dollars, the unsecured appearance bond shall be the amount of the fine established by the local authority ~~pursuant to section 321.236, subsection 1~~. However, violations charged by a city or county upon simple notice of a fine instead of a uniform citation and complaint ~~as permitted~~ required by section 321.236, subsection 1, paragraph "a", are not scheduled violations, and this section shall not apply to any offense charged in that manner. For a parking violation under section 321.362 or 461A.38, the scheduled fine is ten dollars.

Approved March 25, 2009

CHAPTER 22

UNEMPLOYMENT COMPENSATION AND BENEFITS

S.F. 197

AN ACT relating to unemployment insurance benefits and compliance with federal law regarding and in order to qualify for funding, and including effective and applicability dates.

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

Section 1. Section 96.3, subsection 5, Code 2009, is amended to read as follows:

5. a. DURATION OF BENEFITS. The maximum total amount of benefits payable to an eligible individual during a benefit year shall not exceed the total of the wage credits accrued to the individual's account during the individual's base period, or twenty-six times the individual's weekly benefit amount, whichever is the lesser. The director shall maintain a separate account for each individual who earns wages in insured work. The director shall compute wage credits for each individual by crediting the individual's account with one-third of the wages for insured work paid to the individual during the individual's base period. However, the director shall recompute wage credits for an individual who is laid off due to the individual's employer going out of business at the factory, establishment, or other premises at which the individual was last employed, by crediting the individual's account with one-half, instead of one-third, of the wages for insured work paid to the individual during the individual's base period. Benefits paid to an eligible individual shall be charged against the base period wage credits in the individual's account which have not been previously charged, in the inverse chronological order as the wages on which the wage credits are based were paid. However if the state "off indicator" is in effect and if the individual is laid off due to the individual's employer going out of business at the factory, establishment, or other premises at which the individual was last employed, the maximum benefits payable shall be extended to thirty-nine times the individual's weekly benefit amount, but not to exceed the total of the wage credits accrued to the individual's account.

b. TRAINING EXTENSION BENEFITS.

(1) An individual who has been separated from a declining occupation or who has been involuntarily separated from employment as a result of a permanent reduction of operations at the last place of employment and who is in training with the approval of the director or in a job training program pursuant to the Workforce Investment Act of 1998, Pub. L. No. 105-220, at the time regular benefits are exhausted, may be eligible for training extension benefits.

(2) A declining occupation is one in which there is a lack of sufficient current demand in the individual's labor market area for the occupational skills for which the individual is fitted by training and experience or current physical or mental capacity, and the lack of employment opportunities is expected to continue for an extended period of time, or the individual's occupation is one for which there is a seasonal variation in demand in the labor market and the individual has no other skill for which there is current demand.

(3) The training extension benefit amount shall be twenty-six times the individual's weekly benefit amount and the weekly benefit amount shall be equal to the individual's weekly benefit amount for the claim in which benefits were exhausted while in training.

(4) An individual who is receiving training extension benefits shall not be denied benefits due to application of section 96.4, subsection 3, or section 96.5, subsection 3. However, an employer's account shall not be charged with benefits so paid. Relief of charges under this paragraph "b" applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

(5) In order for the individual to be eligible for training extension benefits, all of the following criteria must be met:

(a) The training must be for a high-demand occupation or high-technology occupation, including the fields of life sciences, advanced manufacturing, biotechnology, alternative fuels, insurance, and environmental technology. "High-demand occupation" means an occupation in a labor market area in which the department determines work opportunities are available and there is a lack of qualified applicants.

(b) The individual must file any unemployment insurance claim to which the individual becomes entitled under state or federal law, and must draw any unemployment insurance benefits on that claim until the claim has expired or has been exhausted, in order to maintain the individual's eligibility under this paragraph "b". Training extension benefits end upon completion of the training even though a portion of the training extension benefit amount may remain.

(c) The individual must be enrolled and making satisfactory progress to complete the training.

Sec. 2. Section 96.3, subsection 6, paragraph b, Code 2009, is amended to read as follows:

b. The director shall prescribe fair and reasonable general rules applicable to part-time workers, for determining their full-time weekly wage, and the total wages in employment by employers required to qualify such workers for benefits. An individual is a part-time worker if a majority of the weeks of work in such individual's base period includes part-time work. Part-time workers are not required to be available for, seek, or accept full-time employment.

Sec. 3. Section 96.4, subsection 4, Code 2009, is amended to read as follows:

4. a. The individual has been paid wages for insured work during the individual's base period in an amount at least one and one-quarter times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest; provided that the individual has been paid wages for insured work totaling at least three and five-tenths percent of the statewide average annual wage for insured work, computed for the preceding calendar year if the individual's benefit year begins on or after the first full week in July and computed for the second preceding calendar year if the individual's benefit year begins before the first full week in July, in that calendar quarter in the individual's base period in which the individual's wages were highest, and the individual has been paid wages for insured work totaling at least one-half of the amount of wages required under this ~~subsection~~ paragraph in the calendar quarter of the base period in which the individual's wages were highest, in a calendar quarter in the individual's base period other than the calendar quarter in which the indi-

vidual's wages were highest. The calendar quarter wage requirements shall be rounded to the nearest multiple of ten dollars.

b. For an individual who does not have sufficient wages in the base period, as defined in section 96.19, to otherwise qualify for benefits pursuant to this subsection, the individual's base period shall be the last four completed calendar quarters immediately preceding the first day of the individual's benefit year if such period qualifies the individual for benefits under this subsection.

(1) Wages that fall within the alternative base period established under this paragraph "b" are not available for qualifying benefits in any subsequent benefit year.

(2) Employers shall be charged in the manner provided in this chapter for benefits paid based upon quarters used in the alternative base period.

c. If the individual has drawn benefits in any benefit year, the individual must during or subsequent to that year, work in and be paid wages for insured work totaling at least two hundred fifty dollars, as a condition to receive benefits in the next benefit year.

Sec. 4. Section 96.7, subsection 2, paragraph a, subparagraph (2), Code 2009, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (e) The account of an employer shall not be charged with benefits paid to an individual who is laid off if the benefits are paid as the result of the return to work of a permanent employee who is one of the following:

(i) A member of the national guard or organized reserves of the armed forces of the United States ordered to temporary duty, as defined in section 29A.1, subsection 3, 11, or 12, for any purpose, who has completed the duty as evidenced in accordance with section 29A.43.

(ii) A member of the civil air patrol performing duty pursuant to section 29A.3A, who has completed the duty as evidenced in accordance with section 29A.43.

Sec. 5. Section 96.20, subsection 2, Code 2009, is amended to read as follows:

2. The department may enter into arrangements with the appropriate agencies of other states, or a contiguous country with which the United States has an agreement with respect to unemployment compensation or of the federal government (a) whereby wages or services, upon the basis of which an individual may become entitled to benefits under the unemployment compensation law of another state or of the federal government, shall be deemed to be wages for employment by employers for the purposes of section 96.3 and section 96.4, subsection 5; provided such other state agency or agency of the federal government has agreed to reimburse the fund for such portion of benefits paid under this chapter upon the basis of such wages or services as the department finds will be fair and reasonable as to all affected interests, and (b) whereby the department will reimburse other state or federal agencies charged with the administration of unemployment compensation laws with such reasonable portion of benefits, paid under the law of any such other states or of the federal government upon the basis of employment or wages for employment by employers, as the department finds will be fair and reasonable as to all affected interests. Reimbursements so payable shall be deemed to be benefits for the purposes of section 96.3, subsection 5, paragraph "a", and section 96.9, but no reimbursement so payable shall be charged against any employer's account for the purposes of section 96.7, unless wages so transferred are sufficient to establish a valid claim in Iowa, and that such charges shall not exceed the amount that would have been charged on the basis of a valid claim. The department is hereby authorized to make to other state or federal agencies and receive from such other state or federal agencies, reimbursements from or to the fund, in accordance with arrangements pursuant to this section. The department shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment covered under this Act with the individual's wages and employment covered under the unemployment compensation laws of other states which are approved by the United States secretary of labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which include provisions for: Applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered un-

der two or more state unemployment compensation laws, and avoiding the duplication use of wages and employment by reason of such combining.

Sec. 6. Section 96.23, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. The individual did not receive wages from insured work for two calendar quarters and did not receive wages from insured work for another calendar quarter equal to or greater than the amount required for a calendar quarter, other than the calendar quarter in which the individual's wages were highest, under section 96.4, subsection 4, paragraph "a".

Sec. 7. Section 96.40, subsection 8, Code 2009, is amended to read as follows:

8. An individual shall not be entitled to receive shared work benefits and regular unemployment compensation benefits in an aggregate amount which exceeds the maximum total amount of benefits payable to that individual in a benefit year as provided under section 96.3, subsection 5, paragraph "a". Notwithstanding any other provisions of this chapter, an individual shall not be eligible to receive shared work benefits for more than twenty-six calendar weeks during the individual's benefit year.

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

Sec. 9. APPLICABILITY AND EFFECTIVE DATES. The section of this Act amending section 96.3[1] applies to any week of unemployment benefits beginning on or after July 5, 2009. The section of this Act amending section 96.4 applies to any new claim of unemployment benefits with an effective date on or after July 5, 2009.

Approved March 25, 2009

CHAPTER 23

ADMINISTRATION OF SERVICES
FOR AGING AND DEPENDENT ADULTS

S.F. 204

AN ACT relating to the department of elder affairs and services provided to older Iowans.

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

Section 1. Section 7E.5, subsection 1, paragraph k, Code 2009, is amended to read as follows:

k. The department ~~of elder affairs~~ on aging, created in section 231.21, which has primary responsibility for leadership and program management for programs which serve the ~~senior citizens~~ older individuals of the state.

[1] See chapter 179, §48 herein

Sec. 2. Section 10A.402, subsection 5, Code 2009, is amended to read as follows:
5. Investigations relative to the operations of the department ~~of elder affairs~~ on aging.

Sec. 3. Section 16.100, subsection 8, Code 2009, is amended to read as follows:
8. A homelessness advisory committee is created consisting of the executive director or the executive director's designee, the directors or their designees from the departments of economic development, ~~elder affairs,~~ human services, and human rights, the director of the department on aging or the director's designee, and at least three individuals from the private sector to be selected by the executive director. The advisory committee shall advise the authority in coordinating programs that provide for the homeless.

Sec. 4. Section 16.100A, subsection 2, paragraph b, subparagraph (7), Code 2009, is amended to read as follows:
(7) The director of the department ~~of elder affairs~~ on aging or the director's designee.

Sec. 5. Section 16.183, subsection 3, Code 2009, is amended to read as follows:
3. The authority, in cooperation with the department ~~of elder affairs~~ on aging, shall annually allocate moneys available in the home and community-based services revolving loan program fund to develop and expand facilities and infrastructure that provide adult day services, respite services, congregate meals, and programming space for health and wellness, health screening, and nutritional assessments that address the needs of persons with low incomes.

Sec. 6. Section 22.7, Code 2009, is amended by adding the following new subsections:
NEW SUBSECTION. 62. Records of the department on aging pertaining to clients served by the office of substitute decision maker.
NEW SUBSECTION. 63. Records of the department on aging pertaining to clients served by the elder abuse prevention initiative.

Sec. 7. Section 84B.1, unnumbered paragraph 1, Code 2009, is amended to read as follows:
The department of workforce development, in consultation with the departments of economic development, education, ~~elder affairs,~~ human services, and human rights, the department on aging, and the department for the blind, shall establish guidelines for colocating state and federal employment and training programs in centers providing services at the local level. The centers shall be known as workforce development centers. The departments shall also jointly establish an integrated management information system for linking the programs within a local center to the same programs within other local centers and to the state. The guidelines shall provide for local design and operation within the guidelines. The core services available at a center shall include but are not limited to all of the following:

Sec. 8. Section 135.27A, subsection 1, Code 2009, is amended to read as follows:
1. A governor's council on physical fitness and nutrition is established consisting of twelve members appointed by the governor who have expertise in physical activity, physical fitness, nutrition, and promoting healthy behaviors. At least one member shall be a representative of elementary and secondary physical education professionals, at least one member shall be a health care professional, at least one member shall be a registered dietician, at least one member shall be recommended by the department ~~of elder affairs~~ on aging, and at least one member shall be an active nutrition or fitness professional. In addition, at least one member shall be a member of a racial or ethnic minority. The governor shall select a chairperson for the council. Members shall serve terms of three years beginning and ending as provided in section 69.19. Appointments are subject to sections 69.16 and 69.16A. Members are entitled to receive reimbursement for actual expenses incurred while engaged in the performance of official duties. A member of the council may also be eligible to receive compensation as provided in section 7E.6.

Sec. 9. Section 135C.20A, subsection 2, Code 2009, is amended to read as follows:
2. The report card form shall be developed by the department in cooperation with represen-

tatives of the department ~~of elder affairs~~ on aging, the state long-term care resident's advocate, representatives of resident advocate committees, representatives of protection and advocacy entities, consumers, and other interested persons.

Sec. 10. Section 135C.25, subsection 1, Code 2009, is amended to read as follows:

1. Each health care facility shall have a resident advocate committee whose members shall be appointed by the director of the department ~~of elder affairs~~ on aging or the director's designee. A person shall not be appointed a member of a resident advocate committee for a health care facility unless the person is a resident of the service area where the facility is located. The resident advocate committee for any facility caring primarily for persons with mental illness, mental retardation, or a developmental disability shall only be appointed after consultation with the administrator of the division of mental health and disability services of the department of human services on the proposed appointments. Recommendations to the director or the director's designee for membership on resident advocate committees are encouraged from any agency, organization, or individual. The administrator of the facility shall not be appointed to the resident advocate committee and shall not be present at committee meetings except upon request of the committee.

Sec. 11. Section 227.2, subsection 2, Code 2009, is amended to read as follows:

2. A copy of the written report prescribed by subsection 1 shall be furnished to the county board of supervisors, to the county mental health and mental retardation coordinating board or to its advisory board if the county board of supervisors constitutes ex officio the coordinating board, to the administrator of the county care facility inspected and to its resident advocate committee, and to the department ~~of elder affairs~~ on aging.

Sec. 12. Section 231.1, Code 2009, is amended to read as follows:

231.1 SHORT TITLE.

This chapter, entitled the "~~Elder~~ "Older Iowans Act", sets forth the state's commitment to its ~~elders~~ older individuals, their dignity, independence, and rights.

Sec. 13. Section 231.2, Code 2009, is amended to read as follows:

231.2 LEGISLATIVE FINDINGS AND DECLARATION.

The general assembly finds and declares that:

1. Iowa's ~~elders~~ older individuals constitute a fundamental resource which has been undervalued, and the means must be found to recognize and use the competence, wisdom, and experience of ~~our elders~~ such older individuals for the benefit of all Iowans.

2. The number of persons in this state age sixty and older is increasing rapidly, and of these ~~elders~~ older individuals, the number of women, minorities, and persons eighty-five years of age or older is increasing at an even greater rate.

3. The social and health problems of older ~~people~~ individuals and their caregivers are compounded by a lack of access to existing services and by the unavailability of a complete range of services in all areas of the state.

4. The ability of older ~~people~~ individuals to maintain self-sufficiency and to live their lives with dignity, productivity, and creativity is a matter of profound importance and concern for this state.

Sec. 14. Section 231.3, Code 2009, is amended to read as follows:

231.3 STATE POLICY AND OBJECTIVES.

The general assembly declares that it is the policy of the state to work toward attainment of the following objectives for Iowa's ~~elders~~ older individuals:

1. An adequate income.
2. Access to physical and mental health care without regard to economic status.
3. Suitable housing that reflects the needs of older people.
4. Full restorative services for those who require institutional care, and a comprehensive

array of home and community-based, long-term care services adequate to sustain older people in their communities and, whenever possible, in their homes, including support for caregivers.

5. Pursuit of meaningful activity within the widest range of civic, cultural, educational, recreational, and employment opportunities.

6. Suitable community transportation systems to assist in the attainment of independent movement.

7. Freedom, independence, and the free exercise of individual initiative in planning and managing their own lives.

8. Freedom from abuse, neglect, and exploitation.

Sec. 15. Section 231.4, subsections 2, 3, 4, 5, and 10, Code 2009, are amended to read as follows:

2. "Commission" means the commission ~~of elder affairs~~ on aging.

3. "Department" means the department ~~of elder affairs~~ on aging.

4. "Director" means the director of the department ~~of elder affairs~~ on aging.

5. ~~"Elder"~~ "Older individual" means an individual who is sixty years of age or older.

10. "Resident's advocate program" means the state long-term care resident's advocate program ~~operated~~ administered by the department ~~of elder affairs and administered by the long-term care resident's advocate~~ on aging.

Sec. 16. Section 231.11, Code 2009, is amended to read as follows:

231.11 COMMISSION ESTABLISHED.

The commission ~~of elder affairs~~ on aging is established which shall consist of eleven members. One member each shall be appointed by the president of the senate, after consultation with the majority leader of the senate, and by the minority leader of the senate, from the members of the senate to serve as ex officio, nonvoting members. One member each shall be appointed by the speaker of the house of representatives and by the minority leader of the house of representatives, from the members of the house of representatives to serve as ex officio, nonvoting members. Seven members shall be appointed by the governor subject to confirmation by the senate. Not more than a simple majority of the governor's appointees shall belong to the same political party. At least four of the seven members appointed by the governor shall be fifty-five years of age or older when appointed.

Sec. 17. Section 231.14, subsections 3, 4, 6, 7, and 8, Code 2009, are amended to read as follows:

3. Serve as an effective and visible advocate for ~~elders~~ older individuals by establishing policies for reviewing and commenting upon all state plans, budgets, and policies which affect ~~elders~~ older individuals and for providing technical assistance to any agency, organization, association, or individual representing the needs of ~~elders~~ older individuals.

4. Divide the state into distinct planning and service areas after considering the geographical distribution of ~~elders~~ older individuals in the state, the incidence of the need for supportive services, nutrition services, multipurpose senior centers, and legal services, the distribution of ~~elders~~ older individuals who have low incomes residing in such areas, the distribution of resources available to provide such services or centers, the boundaries of existing areas within the state which are drawn for the planning or administration of supportive services programs, the location of units of general purpose, local government within the state, and any other relevant factors.

6. Adopt policies to assure that the department will take into account the views of ~~elders~~ older individuals in the development of policy.

7. Adopt a formula for the distribution of federal Act, state ~~elder~~ services for older individuals, and senior living program funds taking into account, to the maximum extent feasible, the best available data on the geographic distribution of ~~elders~~ older individuals in the state, and publish the formula for review and comment.

8. Adopt policies and measures to assure that preference will be given to providing services

to ~~elders~~ older individuals with the greatest economic or social needs, with particular attention to low-income minority ~~elders~~ older individuals.

Sec. 18. Section 231.21, Code 2009, is amended to read as follows:

231.21 DEPARTMENT ~~OF ELDER AFFAIRS~~ ON AGING.

An Iowa department ~~of elder affairs~~ on aging is established which shall administer this chapter under the policy direction of the commission ~~of elder affairs~~ on aging. The department ~~of elder affairs~~ on aging shall be administered by a director.

Sec. 19. Section 231.22, Code 2009, is amended to read as follows:

231.22 DIRECTOR.

1. The governor, subject to confirmation by the senate, shall appoint a director of the department ~~of elder affairs~~ on aging who shall, subject to chapter 8A, subchapter IV, employ and direct staff as necessary to carry out the powers and duties created by this chapter. The director shall serve at the pleasure of the governor. However, the director is subject to reconfirmation by the senate as provided in section 2.32, subsection 4. The governor shall set the salary for the director within the range set by the general assembly.

2. The director shall have the following qualifications and training:

a. Training in the field of gerontology, social work, public health, public administration, or other related fields.

b. Direct experience or extensive knowledge of programs and services related to ~~elders~~ older individuals.

c. Demonstrated understanding and concern for the welfare of ~~elders~~ older individuals.

d. Demonstrated competency and recent working experience in an administrative, supervisory, or management position.

Sec. 20. Section 231.23, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The department ~~of elder affairs~~ on aging director shall:

Sec. 21. Section 231.23, subsections 4, 7, 9, and 11, Code 2009, are amended to read as follows:

4. Advocate for ~~elders~~ older individuals by reviewing and commenting upon all state plans, budgets, laws, rules, regulations, and policies which affect ~~elders~~ older individuals and by providing technical assistance to any agency, organization, association, or individual representing the needs of ~~the elders~~ older individuals.

7. Pursuant to commission policy, take into account the views of ~~elder~~ older Iowans.

9. Assist the commission in assuring that preference will be given to providing services to ~~elders~~ older individuals with the greatest economic or social needs, with particular attention to low-income minority ~~elders~~ older individuals.

11. Apply for, receive, and administer grants ~~and~~, devises, donations, gifts, or bequests of real or personal property from any source to conduct projects consistent with the purposes of ~~this chapter~~ the department. Notwithstanding section 8.33, moneys received by the department pursuant to this section are not subject to reversion to the general fund of the state.

Sec. 22. Section 231.23A, Code 2009, is amended to read as follows:

231.23A PROGRAMS AND SERVICES.

The department ~~of elder affairs~~ on aging shall provide or administer, but is not limited to providing or administering, all of the following programs and services:

1. ~~Elder services~~ Services for older individuals including but not limited to home and community-based services such as adult day, assessment and intervention, transportation, chore, counseling, homemaker, material aid, personal care, reassurance, respite, visitation, caregiver support, emergency response system, mental health outreach, and home repair~~, meals, and nutrition counseling~~.

2. The senior internship program.
3. The case management program for frail elders.
4. The aging and disability resource center program.
5. The legal assistance development program.
6. The nutrition program.
~~4.~~ 7. Administration relating to the long-term care resident's advocate program and training for resident advocate committees.
~~5.~~ 8. Administration relating to the area agencies on aging.
9. Elder abuse prevention, detection, intervention, and awareness including neglect and exploitation.
~~6.~~ 10. Other programs and services authorized by law.

Sec. 23. Section 231.31, Code 2009, is amended to read as follows:
231.31 STATE PLAN ON AGING.
The department ~~of elder affairs~~ on aging shall develop, and submit to the commission ~~of elder affairs~~ on aging for approval, a multiyear state plan on aging. The state plan on aging shall meet all applicable federal requirements.

Sec. 24. Section 231.32, subsection 2, paragraph d, unnumbered paragraph 1, Code 2009, is amended to read as follows:
Any public or nonprofit private agency in a planning and service area or any separate organizational unit within such agency which is under the supervision or direction for this purpose of the department ~~of elder affairs~~ on aging and which can engage in the planning or provision of a broad range of supportive services or nutrition services within the planning and service area.

Sec. 25. Section 231.33, subsections 2, 7, 8, 9, 11, 14, 15, 16, 17, 18, 19, and 21, Code 2009, are amended to read as follows:
2. Assess the types and levels of services needed by older ~~persons~~ individuals and their caregivers in the planning and service area, and the effectiveness of other public or private programs serving those needs.
7. Give preference in the delivery of services under the area plan to ~~elders~~ older individuals with the greatest economic or social need.
8. Assure that ~~elders~~ older individuals and their caregivers in the planning and service area have reasonably convenient access to information and assistance services.
9. Provide adequate and effective opportunities for ~~elders~~ older individuals to express their views to the area agency on policy development and program implementation under the area plan.
11. Contact outreach efforts, with special emphasis on rural ~~elders~~ older individuals, to identify ~~elders~~ older individuals with greatest economic or social needs and inform them of the availability of services under the area plan.
14. Monitor, evaluate, and comment on laws, rules, regulations, policies, programs, hearings, levies, and community actions which significantly affect the lives of ~~elders~~ older individuals.
15. Conduct public hearings on the needs of ~~elders~~ older individuals and their caregivers.
16. Represent the interests of ~~elders~~ older individuals and their caregivers to public officials, public and private agencies, or organizations.
17. Coordinate planning with other agencies and organizations to promote new or expanded benefits and opportunities for ~~elders~~ older individuals.
18. Coordinate planning with other agencies for assuring the safety of ~~elders~~ older individuals in a natural disaster or other safety threatening situation.
19. Require the completion by board of directors members, annually, of four hours of training, provided by the department ~~of elder affairs~~ on aging.
21. Provide the opportunity for ~~elders~~ older individuals residing in the planning and service

area to offer substantive suggestions regarding the employment practices of the area agency on aging.

Sec. 26. Section 231.41, Code 2009, is amended to read as follows:

231.41 PURPOSE.

The purpose of this subchapter is to establish the long-term care resident's advocate program operated by the Iowa commission ~~of elder affairs~~ on aging in accordance with the requirements of the federal Act, and to adopt the supporting federal regulations and guidelines for its implementation. In accordance with chapter 17A, the commission ~~of elder affairs~~ on aging shall adopt and enforce rules for the implementation of this subchapter.

Sec. 27. Section 231.42, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The Iowa commission ~~of elder affairs~~ on aging, in accordance with section 712 of the federal Act, as codified at 42 U.S.C. § 3058g, shall establish the office of long-term care resident's advocate within the department. The long-term care resident's advocate shall administer and monitor local long-term care resident's advocate programs. The long-term care resident's advocate and local long-term care resident's advocates shall:

Sec. 28. Section 231.42, subsection 6, Code 2009, is amended to read as follows:

6. Administer the resident advocate committee volunteer program.

Sec. 29. Section 231.42, unnumbered paragraph 2, Code 2009, is amended to read as follows:

The long-term care resident's advocate and local long-term care resident's advocates shall have access to long-term care facilities, private access to residents, access to residents' personal and medical records, and access to other records maintained by the facilities or governmental agencies pertaining only to the person on whose behalf a complaint is being investigated.

Sec. 30. Section 231.43, Code 2009, is amended to read as follows:

231.43 AUTHORITY AND RESPONSIBILITIES OF THE COMMISSION.

To ensure compliance with the federal Act the commission ~~of elder affairs~~ on aging shall establish the following:

1. Procedures to protect the confidentiality of a resident's records and files.
2. A statewide uniform reporting system.
3. Procedures to enable the long-term care resident's advocate to elicit, receive, and process complaints regarding administrative actions which may adversely affect the health, safety, welfare, or rights of ~~elders~~ older individuals in long-term care facilities.

Sec. 31. Section 231.44, subsections 1 and 4, Code 2009, are amended to read as follows:

1. The resident advocate committee volunteer program is administered by the long-term care resident's advocate program.

4. The state, any resident advocate committee member, and any ~~resident advocate coordinator~~ local long-term care resident's advocate are not liable for an action undertaken by a resident advocate committee member or a ~~resident advocate committee coordinator~~ local long-term care resident's advocate in the performance of duty, if the action is undertaken and carried out reasonably and in good faith.

Sec. 32. Section 231.52, subsections 1 and 3, Code 2009, are amended to read as follows:

1. The department shall ~~establish~~ administer the senior internship program in ~~coordination~~ consultation with the department of workforce development to encourage and promote ~~the meaningful employment of older Iowans~~ work training programs leading to the employment of older individuals.

3. The department shall require such uniform reporting and financial accounting by ~~area~~

~~agencies on aging and local projects~~ contractors as may be necessary to fulfill the purposes of this section.

Sec. 33. Section 231.53, Code 2009, is amended to read as follows:

231.53 COORDINATION WITH WORKFORCE INVESTMENT ACT.

The ~~employment and training program administered by the department~~ senior internship program shall be coordinated with the ~~training program for older individuals~~ federal Workforce Investment Act administered by the department of workforce development ~~under the federal Workforce Investment Act~~.

Sec. 34. Section 231.56, Code 2009, is amended to read as follows:

231.56 ~~ELDER~~ SERVICES ~~PROGRAM~~ AND PROGRAMS.

The department shall administer ~~an elder~~ services ~~program~~ and programs to reduce institutionalization and encourage community involvement to help ~~elders~~ older individuals remain in their own homes. Funds appropriated for this purpose shall be instituted based on administrative rules adopted by the commission. The department shall require such records as needed to administer this section.

Sec. 35. Section 231.56A, subsections 1 through 5, Code 2009, are amended to read as follows:

1. Through the state's service contract process adopted pursuant to section 8.47, the department shall identify ~~area agencies on aging~~ entities that have demonstrated the ability to provide a collaborative response to the immediate needs of ~~elders in the area agency on aging service area~~ older individuals for the purpose of implementing elder abuse initiative, emergency shelter, and support services projects. The projects shall be ~~implemented only in the counties within an area agency on aging~~ coordinated in service ~~area~~ areas that have a multidisciplinary team established pursuant to section 235B.1, where available.

2. The target population of the projects shall be any ~~elder~~ older individual residing in ~~the service area of an area agency on aging~~ Iowa who ~~meets both of the following conditions:~~

~~a. Is~~ is at risk of or who is experiencing abuse, neglect, or exploitation which may include but is not limited to an older individual who is the subject of a report of suspected dependent adult abuse pursuant to chapter 235B. This subsection shall not apply to an older individual who is receiving assistance under a county management plan approved pursuant to section 331.439.

~~b. Is not receiving assistance under a county management plan approved pursuant to section 331.439.~~

3. The ~~area agencies on aging~~ contractor implementing the projects shall identify allowable emergency shelter and support services, state funding, outcomes, reporting requirements, and approved community resources from which services may be obtained under the projects. ~~The area agency on aging shall identify at least one provider of case management services for the project area.~~

4. The ~~area agencies on aging~~ contractor shall implement the projects and shall coordinate the provider network through the use of referrals or other engagement of community resources to provide services to ~~elders~~ older individuals.

5. The department shall award funds to the ~~area agencies on aging~~ contractor in accordance with the state's service contract process and department rule. Receipt and expenditures of moneys under the projects are subject to examination, including audit, by the department.

Sec. 36. Section 231.57, Code 2009, is amended to read as follows:

231.57 COORDINATION OF ADVOCACY.

The department shall ~~establish~~ administer a program for the coordination of information and assistance provided within the state to assist ~~elders~~ older individuals and their caregivers in obtaining and protecting their rights and benefits. State and local agencies providing information and assistance to ~~elders~~ older individuals and their caregivers in seeking their rights

and benefits shall cooperate with the department in ~~developing and implementing~~ administering this program.

Sec. 37. Section 231.58, subsection 1, Code 2009, is amended to read as follows:

1. A senior living coordinating unit is created within the department ~~of elder affairs~~ on aging. The membership of the coordinating unit consists of:

a. The director of human services.

b. The director of the department ~~of elder affairs~~ on aging.

c. The director of public health.

d. The director of the department of inspections and appeals.

e. Two members appointed by the governor.

f. Four members of the general assembly, as ex officio, nonvoting members.

Sec. 38. Section 231.58, subsection 4, paragraphs b and i, Code 2009, are amended to read as follows:

b. Develop common intake and release procedures for the purpose of determining eligibility at one point of intake and determining eligibility for programs administered by the departments of human services~~,~~ and public health~~,~~ and ~~elder affairs~~ the department on aging, such as the medical assistance program, federal food stamp program, homemaker-home health aide programs, and the case management program for frail elders administered by the department ~~of elder affairs~~ on aging.

i. Consult with the state universities and other institutions with expertise in the area of ~~elder issues~~ older Iowans and the long-term care continua.

Sec. 39. NEW SECTION. 231.64 AGING AND DISABILITY RESOURCE CENTER PROGRAM.

The aging and disability resource center program shall be administered by the department in accordance with the requirements of the federal Act. The purpose of the program is to provide a coordinated local system of information and access in order to minimize confusion, enhance individual choice, and support informed decision making for older individuals, persons with disabilities age eighteen or older, and people who inquire about, or request assistance on behalf of, members of these groups as they seek long-term care services and supports.

Sec. 40. NEW SECTION. 231.65 LEGAL ASSISTANCE DEVELOPMENT PROGRAM.

A legal assistance development program shall be administered by the department in accordance with the requirements of the federal Act. The purpose of the program is to provide leadership for improving the quality and quantity of legal advocacy assistance as a means of ensuring a comprehensive elder rights system for Iowa's older individuals. The extent of implementation of this program shall be based on available resources.

Sec. 41. NEW SECTION. 231.66 NUTRITION PROGRAM.

A nutrition program shall be administered by the department, in accordance with the requirements of the federal Act, including congregate and home-delivered nutrition programs, nutrition education, nutrition counseling, and evidence-based health promotion programs to promote health and well-being, reduce food insecurity, promote socialization, and maximize independence of older individuals.

Sec. 42. Section 231B.19, Code 2009, is amended to read as follows:

231B.19 RESIDENT ADVOCATE COMMITTEES.

The commission ~~of elder affairs~~ on aging shall adopt by rule procedures for appointing members of resident advocate committees for elder group homes.

Sec. 43. Section 231E.3, subsections 2, 6, and 7, Code 2009, are amended to read as follows:

2. "Commission" means the commission ~~of elder affairs~~ on aging.

6. "Department" means the department ~~of elder affairs~~ on aging established in section 231.21.

7. "Director" means the director of the department ~~of elder affairs~~ on aging.

Sec. 44. Section 231E.4, subsection 2, Code 2009, is amended to read as follows:

2. The director shall appoint an administrator of the state office who shall serve as the state substitute decision maker. The state substitute decision maker shall be qualified for the position by training and expertise in substitute decision-making law and shall be licensed to practice law in Iowa. The state substitute decision maker shall also have knowledge of social services available to meet the needs of persons adjudicated incompetent or in need of substitute decision making.

Sec. 45. Section 231E.4, subsection 3, paragraph j, Code 2009, is amended to read as follows:

j. Develop, in cooperation with the judicial council as established in section 602.1202, a substitute decision-maker education and training program. The program may be offered to both public and private substitute decision makers. The state office shall establish a curriculum committee, which includes but is not limited to probate judges, to develop the education and training program. The state office shall be the sole authority for certifying additional curriculum trainers.

Sec. 46. Section 231E.4, subsection 4, paragraphs a and b, Code 2009, are amended to read as follows:

a. Accept and receive gifts, grants, or donations from any public or private entity in support of the state office. Such gifts, grants, or donations shall be appropriated pursuant to section 231E.9. Notwithstanding section 8.33, moneys retained by the department pursuant to this section shall not be subject to reversion to the general fund of the state.

b. Accept the services of individual volunteers and volunteer organizations. Volunteers and volunteer organizations utilized by the state office shall not provide direct substitute decision-making services.

Sec. 47. Section 231E.6, Code 2009, is amended to read as follows:

231E.6 COURT-INITIATED OR PETITION-INITIATED APPOINTMENT OF STATE OR LOCAL SUBSTITUTE DECISION MAKER — GUARDIANSHIP OR CONSERVATORSHIP — DISCHARGE.

1. The court may appoint on its own motion or upon petition of any person, the state office or local office of substitute decision maker, to serve as guardian or conservator for any proposed ward in cases in which the court determines that the proceeding will establish the least restrictive form of substitute decision making suitable for the proposed ward and if the proposed ward meets all of the following criteria:

~~1.~~ a. Is a resident of the planning and service area in which the local office is located from which services would be provided or is a resident of the state, if the state office would provide the services.

~~2.~~ b. Is eighteen years of age or older.

~~3.~~ c. Does not have suitable family or another appropriate entity willing and able to serve as guardian or conservator.

~~4.~~ d. Is incompetent.

~~5.~~ e. Is an individual for whom guardianship or conservatorship services are the least restrictive means of meeting the individual's needs.

2. For all appointments made pursuant to this section, notice shall be provided to the state office or local office of substitute decision maker prior to appointment. For appointments made pursuant to this section, the state office or local office of substitute decision maker shall only accept appointments made pursuant to the filing of an involuntary petition for appointment of a conservator or guardianship pursuant to chapter 633.

Sec. 48. Section 231E.7, Code 2009, is amended to read as follows:

231E.7 SUBSTITUTE DECISION MAKER-INITIATED APPOINTMENT — INTERVENTIONS.

The state office or local office may on its own motion or at the request of the court intervene in a guardianship or conservatorship proceeding if the state office or local office or the court considers the intervention to be justified because of any of the following:

1. An appointed guardian or conservator is not fulfilling prescribed duties or is subject to removal under section 633.65.

2. A willing and qualified guardian or conservator is not available.

3. The best interests of the ward require the intervention.

Sec. 49. Section 231E.8, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 6. The state or a local substitute decision maker may petition to be removed as guardian or conservator. A petition for removal shall be granted for any of the following reasons:

a. The ward displays assaultive or aggressive behavior that causes the substitute decision maker to fear for their personal safety.

b. The ward refuses the services of the substitute decision maker.

c. The ward refuses to have contact with the substitute decision maker.

d. The ward moves out of Iowa.

NEW SUBSECTION. 7. An appointment nominating the state office or a local office under a power of attorney shall not take effect unless the nominated state or local office has consented to the appointment in writing.

Sec. 50. Section 235B.1, subsection 4, paragraph b, subparagraph (1), Code 2009, is amended to read as follows:

(1) The advisory council shall consist of twelve members. Six members shall be appointed by and serve at the pleasure of the governor. Four of the members appointed shall be appointed on the basis of knowledge and skill related to expertise in the area of dependent adult abuse including professionals practicing in the disciplines of medicine, public health, mental health, long-term care, social work, law, and law enforcement. Two of the members appointed shall be members of the general public with an interest in the area of dependent adult abuse and two of the members appointed shall be members of the Iowa caregivers association. In addition, the membership of the council shall include the director or the director's designee of the department of human services, the department ~~of elder affairs~~ on aging, the Iowa department of public health, and the department of inspections and appeals.

Sec. 51. Section 235B.6, subsection 2, paragraph e, subparagraph (11), Code 2009, is amended to read as follows:

(11) The state office or a local office of substitute decision maker as defined in section 231E.3, ~~appointed by the court as a guardian or conservator of the adult named in a report as the victim of abuse or the person designated to be responsible for performing or obtaining protective services on behalf of a dependent adult pursuant to section 235B.18~~ if the information relates to the provision of legal services for a client served by the state or local office of substitute decision maker.

Sec. 52. Section 235B.6, subsection 2, paragraph e, Code 2009, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (14) The department on aging for the purposes of conducting background checks of applicants for employment with the department on aging.

Sec. 53. Section 235B.16, subsections 1 and 2, Code 2009, are amended to read as follows:

1. The department ~~of elder affairs~~ on aging, in cooperation with the department, shall conduct a public information and education program. The elements and goals of the program include but are not limited to:

a. Informing the public regarding the laws governing dependent adult abuse and the reporting requirements for dependent adult abuse.

b. Providing caretakers with information regarding services to alleviate the emotional, psychological, physical, or financial stress associated with the caretaker and dependent adult relationship.

c. Affecting public attitudes regarding the role of a dependent adult in society.

2. The department, in cooperation with the department ~~of elder affairs~~ on aging and the department of inspections and appeals, shall institute a program of education and training for persons, including members of provider groups and family members, who may come in contact with dependent adult abuse. The program shall include but is not limited to instruction regarding recognition of dependent adult abuse and the procedure for the reporting of suspected abuse.

Sec. 54. Section 235B.16, subsection 5, paragraph d, subparagraph (3), Code 2009, is amended to read as follows:

(3) A training program using such an approved curriculum offered by the department of human services, the department ~~of elder affairs~~ on aging, the department of inspections and appeals, the Iowa law enforcement academy, or a similar public agency.

Sec. 55. Section 249A.4B, subsection 2, paragraph d, Code 2009, is amended to read as follows:

d. The director of the department ~~of elder affairs~~ on aging, or the director's designee.

Sec. 56. Section 249H.3, subsections 1 and 12, Code 2009, are amended to read as follows:

1. "Affordable" means rates for payment of services which do not exceed the rates established for providers of medical and health services under the medical assistance program with eligibility for an individual equal to the eligibility for medical assistance pursuant to section 249A.3. In relation to services provided by a provider of services under a home and community-based services waiver, "affordable" means that the total monthly cost of the services provided under the home and community-based services waiver does not exceed the cost for that level of care as established by rule by the department of human services, pursuant to chapter 17A, in consultation with the department ~~of elder affairs~~ on aging.

12. "Senior living coordinating unit" means the senior living coordinating unit created within the department ~~of elder affairs~~ on aging pursuant to section 231.58, or its designee.

Sec. 57. Section 249H.5, subsection 1, Code 2009, is amended to read as follows:

1. Moneys deposited in the senior living trust fund created in section 249H.4 shall be used only as provided in appropriations from the trust fund to the department of human services and the department ~~of elder affairs~~ on aging, and for purposes, including the awarding of grants, as specified in this chapter.

Sec. 58. Section 249H.5, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. To the department ~~of elder affairs~~ on aging, an amount necessary, annually, for expenses incurred in implementation and administration of the long-term care alternatives programs and for delivery of long-term care services to seniors with low or moderate incomes.

Sec. 59. Section 249H.7, Code 2009, is amended to read as follows:

249H.7 HOME AND COMMUNITY-BASED SERVICES FOR SENIORS.

1. Beginning October 1, 2000, the department ~~of elder affairs~~ on aging, in consultation with the senior living coordinating unit, shall use funds appropriated from the senior living trust fund for activities related to the design, maintenance, or expansion of home and community-based services for seniors, including but not limited to adult day services, personal care, respite, homemaker, chore, and transportation services designed to promote the independence of and to delay the use of institutional care by seniors with low and moderate incomes. At any

time that moneys are appropriated, the department ~~of elder affairs~~ on aging, in consultation with the senior living coordinating unit, shall disburse the funds to the area agencies on aging.

2. The department ~~of elder affairs~~ on aging shall adopt rules, in consultation with the senior living coordinating unit and the area agencies on aging, pursuant to chapter 17A, to provide all of the following:

a. (1) The criteria and process for disbursement of funds, appropriated in accordance with subsection 1, to area agencies on aging.

(2) The criteria shall include, at a minimum, all of the following:

(a) A distribution formula that triple weights all of the following:

(i) Individuals seventy-five years of age and older.

(ii) Individuals aged sixty and older who are members of a racial minority.

(iii) Individuals sixty years of age and older who reside in rural areas as defined in the federal Older Americans Act.

(iv) Individuals who are sixty years of age and older who have incomes at or below the poverty level as defined in the federal Older Americans Act.

(b) A distribution formula that single weights individuals sixty years of age and older who do not meet the criteria specified in subparagraph ~~subdivision~~ division (a).

b. The criteria for long-term care providers to receive funding as subcontractors of the area agencies on aging.

c. Other procedures the department ~~of elder affairs~~ on aging deems necessary for the proper administration of this section, including but not limited to the submission of progress reports, on a bimonthly basis, to the senior living coordinating unit.

3. This section does not create an entitlement to any funds available for disbursement under this section and the department ~~of elder affairs~~ on aging may only disburse moneys to the extent funds are available and, within its discretion, to the extent requests for funding are approved.

4. Long-term care providers that receive funding under this section shall submit annual reports to the appropriate area agency on aging. The department ~~of elder affairs~~ on aging shall develop the report to be submitted, which shall include~~,~~ but is not limited to~~,~~ units of service provided, the number of service recipients, costs, and the number of units of service identified as necessitated but not provided.

5. The department ~~of elder affairs~~ on aging, in cooperation with the department of human services, shall provide annual reports to the governor and the general assembly concerning the impact of moneys disbursed under this section on the availability of long-term care services in Iowa. The reports shall include the types of services funded, the outcome of those services, and the number of individuals receiving those services.

Sec. 60. Section 249H.9, Code 2009, is amended to read as follows:

249H.9 SENIOR LIVING PROGRAM INFORMATION — ELECTRONIC ACCESS — EDUCATION — ADVISORY COUNCIL.

1. The department ~~of elder affairs~~ on aging and the area agencies on aging, in consultation with the senior living coordinating unit, shall create, on a county basis, a database directory of all health care and support services available to seniors. The department ~~of elder affairs~~ on aging shall make the database electronically available to the public, and shall update the database on at least a monthly basis.

2. The department ~~of elder affairs~~ on aging shall seek foundation funding to develop and provide an educational program for individuals aged twenty-one and older which assists participants in planning for and financing health care services and other supports in their senior years.

3. The department of human services shall develop and distribute an informational packet to the public that explains, in layperson terms, the law, regulations, and rules under the medical assistance program relative to health care services options for seniors, including but not limited to those relating to transfer of assets, prepaid funeral expenses, and life insurance policies.

4. The director of human services, the director of the department ~~of elder affairs~~ on aging, the director of public health, the director of the department of inspections and appeals, the director of revenue, and the commissioner of insurance shall constitute a senior advisory council to provide oversight in the development and operation of all informational aspects of the senior living program under this section.

Sec. 61. Section 249H.10, Code 2009, is amended to read as follows:

249H.10 CAREGIVER SUPPORT — ACCESS AND EDUCATION PROGRAMS.

The department of human services and the department ~~of elder affairs~~ on aging, in consultation with the senior living coordinating unit, shall implement a caregiver support program to provide access to respite care and to provide education to caregivers in providing appropriate care to seniors and persons with disabilities. The program shall be provided through the area agencies on aging or other appropriate agencies.

Sec. 62. Section 324A.4, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Upon request, the department shall provide assistance to political subdivisions, state agencies, and organizations affected by this chapter for federal aid applications for urban and rural transit system program aid. The department, in cooperation with the regional planning agencies, shall maintain current information reflecting the amount of federal, state, and local aid received by the public and private nonprofit organizations providing public transit services and the purpose for which the aid is received. The department shall annually prepare a report to be submitted to the general assembly, the department of management, and to the governor, prior to February 1 of each year, stating the receipts and disbursements made during the preceding fiscal year and the adequacy of programs financed by federal, state, local, and private aid in the state. The department shall analyze the programs financed and recommend methods of avoiding duplication and increasing the efficacy of programs financed. The department shall receive comments from the department of human services, department ~~of elder affairs~~ on aging, and the officers and agents of the other affected state and local government units relative to the department's analysis. The department shall use the following criteria to adopt rules to determine compliance with and exceptions to subsection 1:

Sec. 63. Section 324A.5, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The department of human services, department ~~of elder affairs~~ on aging, and the officers and agents of other state and local governmental units shall assist the department in carrying out section 324A.4, subsections 1 and 2, insofar as the functions of these respective officers and departments are concerned with the health, welfare and safety of any recipient of transportation services.

Approved March 25, 2009

CHAPTER 24

PUBLIC SAFETY AND LAW ENFORCEMENT PRACTICES AND PROCEDURES

S.F. 209

AN ACT relating to the practices and procedures of the department of public safety and other law enforcement agencies, including building inspections, controlled substance detection training, and criminal history data storage.

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

Section 1. Section 103A.10A, subsections 1 and 2, Code 2009, are amended to read as follows:

1. All newly constructed buildings or structures subject to the state building code, including any addition, but excluding any renovation or repair of such a building or structure, owned by the state or an agency of the state, except as provided in subsection 2, shall be subject to a plan review and inspection by the commissioner or an independent building inspector appointed by the commissioner. Any renovation or repair of such a building or structure shall be subject to a plan review, except as provided in subsection 2. A fee shall be assessed for the cost of plan review, and, if applicable, the cost of inspection. The commissioner may inspect an existing building that is undergoing renovation or remodeling to enforce the energy conservation requirements established under this chapter.

2. All newly constructed buildings, including any addition, but excluding any renovation or repair of a building, owned by the state board of regents shall be subject to a plan review and inspection by the commissioner or the commissioner's staff or assistant. A renovation of a building owned by the state board of regents shall be subject to a plan review. The commissioner may inspect an existing building that is undergoing renovation or remodeling to enforce the energy conservation requirements established under this chapter. The commissioner and the state board of regents shall develop a plan to implement this provision.

Sec. 2. Section 124.506, subsection 1, Code 2009, is amended to read as follows:

1. Except as otherwise provided in this section, the court having jurisdiction shall order such controlled substances forfeited and destroyed. A record of the place where the controlled substances were seized, of the kinds and quantities of controlled substances so destroyed, and of the time, place, and manner of destruction, shall be kept for not less than ten years after destruction, and a return under oath, reporting said destruction, shall be made to the court ~~and to the bureau by the officer who destroys them~~.

Sec. 3. Section 124.506, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Upon a request of any law enforcement agency, the court may order that a portion of a controlled substance subject to forfeiture and destruction pursuant to this section becomes the possession of the requesting law enforcement agency for the sole purpose of canine controlled substance detection training. A law enforcement agency receiving a controlled substance pursuant to this subsection shall do the following:

a. Establish a policy that includes reasonable controls regarding the possession, storage, use, and destruction of the controlled substance.

b. Retain a record of the following for at least ten years from the date the controlled substance is destroyed:

(1) The court order granting the law enforcement agency possession of the controlled substance.

(2) The name of each peace officer who takes possession of the controlled substance.

(3) The time, place, and manner of the destruction of the controlled substance.

Sec. 4. Section 692.17, Code 2009, is amended to read as follows:

692.17 EXCLUSIONS — PURPOSES.

1. Criminal history data in a computer data storage system shall not include arrest or disposition data or custody or adjudication data after the person has been acquitted or the charges dismissed, except that records of acquittals or dismissals by reason of insanity and records of adjudications of mental incompetence to stand trial in cases in which physical or mental injury or an attempt to commit physical or mental injury to another was alleged may be included. Criminal history data shall not include custody or adjudication data, except as necessary for the purpose of administering chapter 692A, after the juvenile has reached twenty-one years of age, unless the juvenile was convicted of or pled guilty to a serious or aggravated misdemeanor or felony between age eighteen and age twenty-one.

2. For the purposes of this section, "criminal history data" includes the following:

~~1.~~ a. In the case of an adult, information maintained by any criminal justice agency if the information otherwise meets the definition of criminal history data in section 692.1, except that source documents shall be retained.

~~2.~~ b. In the case of a juvenile, information maintained by any criminal or juvenile justice agency if the information otherwise meets the definition of criminal history data in section 692.1. In the case of a juvenile, criminal history data and source documents, other than fingerprint records, shall not be retained.

3. Fingerprint cards received that are used to establish a criminal history data record shall be retained in the automated fingerprint identification system when the criminal history data record is expunged.

4. Criminal history data may be collected for management or research purposes.

Approved March 25, 2009

CHAPTER 25

PSEUDOEPHEDRINE PRODUCT SALES

S.F. 237

AN ACT relating to pseudoephedrine product sales by pharmacies and retailers, and providing penalties and contingent applicability.

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

Section 1. Section 124.101, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 20A. "Office" means the governor's office of drug control policy, as referred to in section 80E.1.

Sec. 2. Section 124.212, subsection 4, paragraph c, Code 2009, is amended to read as follows:

c. Pseudoephedrine. A person shall present a government-issued photo identification card when purchasing a pseudoephedrine product from a pharmacy. A person shall not purchase ~~more than seven thousand five hundred milligrams of pseudoephedrine, either separately or collectively, within a thirty-day period~~ a quantity of pseudoephedrine in violation of section

124.213 from a pharmacy, unless the person has a prescription for a pseudoephedrine product in excess of that quantity. A pseudoephedrine product not excepted from this schedule shall be sold by a pharmacy as provided in section 124.212A.

Sec. 3. NEW SECTION. 124.212A PHARMACY PSEUDOEPHEDRINE SALE — RESTRICTIONS — RECORDS — CONTINGENT APPLICABILITY.

1. A pharmacy, an employee of a pharmacy, or a licensed pharmacist shall do the following:

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

b. Require the purchaser to present a governmental-issued[1] photo identification card identifying the purchaser prior to purchasing a pseudoephedrine product.

c. Provide an electronic logbook for purchasers of pseudoephedrine products to sign.

d. Require the purchaser to sign the electronic logbook. If the electronic logbook is not available, require a signature that is associated with a transaction number.

e. Enter the purchaser's name, address, date of purchase, time of purchase, name of the pseudoephedrine product purchased, and the quantity sold in the electronic logbook. If the electronic logbook is unavailable, an alternative record shall be kept that complies with the rules adopted by both the office and the board.

f. Determine that the signature in the electronic logbook corresponds with the name on the government-issued photo identification card.

g. Provide notice that a purchaser entering a false statement or misrepresentation in the electronic logbook may subject the purchaser to criminal penalties under 18 U.S.C. § 1001.

h. Keep electronic logbook records and any other records obtained from pseudoephedrine purchases if the electronic logbook is unavailable for twenty-four months from the date of the last entry.

i. Disclose electronic logbook information and any other pseudoephedrine purchase records as provided by state and federal law.

j. Comply with training requirements pursuant to federal law.

2. This section is not applicable unless sufficient funding is received to implement and maintain the statewide real-time central repository and the office establishes the statewide real-time central repository. However, subsection 1, paragraph "h" is applicable upon the effective date of this Act.

Sec. 4. NEW SECTION. 124.212B PSEUDOEPHEDRINE SALES — TRACKING — PENALTY — CONTINGENT APPLICABILITY.

1. The office shall establish a real-time electronic repository to monitor and control the sale of schedule V products containing any detectible amount of pseudoephedrine, its salts, or optical isomers, or salts of optical isomers; ephedrine; or phenylpropanolamine. A pharmacy dispensing such products shall report all such sales electronically to a central repository under the control of the office.

2. The information collected in the central repository is confidential unless otherwise ordered by a court, or released by the lawful custodian of the records pursuant to state or federal law.

3. A pharmacy, an employee of a pharmacy, or a licensed pharmacist shall not be provided access to the stored information in the electronic central repository. However, a pharmacy, an employee of a pharmacy, or a licensed pharmacist shall be provided access to the stored information for the limited purpose of determining what sales have been made by the pharmacy. A pharmacy, an employee of a pharmacy, or a licensed pharmacist shall not be given the obligation or duty to view the stored information.

4. A pharmacy, or an employee of a pharmacy, or a licensed pharmacist shall not be given the obligation or duty to seek information from the central repository if the real-time electronic logbook becomes unavailable for use.

5. If the electronic logbook is unavailable for use, a paper record for each sale shall be maintained including the purchaser's signature. Any paper record maintained by the pharmacy

[1] According to enrolled Act; the phrase "government-issued" probably intended

shall be provided to the office for inclusion in the electronic real-time central repository as soon as practicable.

6. A pharmacy, or an employee of a pharmacy, or a licensed pharmacist shall not be liable, if acting reasonably and in good faith, to any person for any claim which may arise when reporting sales of products enumerated in subsection 1 to the central repository.

7. A person who discloses information stored in the central repository in violation of this section commits a simple misdemeanor.

8. Both the office and the board shall adopt rules to administer this section.

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

10. This section is not applicable unless sufficient funding is received to implement and maintain this section and the office establishes the statewide real-time central repository.

Sec. 5. NEW SECTION. 124.212C PSEUDOEPHEDRINE ADVISORY COUNCIL — ELECTRONIC MONITORING.

1. The office shall establish a pseudoephedrine advisory council to provide input and advise the office regarding the implementation and maintenance of the statewide real-time central repository established under section 124.212B to monitor sales of pseudoephedrine. The office shall specify the duties, responsibilities, and other related matters of the advisory council.

2. a. The council shall consist of four licensed pharmacists. The office shall solicit recommendations for membership on the council from the Iowa pharmacy association and Iowa retail federation, and shall appoint members from the recommendations. The council shall include a member from an independent pharmacy, a member from a regional chain pharmacy, and a member from a national chain pharmacy. The license of any member must be current and not subject to disciplinary sanctions.

b. The council shall also consist of four members of the general assembly serving as ex officio, nonvoting members, one representative to be appointed by the speaker of the house of representatives, one representative to be appointed by the minority leader of the house of representatives, one senator to be appointed by the majority leader of the senate after consultation with the president of the senate, and one senator to be appointed by the minority leader of the senate.

3. The council may make recommendations regarding the implementation and maintenance of the statewide real-time central repository monitoring system under section 124.212B.

4. The council shall do the following:

a. Assist the office in implementing and maintaining the statewide real-time central repository monitoring system.

b. Assist the office in developing utilization guidance related to the statewide real-time central repository monitoring system and disseminating such guidance.

c. Assist the office in developing guidelines to ensure patient confidentiality and the integrity of the relationship established by the patient and the patient's health care provider.

5. All members of the council shall receive actual and necessary expenses incurred in the performance of their duties.

Sec. 6. Section 124.213, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

124.213 PSEUDOEPHEDRINE PURCHASE RESTRICTIONS FROM PHARMACY OR RETAILER — PENALTY.

1. A person shall not purchase more than three thousand six hundred milligrams of pseudoephedrine, either separately or collectively, within a twenty-four-hour period from a pharmacy, or more than one package of a product containing pseudoephedrine within a twenty-four hour period from a retailer in violation of section 126.23A.

2. A person shall not purchase more than seven thousand five hundred milligrams of

pseudoephedrine, either separately or collectively, within a thirty-day period from a pharmacy or from a retailer in violation of section 126.23A.

3. A person who violates this section commits a serious misdemeanor.

Sec. 7. Section 126.23A, subsection 1, paragraph a, subparagraph (1), Code 2009, is amended by striking the subparagraph and inserting in lieu thereof the following:

(1) Sell more than seven thousand five hundred milligrams of pseudoephedrine to the same person within a thirty-day period.

Sec. 8. Section 126.23A, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. A retailer or an employee of a retailer shall do the following:

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

(2) Require a purchaser to present a government-issued photo identification card identifying the purchaser prior to purchasing a pseudoephedrine product.

(3) Require the purchaser to sign a logbook and to also require the purchaser to legibly print the purchaser's name and address in the logbook.

(4) Print the name of the pseudoephedrine product purchased and quantity sold next to the name of each purchaser in the logbook.

~~(4)~~ (5) Determine the signature in the logbook corresponds with the name on the government-issued photo identification card.

~~(5)~~ (6) Keep the logbook ~~twelve~~ twenty-four months from the date of the last entry.

~~(6)~~ (7) Provide notification in a clear and conspicuous manner in a location where a pseudoephedrine product is offered for sale stating the following:

Iowa law prohibits the over-the-counter purchase of more than one package of a product containing pseudoephedrine in a twenty-four-hour period or of more than seven thousand five hundred milligrams of pseudoephedrine within a thirty-day period. If you purchase a product containing pseudoephedrine, you are required to sign a logbook which may be accessible to law enforcement officers.

(8) Provide notification affixed to the logbook stating that a purchaser entering a false statement or misrepresentation in the logbook may subject the purchaser to criminal penalties under 18 U.S.C. § 1001.

(9) Disclose logbook information as provided by state and federal law.

(10) Comply with training requirements pursuant to federal law.

Sec. 9. CONTINGENT APPLICABILITY — GOVERNOR'S OFFICE OF DRUG CONTROL POLICY AND CODE EDITOR RESPONSIBILITIES.

1. The governor's office of drug control policy shall notify the Code editor when the establishment of the repository on a statewide basis is complete.

2. When the establishment of the central repository on a statewide basis is complete, the Code editor is directed to remove section 124.212A, subsection 2, and section 124.212B, subsection 10, from the Code and to internally renumber the sections as necessary.

Approved March 25, 2009

CHAPTER 26

UNITED STATES DEPARTMENT OF VETERANS AFFAIRS — CODE REFERENCES

S.F. 241

AN ACT correcting references in the Code relating to the United States department of veterans affairs.

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

Section 1. Section 8A.413, subsection 22, paragraph a, Code 2009, is amended to read as follows:

a. Veterans who have a service-connected disability or are receiving compensation, disability benefits, or pension under laws administered by the United States department of veterans ~~administration~~ affairs shall have ten points added to the grades attained in qualifying examinations.

Sec. 2. Section 35.6, Code 2009, is amended to read as follows:

35.6 CONTRACT WITH UNITED STATES DEPARTMENT OF VETERANS ~~ADMINISTRATION~~ AFFAIRS.

A state agency or a political subdivision of this state operating a hospital or medical facility may contract with the United States department of veterans ~~administration~~ affairs to receive and to provide medical services to patients who are the responsibility of a United States department of veterans ~~administration~~ affairs hospital or medical facility in the same jurisdiction or medical service area.

Sec. 3. Section 35.12, subsection 1, Code 2009, is amended to read as follows:

1. The department shall coordinate with United States department of veterans ~~administration~~ affairs hospitals, health care facilities, and clinics in this state and the department of public health to provide assistance to veterans and their families to reduce the incidence of alcohol and chemical dependency and suicide among veterans and to make mental health counseling available to veterans.

Sec. 4. Section 35A.5, subsection 7, Code 2009, is amended to read as follows:

7. Assist the United States department of veterans ~~administration~~ affairs, the Iowa veterans home, funeral directors, and federally chartered veterans service organizations in providing information concerning veterans service records and veterans affairs data.

Sec. 5. Section 35D.1, subsection 1, Code 2009, is amended to read as follows:

1. The Iowa veterans home, located in Marshalltown, shall be maintained as a long-term health care facility providing multiple levels of care, with attendant health care services, for honorably discharged veterans and their dependent spouses and for surviving spouses of honorably discharged veterans. Eligibility requirements for admission to the Iowa veterans home shall coincide with the eligibility requirements for hospitalization in a United States department of veterans ~~administration~~ affairs facility pursuant to ~~title 38, United States Code, section 610~~ 38 U.S.C. § 1710, and regulations promulgated under that section, as amended ~~to January 1, 1984~~.

Sec. 6. Section 35D.18, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. ~~Federal~~ United States department of veterans ~~administration~~ affairs payments.

Sec. 7. Section 36.3, subsection 2, Code 2009, is amended to read as follows:

2. Annually compile and evaluate the information submitted in the reports pursuant to sub-

section 1, in consultation and cooperation with a certified medical toxicologist selected by the department. The department shall submit the report to the governor, the general assembly, and the United States department of veterans ~~administration~~ affairs. The report shall include current research data on the effects of exposure to chemicals, statistical information received from individual physicians' reports, and statistical information from the epidemiological investigations pursuant to subsection 3.

Sec. 8. Section 125.83A, Code 2009, is amended to read as follows:

125.83A PLACEMENT IN CERTAIN FEDERAL FACILITIES.

1. If upon completion of the commitment hearing, the court finds that the contention that the respondent is a chronic substance abuser has been sustained by clear and convincing evidence, and the court is furnished evidence that the respondent is eligible for care and treatment in a facility operated by the United States department of veterans ~~administration~~ affairs or another agency of the United States government and that the facility is willing to receive the respondent, the court may so order. The respondent, when so placed in a facility operated by the United States department of veterans ~~administration~~ affairs or another agency of the United States government within or outside of this state, shall be subject to the rules of the United States department of veterans ~~administration~~ affairs or other agency, but shall not lose any procedural rights afforded the respondent by this chapter. The chief officer of the facility shall have, with respect to the respondent so placed, the same powers and duties as the chief medical officer of a hospital in this state would have in regard to submission of reports to the court, retention of custody, transfer, convalescent leave, or discharge. Jurisdiction is retained in the court to maintain surveillance of the respondent's treatment and care, and at any time to inquire into the respondent's condition and the need for continued care and custody.

2. Upon receipt of a certificate stating that a respondent placed under this chapter is eligible for care and treatment in a facility operated by the United States department of veterans ~~administration~~ affairs or another agency of the United States government which is willing to receive the respondent without charge to the state of Iowa or any county in the state, the chief medical officer may transfer the respondent to that facility. Upon so doing, the chief medical officer shall notify the court which ordered the respondent's placement in the same manner as would be required in the case of a transfer under section 125.86, subsection 2, and the respondent transferred shall be entitled to the same rights as the respondent would have under that subsection. No respondent shall be transferred under this section who is confined pursuant to conviction of a public offense or whose placement was ordered upon contention of incompetence to stand trial by reason of mental illness, without prior approval of the court which ordered that respondent's placement.

3. A judgment or order of commitment by a court of competent jurisdiction of another state or the District of Columbia, under which any person is hospitalized or placed in a facility operated by the United States department of veterans ~~administration~~ affairs or another agency of the United States government, shall have the same force and effect with respect to that person while the person is in this state as the judgment or order would have if the person were in the jurisdiction of the court which issued it. That court shall be deemed to have retained jurisdiction of the person so placed for the purpose of inquiring into that person's condition and the need for continued care and custody, as do courts in this state under this section. Consent is given to the application of the law of the state or district in which the court is situated which issued the judgment or order as regards authority of the chief officer of any facility, operated in this state by the United States department of veterans ~~administration~~ affairs or another agency of the United States government, to retain custody, transfer, place on convalescent leave, or discharge the person so committed.

Sec. 9. Section 152A.3, subsection 3, Code 2009, is amended to read as follows:

3. Dietitians who serve in the armed forces or the public health service of the United States or are employed by the United States department of veterans ~~administration~~ affairs, provided their practice is limited to that service or employment.

Sec. 10. Section 229.28, Code 2009, is amended to read as follows:

229.28 HOSPITALIZATION IN CERTAIN FEDERAL FACILITIES.

When a court finds that the contention that a respondent is seriously mentally impaired has been sustained or proposes to order continued hospitalization of any person, or an alternative placement, as described under section 229.14, subsection 1, paragraph "b" or "d", and the court is furnished evidence that the respondent or patient is eligible for care and treatment in a facility operated by the United States department of veterans ~~administration~~ affairs or another agency of the United States government and that the facility is willing to receive the respondent or patient, the court may so order. The respondent or patient, when so hospitalized or placed in a facility operated by the United States department of veterans ~~administration~~ affairs or another agency of the United States government within or outside of this state, shall be subject to the rules of the United States department of veterans ~~administration~~ affairs or other agency, but shall not thereby lose any procedural rights afforded the respondent or patient by this chapter. The chief officer of the facility shall have, with respect to the person so hospitalized or placed, the same powers and duties as the chief medical officer of a hospital in this state would have in regard to submission of reports to the court, retention of custody, transfer, convalescent leave or discharge. Jurisdiction is retained in the court to maintain surveillance of the person's treatment and care, and at any time to inquire into that person's mental condition and the need for continued hospitalization or care and custody.

Sec. 11. Section 229.29, Code 2009, is amended to read as follows:

229.29 TRANSFER TO CERTAIN FEDERAL FACILITIES.

Upon receipt of a certificate stating that any person involuntarily hospitalized under this chapter is eligible for care and treatment in a facility operated by the United States department of veterans ~~administration~~ affairs or another agency of the United States government which is willing to receive the person without charge to the state of Iowa or any county in the state, the chief medical officer may transfer the person to that facility. Upon so doing, the chief medical officer shall notify the court which ordered the person's hospitalization in the same manner as would be required in the case of a transfer under section 229.15, subsection 5, and the person transferred shall be entitled to the same rights as the person would have under that subsection. No person shall be transferred under this section who is confined pursuant to conviction of a public offense or whose hospitalization was ordered upon contention of incompetence to stand trial by reason of mental illness, without prior approval of the court which ordered that person's hospitalization.

Sec. 12. Section 229.30, Code 2009, is amended to read as follows:

229.30 ORDERS OF COURTS IN OTHER STATES.

A judgment or order of hospitalization or commitment by a court of competent jurisdiction of another state or the District of Columbia, under which any person is hospitalized or placed in a facility operated by the United States department of veterans ~~administration~~ affairs or another agency of the United States government, shall have the same force and effect with respect to that person while the person is in this state as the judgment or order would have if the person were in the jurisdiction of the court which issued it. That court shall be deemed to have retained jurisdiction of the person so hospitalized or placed for the purpose of inquiring into that person's mental condition and the need for continued hospitalization or care and custody, as do courts in this state under section 229.28. Consent is hereby given to the application of the law of the state or district in which is situated the court which issued the judgment or order as regards authority of the chief officer of any facility, operated in this state by the United States department of veterans ~~administration~~ affairs or another agency of the United States government, to retain custody, transfer, place on convalescent leave or discharge the person so hospitalized or committed.

Sec. 13. Section 230.11, Code 2009, is amended to read as follows:

230.11 RECOVERY OF COSTS FROM STATE.

Costs and expenses attending the taking into custody, care, and investigation of a person

who has been admitted or committed to a state hospital, United States department of veterans ~~administration~~ affairs hospital, or other agency of the United States government, for persons with mental illness and who has no legal settlement in this state or whose legal settlement is unknown, including cost of commitment, if any, shall be paid out of any money in the state treasury not otherwise appropriated, on itemized vouchers executed by the auditor of the county which has paid them, and approved by the administrator.

Sec. 14. Section 331.608, subsection 2, Code 2009, is amended to read as follows:

2. If an official discharge was not issued or if the veteran was killed in action or died in service, the recorder shall record an official certificate, general or special order, letter, or telegram from a competent authority, including letters from the United States department of defense, the United States department of veterans ~~administration~~ affairs, or other governmental office, which shows the termination of the veteran's service.

Sec. 15. Section 400.10, Code 2009, is amended to read as follows:

400.10 PREFERENCES.

In all examinations and appointments under this chapter, other than promotions and appointments of chief of the police department and chief of the fire department, veterans as defined in section 35.1, who are citizens and residents of this state, shall have five points added to the veteran's grade or score attained in qualifying examinations for appointment to positions and five additional points added to the grade or score if the veteran has a service-connected disability or is receiving compensation, disability benefits or pension under laws administered by the United States department of veterans ~~administration~~ affairs. An honorably discharged veteran who has been awarded the Purple Heart for disabilities incurred in action shall be considered to have a service-connected disability. However, the points shall be given only upon passing the exam and shall not be the determining factor in passing.

Sec. 16. Section 535B.10, subsection 3, paragraph f, Code 2009, is amended to read as follows:

f. ~~Veterans administration~~ United States department of veterans affairs.

Sec. 17. Section 599.5, Code 2009, is amended to read as follows:

599.5 VETERANS MINORITY DISABILITIES.

The disability of minority of any person otherwise eligible for guaranty or insurance of a loan pursuant to the Servicemen's Readjustment Act of 1944, as amended and of the minor spouse of any eligible veteran, irrespective of age, in connection with any transaction entered into pursuant to said Act, as amended, is hereby removed for all purposes in connection with such transaction, including, but not limited to, incurring of indebtedness or obligations, and acquiring, encumbering, selling, releasing or conveying property or any interest therein, and litigating or settling controversies arising therefrom, if all or part of any obligations incident to such transaction be guaranteed or insured by the ~~administrator~~ secretary of the United States department of veterans affairs pursuant to such Act; provided, nevertheless, that this section shall not be construed to impose any other or greater rights or liabilities than would exist if such person and such spouse were under no such disability.

Sec. 18. Section 633.566, subsection 4, Code 2009, is amended to read as follows:

4. The estimated present value of the real estate, the estimated value of the personal property, and the estimated gross annual income of the estate. If any money is payable, or to become payable, to the proposed ward by the United States through the United States department of veterans ~~administration~~ affairs, the petition shall so state.

Sec. 19. Section 633.580, subsection 4, Code 2009, is amended to read as follows:

4. A general description of the property of the proposed ward within this state and of the proposed ward's right to receive property; also, the estimated present value of the real estate, the estimated value of the personal property, and the estimated gross annual income of the

estate. If any money is payable, or to become payable, to the proposed ward by the United States through the United States department of veterans ~~administration~~ affairs, the petition shall so state.

Sec. 20. Section 633.614, Code 2009, is amended to read as follows:

633.614 APPLICATION OF OTHER PROVISIONS TO VETERANS' CONSERVATORSHIPS.

Whenever moneys are paid or are payable pursuant to any law of the United States through the United States department of veterans ~~administration~~ affairs to a conservator or a guardian, the provisions of sections 633.615, 633.617 and 633.622 shall apply to the administration of said moneys. However, such provisions shall be construed to be supplementary to the other provisions for conservators, and shall not be exclusive of such provisions.

Sec. 21. Section 633.615, Code 2009, is amended to read as follows:

633.615 ~~ADMINISTRATOR~~ SECRETARY OF VETERANS AFFAIRS — PARTY IN INTEREST.

The ~~administrator~~ secretary of veterans affairs of the United States, the ~~administrator's~~ secretary's successor, or the designee of either, shall be a party in interest in any proceeding for the appointment or removal of a conservator, or for the termination of the conservatorship, and in any suit or other proceeding, including reports and accountings, affecting in any manner the administration of those assets that were derived in whole or in part from benefits paid by the United States department of veterans ~~administration~~ affairs. Not less than fifteen days prior to the time set for a hearing in any such matters, notice, in writing, of the time and place thereof shall be given by mail to the office of the United States department of veterans ~~administration~~ affairs having jurisdiction over the area in which such matter is pending.

Sec. 22. Section 633.617, Code 2009, is amended to read as follows:

633.617 WARD RATED INCOMPETENT BY UNITED STATES DEPARTMENT OF VETERANS ~~ADMINISTRATION~~ AFFAIRS.

Upon the trial of an issue arising upon a prayer for the appointment of either a temporary or a permanent conservator, a certificate of the ~~administrator~~ secretary of the United States department of veterans ~~administration~~ affairs, or the ~~administrator's~~ secretary's representative, setting forth the fact that the defendant veteran has been rated incompetent by the United States department of veterans ~~administration~~ affairs upon examination in accordance with the laws and regulations governing the United States department of veterans ~~administration~~ affairs, shall be prima facie evidence of the necessity for such appointment, and the court may appoint a conservator for the property of such person.

Sec. 23. Section 633.622, Code 2009, is amended to read as follows:

633.622 BOND REQUIREMENTS.

In administering moneys paid by the United States department of veterans ~~administration~~ affairs the conservator, unless it is a bank or trust company qualified to act as a fiduciary in this state, shall execute and file with the clerk a bond by a recognized surety company equal to such moneys and the annual income therefrom, plus the expected annual United States department of veterans ~~administration~~ affairs benefit payments.

Sec. 24. Section 636.45, Code 2009, is amended to read as follows:

636.45 FEDERALLY INSURED LOANS.

Insurance companies, building and loan associations, trustees, guardians, executors, administrators, and other fiduciaries, the state and its political subdivisions, and institutions and agencies thereof, and all other persons, associations, and corporations (1) may make such loans and advances of credit and purchases of obligations representing loans and advances of credit as are eligible for insurance pursuant to Title I, section 2, of the National Housing Act [12 U.S.C., ch 13], and may obtain such insurance, (2) may make such loans, secured by real

property or leasehold, as the federal housing administrator insures or makes a commitment to insure pursuant to Title II of the National Housing Act, and may obtain such insurance, and (3) may make real property loans which are guaranteed or insured by the ~~administrator of veterans'~~ secretary of the United States department of veterans affairs under the provisions of Title 38, sections 1801 through 1824, inclusive, United States Code.

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

Approved March 25, 2009

CHAPTER 27

RECORDED DOCUMENTS AND INSTRUMENTS — CONTENTS, FEES, AND INDEXING

S.F. 288

AN ACT relating to county recorders by making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder.

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

Section 1. Section 10A.108, subsections 4 through 6, Code 2009, are amended to read as follows:

4. The county recorder of each county shall prepare and maintain in the recorder's office an index of liens of debts established based upon benefits or provider payments inappropriately obtained from and owed the department of human services, ~~which provides~~ containing the applicable entries specified in sections 558.49 and 558.52, and providing appropriate columns for all of the following data, under the names of debtors, arranged alphabetically:

a. The name of the debtor.

b. "State of Iowa, Department of Human Services" as claimant.

c. The time that the notice of the lien was ~~received~~ filed for recording.

d. The date of notice.

e. The amount of the lien currently due.

f. The date of the assessment.

g. The date of satisfaction of the debt.

h. Any extension of the time period for application of the lien and the date that the notice for extension was filed.

5. The recorder shall endorse on each notice of lien the day and time ~~received~~ filed for recording and the document reference number, and shall preserve the notice. The recorder shall index the notice and shall record the lien in the manner provided for recording real estate mortgages. The lien ~~shall be~~ is effective from the time of the indexing.

6. The department shall pay, from moneys appropriated to the department for this purpose, ~~a~~ recording ~~fee~~ fees as provided in section 331.604, for the recording of the lien, or for satisfaction of the lien.

Sec. 2. Section 96.14, subsection 3, paragraphs c through e, Code 2009, are amended to read as follows:

c. The county recorder of each county shall prepare and keep in the recorder's office an index ~~to show~~ containing the applicable entries specified in sections 558.49 and 558.52 and showing the following data, under the names of employers, arranged alphabetically:

(1) The name of the employer.

(2) The name "State of Iowa" as claimant.

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

(4) Date of notice.

(5) Amount of lien then due.

(6) When satisfied.

d. The recorder shall endorse on each notice of lien the day, hour, and minute when ~~received~~ filed for recording and the document reference number, ~~and~~ shall index the notice in the index and shall record the lien in the manner provided for recording real estate mortgages~~, and the~~. The lien ~~shall be~~ is effective from the time of the indexing of the lien.

e. The department shall pay ~~a~~ recording ~~fee~~ fees as provided in section 331.604, for the recording of the lien, or for its satisfaction.

Sec. 3. Section 124C.4, subsection 3, Code 2009, is amended to read as follows:

3. Each notice of lien shall be endorsed with the day, hour, and minute when the notice was ~~received~~ filed for recording and the document reference number, and the notice shall be preserved, indexed, and recorded in the manner provided for recording real estate mortgages. The lien ~~shall be~~ is effective from the time of its indexing. The department shall pay ~~a~~ recording ~~fee~~ fees as provided by section 331.604 for the recording of the lien or for its satisfaction.

Sec. 4. Section 331.602, subsections 8 and 37, Code 2009, are amended to read as follows:

8. Endorse on each notice of an unemployment contribution lien the day, hour, and minute that the lien is ~~received from the department of workforce development~~ filed for recording and the document reference number, index the notice of lien, and record the lien as provided in section 96.14, subsection 3.

37. Carry out duties relating to the indexing of name changes, and the recorder shall charge ~~a fee~~ fees for indexing as provided in section 331.604.

Sec. 5. Section 331.603, subsection 4, Code 2009, is amended to read as follows:

4. The recorder may, in lieu of maintaining separate index books ~~as required by law~~, prepare and maintain a combined index record or system which shall contain the same data and information as required to be kept in the separate index books.

Sec. 6. Section 331.604, Code 2009, is amended to read as follows:

331.604 ~~GENERAL~~ RECORDING AND FILING ~~FEE~~ FEES.

1. Except as otherwise provided by state law, subsection ~~2~~ 4, or section 331.605, the recorder

shall collect a fee of five dollars for each page or fraction of a page of an instrument which is filed or recorded in the recorder's office. If a page or fraction of a page contains more than one transaction, the recorder shall collect the fee for each transaction.

2. a. The recorder shall also collect a fee of one dollar for each recorded transaction for which a fee is paid pursuant to subsection 1 to be used exclusively for the purpose of preserving and maintaining public records. The treasurer, on behalf of the recorder, shall establish and maintain a county recorder's records management fund into which all moneys collected pursuant to this subsection shall be deposited. Interest earned on moneys deposited in the fund shall be credited to the county recorder's records management fund. The recorder shall use the moneys deposited in the fund to produce and maintain public records that meet archival standards, and to enhance the technological storage, retrieval, and transmission capabilities related to archival quality records. The recorder may cooperate with other entities, boards, and agencies to establish methods of records management, and participate in other joint ventures which further the purposes of this subsection.

b. Fees collected pursuant to this subsection shall be used to accomplish the following purposes:

(1) Preserve and maintain public records.

(2) Assist counties in reducing record preservation costs.

(3) Encourage and foster maximum access to public records maintained by county recorders at locations throughout the state.

(4) Establish plans for anticipated and possible future needs, including the handling and preservation of vital statistics.

3. a. The county recorder shall also collect a fee of one dollar for each recorded transaction, regardless of the number of pages, for which a fee is paid pursuant to subsection 1 to be used for the purpose set forth in paragraph "c".

b. The county treasurer, on behalf of the recorder, shall establish and maintain a county recorder's electronic transaction fund into which all moneys collected pursuant to paragraph "a" shall be deposited. Interest earned on moneys deposited in this fund shall be computed based on the average monthly balance in the fund and shall be credited to the county recorder's electronic transaction fund.

c. The local government electronic transaction fund is established in the office of the treasurer of state under the control of the treasurer of state. Moneys deposited into the fund are not subject to section 8.33. Notwithstanding section 12C.7, interest or earnings on moneys in the local government electronic transaction fund shall be credited to the fund. Moneys in the local government electronic transaction fund are not subject to transfer, appropriation, or reversion to any other fund, or any other use except as provided in this paragraph "c". On a monthly basis, the county treasurer shall pay each fee collected pursuant to paragraph "a" to the treasurer of state for deposit into the local government electronic transaction fund. Moneys credited to the local government electronic transaction fund are appropriated to the treasurer of state for the payment of claims approved by the governing board of the county land record information system. Expenditures from the fund shall be for the purpose of planning and implementing electronic recording and electronic transactions in each county and developing county and statewide internet websites to provide electronic access to records and information and to pay the ongoing costs of integrating and maintaining the statewide internet website.

d. The recorder shall make available any information required by the county auditor or auditor of state concerning the fees collected under this subsection for the purposes of determining the amount of fees collected and the uses for which such fees are expended.[1]

~~2.~~ 4. A county shall not be required to pay a fee to the recorder for filing or recording instruments. However, a county treasurer is required to pay recording fees pursuant to section 437A.11.

Sec. 7. Section 331.605B, subsection 1, Code 2009, is amended to read as follows:

1. The recorder shall make available any information required by the county or state auditor

[1] See chapter 159, §3 herein

concerning the fees collected under section ~~331.605A~~ 331.604, subsection 2, for the purposes of determining the amount of fees collected and the uses for which such fees are expended.

Sec. 8. Section 331.606B, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. ~~The~~ For any instrument of conveyance, the name of the taxpayer and a complete mailing address ~~for any document or instrument of conveyance~~.

Sec. 9. Section 331.606B, subsection 6, Code 2009, is amended to read as follows:

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

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

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

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

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

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

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

359A.10 ENTRY AND RECORD OF ORDERS.

Such orders, decisions, notices, and returns shall be entered of record at length by the township clerk, and a copy thereof certified by the township clerk to the county recorder, who shall record the same in the recorder's office in a book kept for that purpose, and index such record in the name of each adjoining owner as grantor to the other. The county recorder shall collect fees specified in section 331.604.

Sec. 13. Section 359A.12, Code 2009, is amended to read as follows:

359A.12 DIVISION BY AGREEMENT — RECORD.

The several owners may, in writing, agree upon the portion of partition fences between their lands which shall be erected and maintained by each, which writing shall describe the lands and the parts of the fences so assigned, be signed and acknowledged by them, and filed and recorded in the office of the recorder of deeds of the county or counties in which they are situated. The county recorder shall collect fees specified in section 331.604.

Sec. 14. Section 422.26, subsections 4 and 5, Code 2009, are amended to read as follows:

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

a. The name of the taxpayer.

b. The name "State of Iowa" as claimant.

c. Time notice of lien was ~~received~~ filed for recording.

d. Date of notice.
e. Amount of lien then due.
f. Date of assessment.
g. When satisfied.

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

5. The department shall pay ~~a~~ recording ~~fee~~ fees as provided in section 331.604, for the recording of the lien, or for its satisfaction.

Sec. 15. Section 424.11, unnumbered paragraphs 4 and 5, Code 2009, are amended to read as follows:

The recorder shall endorse on each notice of lien the day, hour, and minute when ~~received~~ filed for recording and the document reference number, and shall preserve the notice~~, and~~. The recorder shall also immediately index the notice and record the lien in the manner provided for recording real estate mortgages~~, and the~~. The lien ~~shall be~~ is effective from the time of its indexing.

The department shall pay ~~a~~ recording ~~fee~~ fees as provided in section 331.604, for the recording of the lien, or for its satisfaction.

Sec. 16. Section 428A.4, unnumbered paragraph 2, Code 2009, is amended to read as follows:

The county recorder shall refuse to record any deed, instrument, or writing by which any real property in this state shall be granted, assigned, transferred, or otherwise conveyed, except those transfers exempt from tax under section 428A.2, subsections 2 ~~to~~ through 5, ~~and~~ 7 ~~to~~ through 13, and 16 through 21, or under section 428A.2, subsection 6, except in the case of a federal agency or instrumentality, until the declaration of value has been submitted to the county recorder. A declaration of value shall not be required with a deed given in fulfillment of a recorded real estate contract provided the deed has a notation that it is given in fulfillment of a contract.

Sec. 17. Section 428A.5, Code 2009, is amended to read as follows:

428A.5 DOCUMENTATION OF PAYMENT.

The amount of tax imposed by this chapter shall be paid to the county recorder in the county where the real property is located and the amount received ~~and the initials of the county recorder~~ shall appear on the face of the document or instrument. The method of documentation of a transfer tax shall be approved by the department of revenue.

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

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

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

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

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

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

the manner provided for recording real estate mortgages. The lien is effective from the time of the indexing of the lien.

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

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

Sec. 21. Section 437A.22, unnumbered paragraph 3, Code 2009, is amended to read as follows:

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

Sec. 22. Section 437A.22, subsection 3, Code 2009, is amended to read as follows:

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

Sec. 23. Section 437A.22, unnumbered paragraphs 4 and 5, Code 2009, are amended to read as follows:

The recorder shall endorse on each notice of lien the day, hour, and minute when ~~received and~~ filed for recording and the document reference,[2] shall preserve such notice, and shall promptly record the lien in the manner provided for recording real estate mortgages. The lien is effective from the time of the indexing of the lien.

The director, from moneys appropriated to the department of revenue for this purpose, shall pay ~~a~~ recording ~~fee~~ fees as provided in section 331.604 for the recording of the lien, or for its satisfaction.

Sec. 24. Section 468.623, Code 2009, is amended to read as follows:

468.623 PRIVATE DRAINAGE SYSTEM — RECORD.

1. Any person who has provided a system of drainage on land owned by the person may have the same made a matter of record in the office of the county recorder of the county in which the drainage system is located, provided any drainage system constructed after July 1, 1969, shall be made a matter of record, ~~as is hereinafter provided~~. The record shall contain the applicable entries specified in sections 558.49 and 558.52.

2. Records under subsection 1 may be used to give the owner's name, description of tracts of land drained, stating the time when the drainage system was established, the kind, quality, and brand of tile used, the name and place of the manufacturing plant, the name of contractors who laid the tile, the name of the engineer in charge of the survey and installation, the cost of tile, delivery, installation, and engineering expense, depths, grades, outlets, connections, contracts for agreements with adjoining landowners as to connections, and any other matters or information that may be considered of value, and such information may be furnished by the landowner or the engineer having charge of the installation and certified to under oath.

Sec. 25. Section 468.626, Code 2009, is amended to read as follows:

468.626 ORIGINAL PLAT FILED.

In lieu of making the record as herein provided any landowner may file with the county recorder the original plat used in the establishment of ~~said~~ the drainage system, or a copy ~~thereof~~ of the plat, which shall be certified by the engineer having made the same. If practicable, a plat filed under this section shall be made a matter of record and shall contain the applicable entries specified in sections 558.49 and 558.52.

[2] According to enrolled Act; the phrase "document reference number" probably intended

Sec. 26. Section 468.628, Code 2009, is amended to read as follows:

468.628 FEES FOR ~~RECORD AND COPIES~~ RECORDING.

~~The county~~ When information is filed with the county recorder pursuant to section 468.623 or 468.626, the recorder shall ~~be entitled to~~ collect recording fees ~~for the filing and information heretofore provided for, and for the making of copies of such records the same as is provided for other work of a similar nature~~ in the amounts specified in section 331.604.

Sec. 27. Section 499A.1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Any two or more persons of full age, a majority of whom are citizens of the state, may organize themselves for the following or similar purposes: Ownership of residential, business property on a cooperative basis. A corporation is a person within the meaning of this chapter. The organizers shall adopt, and sign and acknowledge the articles of incorporation, stating the name by which the cooperative shall be known, the location of its principal place of business, its business or objects, the number of directors to conduct the cooperative's business or objects, the names of the directors for the first year, the time of the cooperative's annual meeting, the time of the annual meeting of its directors, and the manner in which the articles may be amended. The articles of incorporation shall be filed with the secretary of state who shall, if the secretary approves the articles, endorse the secretary of state's approval on the articles, record the articles, and forward the articles to the county recorder of the county where the principal place of business is to be located, and there the articles shall be recorded, and upon recording be returned to the cooperative. The articles shall not be filed by the secretary of state until a filing fee of five dollars together with a recording fee of fifty cents per page is paid, and upon the payment of the fees and the approval of the articles by the secretary of state, the secretary shall issue to the cooperative a certificate of incorporation as a cooperative not for pecuniary profit. The county recorder shall collect recording fees pursuant to section 331.604 for articles forwarded for recording under this section.

Sec. 28. Section 499B.3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

When the sole owner or all of the owners, or the sole lessee or all of the lessees of a lease desire to submit a parcel of real property upon which a building is located or to be constructed to the horizontal property regime established by this chapter, a declaration to that effect shall be executed and acknowledged by the sole owner or lessee or all of such owners or lessees and shall be recorded in the office of the county recorder of the county in which such property lies. The county recorder shall collect recording fees pursuant to section 331.604.

Sec. 29. Section 499B.5, subsection 1, Code 2009, is amended to read as follows:

1. Description of land as provided in section 499B.4, including the ~~book, page~~ document reference number and date of recording of the declaration.

Sec. 30. Section 501.105, subsection 6, Code 2009, is amended to read as follows:

6. The secretary of state shall forward for recording a copy of each original, amended, and restated articles, articles of merger, articles of consolidation, and articles of dissolution to the recorder of the county in which the cooperative has its principal place of business, or in the case of a merger or consolidation, to the recorders of each of the counties in which the merging or consolidating cooperatives have their principal offices. The county recorder shall collect recording fees pursuant to section 331.604 for documents forwarded for recording under this subsection.

Sec. 31. Section 547.3, Code 2009, is amended to read as follows:

547.3 FEE FOR RECORDING.

The county recorder shall ~~charge and receive a fee~~ collect fees in the amount specified in section 331.604 for each verified statement recorded under this chapter. The recorder may

return the original instrument to the sender or dispose of the instrument if the sender does not wish to have the instrument returned. An instrument filed in the recorder's office before July 1, 1990, may be returned to the sender or disposed of if the sender does not wish to have the instrument returned and if there is an official copy of the instrument in the recorder's office.

Sec. 32. Section 557.24, Code 2009, is amended to read as follows:

557.24 FEE.

A person having the name of the person's farm recorded as provided in section 557.22 shall first pay to the county recorder ~~a fee in the amount~~ the fees specified in section 331.604, which ~~fee~~ shall be paid to the county treasurer as other fees are paid to the county treasurer by the recorder.

Sec. 33. Section 557.26, Code 2009, is amended to read as follows:

557.26 CANCELLATION — FEE.

If the owner of a registered farm desires to cancel the registered name of the farm, the owner shall acknowledge cancellation of the name by execution of an instrument in writing referring to the farm name, and shall record the instrument. For the latter service the county recorder shall ~~charge a fee in~~ collect the ~~amount~~ fees specified in section 331.604, which shall be paid to the county treasurer as other fees are paid to the county treasurer by the recorder.

Sec. 34. Section 558.55, Code 2009, is amended to read as follows:

558.55 FILING AND INDEXING — CONSTRUCTIVE NOTICE.

The recorder must endorse upon every instrument properly filed for ~~record~~ recording in the recorder's office, the day, hour, and minute ~~of the filing~~ when filed for recording and the document reference number, and enter in the index the entries required to be entered pursuant to sections 558.49 and 558.52~~, and the filing.~~ The recording and indexing shall constitute constructive notice to all persons of the rights of the grantees conferred by the instruments.

Sec. 35. Section 558.66, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Upon receipt of a certificate issued by the clerk of the district court or clerk of the supreme court indicating that the title to real estate has been finally established in any named person by judgment or decree or by will or by affidavit of or on behalf of a surviving spouse that has been recorded by the recorder, the auditor shall enter the information in the certificate upon the transfer books, upon payment of a fee in the amount specified in section 331.507, subsection 2, paragraph "a". In the case of the affidavit filed with the recorder, the fee set forth in section 331.507, subsection 2, paragraph "a", and the ~~fee~~ fees set forth in section 331.604, shall be collected by the recorder and paid to the treasurer as provided in section 331.902, subsection 3.

Sec. 36. Section 598.21, subsection 2, Code 2009, is amended to read as follows:

2. DUTIES OF COUNTY RECORDER. The county recorder shall record each quitclaim deed or change of title and shall collect the ~~fee~~ fees specified in section 331.507, subsection 2, paragraph "a", and the fee specified in section 331.604~~, subsection 1~~.[3]

Sec. 37. Section 633.481, Code 2009, is amended to read as follows:

633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES WITHOUT ADMINISTRATION.

When an inventory or report is filed under section 450.22, without administration of the estate of the decedent, the heir or heir's attorney shall prepare and deliver to the county recorder of the county in which the real estate is situated a certificate pertaining to each parcel of real estate described in the inventory or report. Any fees for certificates or recording fees required by this section or section 633.480 shall be assessed as costs of administration. The ~~fee~~ fees for recording and indexing the instrument shall be as provided in section 331.604. The county recorder shall deliver the certificates to the county auditor as provided in section 558.58.

[3] See chapter 159, §14; chapter 179, §44 herein

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

674.14 INDEXING IN REAL PROPERTY RECORD.

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

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

Approved March 25, 2009

CHAPTER 28

DEPARTMENT OF ADMINISTRATIVE SERVICES —
LEASES ON REAL PROPERTY

S.F. 295

AN ACT concerning the authority of the department of administrative services relative to existing leases on real property acquired by the department.

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

Section 1. Section 8A.321, subsection 9, Code 2009, is amended to read as follows:

9. a. With the approval of the executive council pursuant to section 7D.29 or pursuant to other authority granted by law, acquire real property to be held by the department in the name of the state as follows:

~~a.~~ (1) By purchase, lease, option, gift, grant, bequest, devise, or otherwise.

~~b.~~ (2) By exchange of real property belonging to the state for property belonging to another person.

b. If real property acquired by the department in the name of the state is subject to a lease in effect at the time of acquisition, the director may honor and maintain the existing lease subject to the following requirements:

(1) The lease shall not be renewed beyond the term of the existing lease including any renewal periods under the lease that are solely at the discretion of the lessee.

(2) The lease shall not be renewed by the department as the lessor if the lessor has discretion to not renew under the existing lease.

(3) The lease shall not be maintained for a period in excess of ten years from the date of acquisition of the real property, including any renewal periods, without the approval of the executive council.

(4) The lease shall not be maintained if the lessee at the time of the acquisition ceases to occupy the leased property.

Approved March 25, 2009

CHAPTER 29

AUDITS OF PARI-MUTUEL WAGERING
OR GAMBLING OPERATIONS

S.F. 305

AN ACT concerning audits conducted by a licensee conducting pari-mutuel wagering or gambling games and providing an effective date.

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

Section 1. Section 99D.20, Code 2009, is amended to read as follows:

99D.20 AUDIT OF LICENSEE OPERATIONS.

Within ninety days after the end of each ~~race meeting~~ calendar year, the licensee shall transmit to the commission an audit of the financial transactions and condition of the licensee's operations conducted under this chapter. Additionally, within ninety days after the end of the licensee's fiscal year, the licensee shall transmit to the commission an audit of the licensee's total racing and gaming operations, including an itemization of all expenses and subsidies. All audits shall be conducted by certified public accountants ~~registered~~ authorized to practice in the state of Iowa under chapter 542 who are selected by the board of supervisors of the county in which the licensee operates.

Sec. 2. Section 99F.13, Code 2009, is amended to read as follows:

99F.13 ANNUAL AUDIT OF LICENSEE OPERATIONS.

Within ninety days after the end of the licensee's fiscal year, the licensee shall transmit to the commission an audit of the licensee's total gambling operations, including an itemization of all expenses and subsidies. All audits shall be conducted by certified public accountants ~~registered or licensed~~ authorized to practice in the state of Iowa under chapter 542 who are selected by the board of supervisors of the county in which the licensee operates.

Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 25, 2009

CHAPTER 30

IOWA WATER POLLUTION CONTROL WORKS AND
DRINKING WATER FACILITIES FINANCING PROGRAM

H.F. 281

AN ACT relating to the administration of the Iowa water pollution control works and drinking water facilities financing program.

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

Section 1. Section 16.131, subsection 2, Code 2009, is amended by striking the subsection.

Sec. 2. Section 16.131, subsection 3, Code 2009, is amended to read as follows:

3. The authority may issue its bonds and notes for the purpose of funding the ~~revolving loan~~ funds created under section ~~455B.295~~ 16.133A and ~~defraying~~ the ~~costs of payment of the~~

~~twenty percent~~ state matching funds required ~~for federal funds received for projects~~ pursuant to the Clean Water Act and the Safe Drinking Water Act.

Sec. 3. Section 16.131, subsection 4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The authority may issue its bonds and notes for the purposes established and may enter into one or more ~~lending~~ loan agreements or purchase agreements with one or more bondholders or noteholders containing the terms and conditions of the repayment of and the security for the bonds or notes. The authority and the bondholders or noteholders or a trustee agent designated by the authority may enter into agreements to provide for any of the following:

Sec. 4. Section 16.131, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 7. The authority shall determine the interest rate and repayment terms for loans made under the program, in cooperation with the department, and the authority shall enter into loan agreements with eligible entities in compliance with and subject to the terms and conditions of the Clean Water Act, the Safe Drinking Water Act, and any other applicable federal law.

NEW SUBSECTION. 8. The authority shall process, review, and approve or deny loan applications pursuant to eligibility requirements established by rule of the authority and in accordance with the intended use plan applications approved by the department.

NEW SUBSECTION. 9. The authority may charge loan recipients fees and assess costs against such recipients necessary for the continued operation of the program. Fees and costs collected pursuant to this subsection shall be deposited in the appropriate fund or funds described in section 16.133A.

Sec. 5. NEW SECTION. 16.131A DEFINITIONS.

As used in sections 16.131 through 16.134, unless the context otherwise requires:

1. "Clean Water Act" means the federal Water Pollution Control Act of 1972, Pub. L. No. 92-500, as amended by the Water Quality Act of 1987, Pub. L. No. 100-4, as published in 33 U.S.C. § 1251-1376, as amended.

2. "Commission" means the environmental protection commission created under section 455A.6.

3. "Cost" means all costs, charges, expenses, or other indebtedness incurred by a loan recipient and determined by the department as reasonable and necessary for carrying out all works and undertakings necessary or incidental to the accomplishment of any project.

4. "Department" means the department of natural resources created in section 455A.2.

5. "Eligible entity" means a person eligible under the provisions of the Clean Water Act, the Safe Drinking Water Act, and the commission rules to receive loans for projects from any of the revolving loan funds.

6. "Loan recipient" means an eligible entity that has received a loan under the program.

7. "Municipality" means a city, county, sanitary district, state agency, or other governmental body or corporation empowered to provide sewage collection and treatment services or drinking water, or any combination of two or more of the governmental bodies or corporations acting jointly, in connection with a project.

8. "Program" means the Iowa water pollution control works and drinking water facilities financing program created pursuant to section 455B.294.

9. "Project" means one of the following:

a. In the context of water pollution control facilities, the acquisition, construction, reconstruction, extension, equipping, improvement, or rehabilitation of any works and facilities useful for the collection, treatment, and disposal of sewage and industrial waste in a sanitary manner including treatment works as defined in section 212 of the Clean Water Act, or the implementation and development of management programs established under sections 319 and 320 of the Clean Water Act, including construction and undertaking of nonpoint source water pollution control projects and related development activities authorized under those sections.

b. In the context of drinking water facilities, the acquisition, construction, reconstruction, extending, remodeling, improving, repairing, or equipping of waterworks, water mains, extensions, or treatment facilities useful for providing potable water to residents served by a water system, including the acquisition of real property needed for any of the foregoing purposes, and such other purposes and programs as may be authorized under the Safe Drinking Water Act.

10. "Revolving loan funds" means the funds of the program established under sections 16.133A and 455B.295.

11. "Safe Drinking Water Act" means Title XIV of the federal Public Health Service Act, commonly known as the "Safe Drinking Water Act", 42 U.S.C. § 300f et seq., as amended by the Safe Drinking Water Amendments of 1996, Pub. L. No. 104-182, as amended.

12. "Water system" means any community water system or nonprofit noncommunity water system, each as defined in the Safe Drinking Water Act, that is eligible under the rules of the department to receive a loan under the program for the purposes of undertaking a project.

Sec. 6. Section 16.132, subsection 1, paragraph d, Code 2009, is amended to read as follows:

d. The amounts payable to the ~~department~~ authority by eligible entities pursuant to loan agreements with eligible entities.

Sec. 7. Section 16.132, subsection 5, Code 2009, is amended to read as follows:

5. The bonds or notes issued by the authority are not an indebtedness or other liability of the state or of a political subdivision of the state within the meaning of any constitutional or statutory debt limitations but are special obligations of the authority, and are payable solely from the income and receipts or other funds or property of the ~~department~~ authority, and the amounts on deposit in the revolving loan funds, and the amounts payable to the ~~department~~ authority under its loan agreements with eligible entities ~~as defined in section 455B.291~~ to the extent that the amounts are designated in the resolution, trust agreement, or other instrument of the authority authorizing the issuance of the bonds or notes as being available as security for such bonds or notes. The authority shall not pledge the faith or credit of the state or of a political subdivision of the state to the payment of any bonds or notes. The issuance of any bonds or notes by the authority does not directly, indirectly, or contingently obligate the state or a political subdivision of the state to apply money from, or levy or pledge any form of taxation whatever to the payment of the bonds or notes.

Sec. 8. NEW SECTION. 16.133A FUNDS AND ACCOUNTS — PROGRAM FUNDS AND ACCOUNTS NOT PART OF STATE GENERAL FUND.

1. The authority may establish and maintain funds and accounts determined to be necessary to carry out the purposes of the program and shall provide for the funding, administration, investment, restrictions, and disposition of the funds and accounts. The department and the authority may combine administration of the revolving loan funds and cross collateralize the same to the extent permitted by the Clean Water Act, the Safe Drinking Water Act, and other applicable federal law. Moneys appropriated to and used by the authority and department for purposes of paying the costs and expenses associated with the administration of the program shall be administered as determined by the authority and department.

2. The funds or accounts held by the authority, or a trustee acting on behalf of the authority pursuant to a trust agreement related to the program, shall not be considered part of the general fund of the state, are not subject to appropriation for any other purpose by the general assembly, and in determining a general fund balance shall not be included in the general fund of the state, but shall remain in the funds and accounts maintained by the authority or trustee pursuant to a trust agreement. Funds and accounts held by the authority, or a trustee acting on behalf of the authority pursuant to a trust agreement related to the program, are separate dedicated funds and accounts under the administration and control of the authority and subject to section 16.31.

Sec. 9. Section 16.134, subsections 1 and 2, Code 2009, are amended to read as follows:

1. The Iowa finance authority shall establish and administer a wastewater treatment financial assistance program. The purpose of the program shall be to provide grants to enhance water quality and to assist communities to comply with water quality standards adopted by the department of natural resources. The program shall be administered in accordance with rules adopted by the authority pursuant to chapter 17A. For purposes of this section, "program" means the wastewater treatment financial assistance program.

2. A wastewater treatment financial assistance fund is created ~~under the authority of the Iowa finance authority. The fund~~ and shall consist of appropriations made to the fund and transfers of interest, earnings, and moneys from other funds as provided by law. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

Sec. 10. Section 16.134, subsection 4, paragraph a, Code 2009, is amended to read as follows:

a. Communities shall be eligible for financial assistance by qualifying as a disadvantaged community and seeking financial assistance for the installation or upgrade of wastewater treatment facilities due to regulatory activity in response to water quality standards adopted by the department of natural resources in calendar year 2006. For purposes of this section, the term "disadvantaged community" means the same as defined by the department ~~of natural resources for the drinking water facilities revolving loan fund established in section 455B.295~~. Communities with a population of three thousand or more do not qualify for financial assistance under the program.

Sec. 11. Section 455B.291, Code 2009, is amended to read as follows:

455B.291 DEFINITIONS.

As used in this part, unless the context requires otherwise:

1. "Administration funds" means ~~the water pollution control works administration fund and the drinking water facilities administration fund~~ funds established pursuant to this part for the costs and expenses associated with administering the program under this part and section 16.133A.

2. "Authority" means the Iowa finance authority established in section 16.2.

3. "Clean Water Act" means the federal Water Pollution Control Act of 1972, Pub. L. No. 92-500, as amended by the Water Quality Act of 1987, Pub. L. No. 100-4, as published in 33 U.S.C. § 1251-1376, as amended.

4. "Cost" means all costs, charges, expenses, or other indebtedness incurred by a loan recipient and determined by the ~~director~~ department as reasonable and necessary for carrying out all works and undertakings necessary or incidental to the accomplishment of any project.

~~5. "Drinking water facilities administration fund" means the drinking water facilities administration fund established in section 455B.295.~~

~~6. "Drinking water facilities revolving loan fund" means the drinking water facilities revolving loan fund established in section 455B.295.~~

~~7.~~ 5. "Eligible entity" means a person eligible under the provisions of the Clean Water Act, the Safe Drinking Water Act, and the commission rules to receive loans for projects from ~~either~~ any of the revolving loan funds.

~~8.~~ 6. "Loan recipient" means an eligible entity that has received a loan from ~~either~~ any of the revolving loan funds.

~~9.~~ 7. "Municipality" means a city, county, sanitary district, state agency, or other governmental body or corporation empowered to provide sewage collection and treatment services, or any combination of two or more of the governmental bodies or corporations acting jointly, in connection with a project.

~~10.~~ 8. "Program" means the Iowa water pollution control works and drinking water facilities financing program created pursuant to section 455B.294.

~~11.~~ 9. "Project" means one of the following:

a. In the context of water pollution control facilities, the acquisition, construction, reconstruction, extension, equipping, improvement, or rehabilitation of any works and facilities useful for the collection, treatment, and disposal of sewage and industrial waste in a sanitary manner including treatment works as defined in section 212 of the Clean Water Act, or the implementation and development of management programs established under sections 319 and 320 of the Clean Water Act, including construction and undertaking of nonpoint source water pollution control projects and related development activities authorized under those sections.

b. In the context of drinking water facilities, the acquisition, construction, reconstruction, extending, remodeling, improving, repairing, or equipping of waterworks, water mains, extensions, or treatment facilities useful for providing potable water to residents served by a water system, including the acquisition of real property needed for any of the foregoing purposes, and such other purposes and programs as may be authorized under the Safe Drinking Water Act.

~~12.~~ 10. "Revolving loan funds" means the ~~water pollution control works revolving loan fund and the drinking water facilities revolving loan fund~~ funds of the program established under sections 16.133A and 455B.295.

~~13.~~ 11. "Safe Drinking Water Act" means Title XIV of the federal Public Health Service Act, commonly known as the "Safe Drinking Water Act", 42 U.S.C. § 300f et seq., as amended by the Safe Drinking Water Amendments of 1996, Pub. L. No. 104-182, as amended.

~~14. "Water pollution control works administration fund" means the water pollution control works administration fund established in section 455B.295.~~

~~15. "Water pollution control works revolving loan fund" means the water pollution control works revolving loan fund established in section 455B.295.~~

~~16.~~ 12. "Water system" means any community water system or nonprofit noncommunity water system, each as defined in the Safe Drinking Water Act, that is eligible under the rules of the department to receive a loan under the program for the purposes of undertaking a project.

Sec. 12. Section 455B.295, subsections 1, 2, and 3, Code 2009, are amended by striking the subsections.

Sec. 13. Section 455B.295, subsection 4, Code 2009, is amended to read as follows:

~~4.~~ 1. The department ~~and the authority~~ may establish and maintain ~~other~~ funds or accounts determined to be necessary to carry out the purposes of this part and shall provide for the funding, administration, investment, restrictions, and disposition of the funds and accounts. The department and the authority may combine administration of the revolving loan funds, and cross collateralize the same~~, and the administration funds~~ to the extent permitted by the Clean Water Act, the Safe Drinking Water Act, and other applicable federal law. Moneys appropriated to the department and the authority for purposes of paying the costs and expenses associated with the administration of the program shall be administered as determined by the department and the authority.

Sec. 14. Section 455B.295, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 2. The funds or accounts held by the department, or a trustee acting on behalf of the department pursuant to a trust agreement related to the program, shall not be considered part of the general fund of the state, are not subject to appropriation for any other purpose by the general assembly, and in determining a general fund balance shall not be included in the general fund of the state, but shall remain in the funds and accounts maintained by the department or trustee pursuant to a trust agreement. Funds and accounts held by the department, or a trustee acting on behalf of the department pursuant to a trust agreement related to the program, are separate dedicated funds and accounts under the administration and control of the department.

Sec. 15. Section 455B.296, subsections 2 and 3, Code 2009, are amended to read as follows:

2. The department and the authority shall establish fiscal controls and accounting procedures during appropriate accounting periods for payments received for deposit in and dis-

bursements ~~received and~~ made ~~by~~ from the revolving loan funds~~,~~ and the administration funds~~, and other funds established pursuant to section 455B.295, subsection 4,~~ and to fund balances at the beginning and end of the accounting periods.

3. Upon receipt of the joint recommendation of the department and the authority with respect to the amounts to be so reserved and transferred, and subject in all respects to the applicable provisions of the Clean Water Act, Safe Drinking Water Act, and other applicable federal law, the governor may direct that the recommended portion of a capitalization grant made in respect of one of the revolving loan funds in any year be reserved for the transfer to ~~the other~~ another revolving loan fund. The authority and the department may effect the transfer of any funds reserved for such purpose, as directed by the governor, and shall cause the records of the program to reflect the transfer. Any sums so transferred shall be expended in accordance with the intended use plan for the applicable revolving loan fund.

Sec. 16. Section 455B.297, Code 2009, is amended to read as follows:

455B.297 LOANS TO ELIGIBLE ENTITIES.

Moneys deposited in the revolving loan funds shall be used for the primary purpose of making loans to eligible entities to finance the ~~cost~~ eligible costs of projects in accordance with the intended use plans developed by the department under section 455B.296. The loan recipients and the purpose~~,~~ and amount~~, interest rate, and repayment terms~~ of the loans shall be determined by the director, in accordance with rules adopted by the commission, in compliance with and subject to the terms and conditions of the Clean Water Act, the Safe Drinking Water Act, and other applicable federal law, as applicable, and any resolution, agreement, indenture, or other document of the authority, and rules adopted by the authority, relating to any bonds, notes, or other obligations issued for the program which may be applicable to the loan.

Sec. 17. Section 455B.298, Code 2009, is amended to read as follows:

455B.298 POWERS AND DUTIES OF THE DIRECTOR.

The director shall:

1. Process~~, and~~ review ~~loan,~~ and approve or deny intended use plan applications to determine if an application meets the eligibility requirements set by the rules of the department.

~~2. Approve loan applications of eligible entities which satisfy the rules adopted by the commission, and the intended use plans developed by the department under section 455B.296.~~

~~3.~~ 2. Process and review all documents relating to ~~projects and the extending of loans~~ the planning, design, construction, and operation of water pollution control works and drinking water facilities pursuant to this part.

~~4.~~ 3. Prepare and process, in coordination with the authority, documents relating to ~~the extending of loans, the sale and issuance of bonds, notes, or other obligations of the authority relating to the program, and~~ the administration of the program.

~~5.~~ 4. Include in the budget prepared pursuant to section 455A.4, subsection 1, paragraph "c", an annual budget for the administration of the program and the use and disposition of amounts on deposit in the administration funds.

~~6. Charge each loan recipient a loan origination fee and an annual loan servicing fee. The amount of the loan origination fees and the loan servicing fees established shall be relative to the amount of a loan made from the revolving loan fund. The director shall deposit the receipts from the loan origination fees and the loan servicing fees in the appropriate administration fund.~~

~~7. Consult with and receive the approval of the authority concerning the terms and conditions of loan agreements as to the financial integrity of the loan.~~

5. Receive fees pursuant to the program as determined in conjunction with the authority.

~~8.~~ 6. Perform other acts and assume other duties and responsibilities necessary for the operation of the program and for the carrying out of the Clean Water Act and the Safe Drinking Water Act.

Approved March 25, 2009

CHAPTER 31

EDUCATIONAL OPPORTUNITY
FOR MILITARY CHILDREN — COMPACT

H.F. 214

AN ACT establishing the interstate compact on educational opportunity for military children and providing an effective date.

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

Section 1. NEW SECTION. 256G.1 INTERSTATE COMPACT OF[1] EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.

The interstate compact on educational opportunity for military children is enacted into law and entered into by this state with any other state or jurisdiction legally joining the compact in the form substantially as follows:

1. ARTICLE I — PURPOSE. It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

a. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district or variations in entrance and age requirements.

b. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment.

c. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities.

d. Facilitating the on-time graduation of children of military families.

e. Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact.

f. Providing for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

g. Promoting coordination between this compact and other compacts affecting military children.

h. Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.

2. ARTICLE II — DEFINITIONS. As used in this compact, unless the context clearly requires a different construction:

a. "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. § 1209 and 1211.

b. "Children of military families" means a school-aged child, enrolled in kindergarten through twelfth grade, in the household of an active duty member.

c. "Compact commissioner" means the voting representative of each compacting state appointed pursuant to article VIII of this compact.

d. "Deployment" means the period one month prior to the service members' departure from their home station on military orders through six months after return to their home station.

e. "Education records" or "educational records" means those official records, files, and data directly related to a student and maintained by the school or local education agency, including but not limited to records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

f. "Extracurricular activities" means a voluntary activity sponsored by the school or local

[1] According to enrolled Act; the word "ON" probably intended

education agency or an organization sanctioned by the local education agency. Extracurricular activities include but are not limited to preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

g. "Interstate commission" means the commission on educational opportunity for military children that is created under article IX of this compact.

h. "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through twelfth grade public educational institutions.

i. "Member state" means a state that has enacted this compact.

j. "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States department of defense, including any leased facility, which is located within any state. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

k. "Nonmember state" means a state that has not enacted this compact.

l. "Receiving state" means the state to which a child of a military family is sent, brought, or caused to be sent or brought.

m. "Rule" means a written statement by the interstate commission promulgated pursuant to article XII of this compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the interstate commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

n. "Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

o. "State" means the same as defined in section 4.1.

p. "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through twelfth grade.

q. "Transition" means the formal and physical process of transferring from school to school or the period of time in which a student moves from one school in the sending state to another school in the receiving state.

r. "Uniformed service" means the army, navy, air force, marine corps, coast guard, commissioned corps of the national oceanic and atmospheric administration, or commissioned corps of the public health services.

s. "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

3. ARTICLE III — APPLICABILITY.

a. Except as otherwise provided in paragraph "b", this compact shall apply to the children of:

(1) Active duty members of the uniformed services as defined in this compact, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. § 1209 and 1211.

(2) Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement.

(3) Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

b. The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.

c. The provisions of this compact shall not apply to the children of any of the following:

(1) Inactive members of the national guard and military reserves.

(2) Members of the uniformed services now retired, except as provided in paragraph "a".

(3) Veterans of the uniformed services, except as provided in paragraph "a".

(4) Other United States department of defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

4. ARTICLE IV — EDUCATIONAL RECORDS AND ENROLLMENT.

a. UNOFFICIAL OR HAND-CARRIED EDUCATION RECORDS. In the event that official

education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the interstate commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

b. OFFICIAL EDUCATION RECORDS OR TRANSCRIPTS. Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

c. IMMUNIZATIONS. Compacting states shall give students thirty days from the date of enrollment or such time as is reasonably determined under the rules promulgated by the interstate commission, to obtain any immunization required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

d. KINDERGARTEN AND FIRST GRADE ENTRANCE AGE. Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level, including kindergarten, from a local education agency in the sending state at the time of transition, regardless of age. A student who has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on the student's validated level from an accredited school in the sending state.

5. ARTICLE V — PLACEMENT AND ATTENDANCE.

a. COURSE PLACEMENT. When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school or educational assessments conducted at the school in the sending state if the courses are offered, or both. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course.

b. EDUCATIONAL PROGRAM PLACEMENT. The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation and placement in like programs in the sending state. Such programs include but are not limited to gifted and talented programs and English as a second language programs. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

c. SPECIAL EDUCATION SERVICES. In compliance with the federal requirements of the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on the student's current individualized education program; and, in compliance with the requirements of section 504 of the Rehabilitation Act, 29 U.S.C. § 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing section 504 or Title II plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

d. PLACEMENT FLEXIBILITY. Local education agency administrative officials shall have

flexibility in waiving course and program prerequisites, or other preconditions for placement in courses and programs offered under the jurisdiction of the local education agency.

e. ABSENCE AS RELATED TO DEPLOYMENT ACTIVITIES. A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by this compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with the student's parent or legal guardian relative to such leave or deployment of the parent or guardian.

6. ARTICLE VI — ELIGIBILITY.

a. ELIGIBILITY FOR ENROLLMENT.

(1) Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

(2) A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

(3) A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which the child was enrolled while residing with the custodial parent.

b. ELIGIBILITY FOR EXTRACURRICULAR PARTICIPATION. State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

7. ARTICLE VII — GRADUATION. In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

a. WAIVER REQUIREMENTS. Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

b. EXIT EXAMS.

(1) States shall accept any of the following in lieu of testing requirements for graduation in the receiving state:

(a) Exit or end-of-course exams required for graduation from the sending state.

(b) National norm-referenced achievement tests.

(c) Alternative testing.

(2) In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in the student's senior year, then the provisions of paragraph "c" shall apply.

c. TRANSFERS DURING SENIOR YEAR. Should a military student transferring at the beginning or during the student's senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with paragraphs "a" and "b".

8. ARTICLE VIII — STATE COORDINATION.

a. Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in, and compliance

with, this compact and interstate commission activities. While each member state may determine the membership of its own state council, its membership must include at least: the director of the department of education, superintendent of a school district with a high concentration of military children, representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council.

b. The state council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

c. The compact commissioner responsible for the administration and management of the state's participation in this compact shall be appointed by the governor or as otherwise determined by each member state.

d. The compact commissioner and the military family education liaison designated in sections 256G.2 and 256G.3 shall be ex officio members of the state council, unless either is already a full voting member of the state council.

9. ARTICLE IX — INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN. The member states hereby create the interstate commission on educational opportunity for military children. The activities of the interstate commission are the formation of public policy and are a discretionary state function. The interstate commission shall:

a. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact.

b. Consist of one interstate commission voting representative from each member state who shall be that state's compact commissioner.

(1) Each member state represented at a meeting of the interstate commission is entitled to one vote.

(2) A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

(3) A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the interstate commission, the governor or state council may delegate voting authority to another person from the compact commissioner's state for a specified meeting.

(4) The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication.

c. Consist of ex officio, nonvoting representatives who are members of interested organizations. Such ex officio members, as defined in the bylaws may include but not be limited to members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the United States department of defense, the education commission of the states, the interstate agreement on the qualification of educational personnel and other interstate compacts affecting the education of children of military members.

d. Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings.

e. Establish an executive committee, whose members shall include the officers of the interstate commission and such other members of the interstate commission as determined by the bylaws. Members of the executive committee shall serve a one-year term. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the interstate commission, with the exception of rulemaking, during periods when the interstate commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of this compact including enforcement

and compliance with the provisions of this compact, its bylaws and rules, and other such duties as deemed necessary. The United States department of defense, shall serve as an ex officio, nonvoting member of the executive committee.

f. Establish bylaws and rules that provide for conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure information or official records to the extent disclosure would adversely affect personal privacy rights or proprietary interests.

g. Give public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in this compact. The interstate commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would likely do any of the following:

(1) Relate solely to the interstate commission's internal personnel practices and procedures.

(2) Disclose matters specifically exempted from disclosure by federal and state statute.

(3) Disclose trade secrets or commercial or financial information which is privileged or confidential.

(4) Involve accusing a person of a crime, or formally censuring a person.

(5) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

(6) Disclose investigative records compiled for law enforcement purposes.

(7) Specifically relate to the interstate commission's participation in a civil action or other legal proceeding.

h. Cause its legal counsel or designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, which is closed pursuant to this provision. The interstate commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the interstate commission.

i. Collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such methods of data collection, exchange, and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules.

j. Create a process that permits military officials, education officials, and parents to inform the interstate commission if and when there are alleged violations of this compact or its rules or when issues subject to the jurisdiction of this compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the interstate commission or any member state.

10. ARTICLE X — POWERS AND DUTIES OF THE INTERSTATE COMMISSION. The interstate commission shall have the following powers:

a. To provide for dispute resolution among member states.

b. To promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact. The rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact.

c. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of this compact, its bylaws, rules, and actions.

d. To enforce compliance with the compact provisions, the rules promulgated by the interstate commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process.

e. To establish and maintain offices which shall be located within one or more of the member states.

f. To purchase and maintain insurance and bonds.

g. To borrow, accept, hire, or contract for services of personnel.

h. To establish and appoint committees including but not limited to an executive committee as required by article IX of this compact which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties under this compact.

i. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications; and to establish the interstate commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel.

j. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.

k. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed.

l. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

m. To establish a budget and make expenditures.

n. To adopt a seal and bylaws governing the management and operation of the interstate commission.

o. To report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the interstate commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the interstate commission.

p. To coordinate education, training, and public awareness regarding this compact, its implementation and operation for officials and parents involved in such activity.

q. To establish uniform standards for the reporting, collecting, and exchanging of data.

r. To maintain corporate books and records in accordance with the bylaws.

s. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

t. To provide for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

11. ARTICLE XI — ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.

a. The interstate commission shall, by a majority of the members present and voting, within twelve months after the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of this compact, including but not limited to:

(1) Establishing the fiscal year of the interstate commission.

(2) Establishing an executive committee, and such other committees as may be necessary.

(3) Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the interstate commission.

(4) Providing reasonable procedures for calling and conducting meetings of the interstate commission, and ensuring reasonable notice of each such meeting.

(5) Establishing the titles and responsibilities of the officers and staff of the interstate commission.

(6) Providing a mechanism for concluding the operations of the interstate commission and the return of surplus funds that may exist upon the termination of this compact after the payment and reserving of all of its debts and obligations.

(7) Providing start-up rules for initial administration of this compact.

b. The interstate commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice chairperson, shall preside at all meetings of the interstate commission. The officers so elected shall serve without compensation or remunera-

tion from the interstate commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the interstate commission.

c. (1) The executive committee shall have such authority and duties as may be set forth in the bylaws, including but not limited to the following:

(a) Managing the affairs of the interstate commission in a manner consistent with the bylaws and purposes of the interstate commission.

(b) Overseeing an organizational structure within, and appropriate procedures for the interstate commission to provide for the creation of rules, operating procedures, and administrative and technical support functions.

(c) Planning, implementing, and coordinating communications and activities with other state, federal, and local government organizations in order to advance the goals of the interstate commission.

(2) The executive committee may, subject to the approval of the interstate commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the interstate commission may deem appropriate. The executive director shall serve as secretary to the interstate commission, but shall not be a member of the interstate commission. The executive director shall hire and supervise such other persons as may be authorized by the interstate commission.

d. The interstate commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of interstate commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(1) The liability of the interstate commission's executive director and employees or interstate commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state shall not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The interstate commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this paragraph "d" shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(2) The interstate commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission representative, shall defend such interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(3) To the extent not covered by the state involved, member state, or the interstate commission, the representatives or employees of the interstate commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

12. ARTICLE XII — RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.

a. The interstate commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the event

the interstate commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this compact, or the powers granted under this compact, then such an action by the interstate commission shall be invalid and have no force or effect.

b. Rules shall be made pursuant to a rulemaking process that substantially conforms to the model state administrative procedure Act of 1981, uniform laws annotated, as amended, as may be appropriate to the operations of the interstate commission.

c. Not later than thirty days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the interstate commission's authority.

d. If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt this compact, then such rule shall have no further force and effect in any compacting state.

13. ARTICLE XIII — OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION.

a. OVERSIGHT.

(1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate this compact's purposes and intent. The provisions of this compact and the rules promulgated under this compact shall have standing as statutory law.

(2) All courts shall take judicial notice of this compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the interstate commission.

(3) The interstate commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the interstate commission shall render a judgment or order void as to the interstate commission, this compact, or promulgated rules.

b. DEFAULT, TECHNICAL ASSISTANCE, SUSPENSION, AND TERMINATION.

(1) If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the interstate commission shall:

(a) Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default, and any action taken by the interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default.

(b) Provide remedial training and specific technical assistance regarding the default.

(2) If the defaulting state fails to cure the default, the defaulting state shall be terminated from this compact upon an affirmative vote of a majority of the member states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

(3) Suspension or termination of membership in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the interstate commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

(4) The state which has been suspended or terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination.

(5) The interstate commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state.

(6) The defaulting state may appeal the action of the interstate commission by petitioning the United States district court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

c. DISPUTE RESOLUTION.

(1) The interstate commission shall attempt, upon the request of a member state, to resolve disputes which are subject to this compact and which may arise among member states and between member and nonmember states.

(2) The interstate commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

d. ENFORCEMENT.

(1) The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) The interstate commission, may by majority vote of the members, initiate legal action in the United States district court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with the provisions of this compact, its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

(3) The remedies in this compact shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession.

14. ARTICLE XIV — FINANCING OF THE INTERSTATE COMMISSION.

a. The interstate commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

b. The interstate commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member states.

c. The interstate commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the interstate commission pledge the credit of any of the member states, except by and with the authority of the member state.

d. The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall by[2] audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the interstate commission.

15. ARTICLE XV — MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT.

a. Any state is eligible to become a member state.

b. This compact shall become effective and binding upon legislative enactment of this compact into law by no less than ten of the states. The effective date shall be no earlier than December 1, 2007. Thereafter it shall become effective and binding as to any other member state upon enactment of this compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the interstate commission on a nonvoting basis prior to adoption of this compact by all states.

c. The interstate commission may propose amendments to this compact for enactment by the member states. An amendment shall not become effective and binding upon the interstate commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

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[2] According to enrolled Act; the word "be" probably intended

16. ARTICLE XVI — WITHDRAWAL AND DISSOLUTION.

a. WITHDRAWAL.

(1) Once effective, this compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from this compact by specifically repealing the statute which enacted this compact into law.

(2) Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member jurisdiction.

(3) The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty days of its receipt of the notice.

(4) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

(5) Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting this compact or upon such later date as determined by the interstate commission.

b. DISSOLUTION OF COMPACT.

(1) This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in this compact to one member state.

(2) Upon the dissolution of this compact, this compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

17. ARTICLE XVII — SEVERABILITY AND CONSTRUCTION.

a. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

b. The provisions of this compact shall be liberally construed to effectuate its purposes.

c. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

18. ARTICLE XVIII — BINDING EFFECT OF COMPACT AND OTHER LAWS.

a. OTHER LAWS.

(1) Nothing in this compact prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

(2) All member states' laws conflicting with this compact are superseded to the extent of the conflict.

b. BINDING EFFECT OF THE COMPACT.

(1) All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the member states.

(2) All agreements between the interstate commission and the member states are binding in accordance with their terms.

(3) In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Sec. 2. NEW SECTION. 256G.2 COUNCIL ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.

1. A council on educational opportunity for military children is created to provide advice and recommendations regarding this state's participation in and compliance with the interstate compact on educational opportunity for military children in accordance with section 256G.1.

2. The council shall consist of the following seven members:

a. The director of the department of education or the director's designee.

b. The superintendent, or the superintendent's designee, for the school district with the highest percentage per capita of military children during the previous school year.

c. Two members appointed by the governor, one of whom shall represent a military installation located within this state and one of whom shall represent the executive branch and possess experience in assisting military families in obtaining educational services for their children. The term of each member appointed under this paragraph shall be for four years, except that, in order to provide for staggered terms, the governor shall initially appoint one member to a term of two years and one member to a term of three years.

d. One member appointed jointly by the president of the senate and the speaker of the house of representatives as provided in sections 2.32A and 69.16B.

e. The compact commissioner appointed pursuant to section 256G.3 and the military family education liaison appointed in accordance with subsection 4, shall serve as nonvoting, ex officio members of the council unless already appointed to the council as voting members. The compact commissioner and the military family education liaison shall serve at the pleasure of the governor.

3. Nonlegislative members of the council shall serve without compensation, but shall receive their actual and necessary expenses and travel incurred in the performance of their duties. Vacancies on the commission shall be filled for the unexpired portion of the term in the same manner as the original appointments.

4. The council shall appoint a military family education liaison pursuant to section 256G.1, article VIII of the interstate compact on educational opportunity for military children, to assist military families and the state in facilitating the implementation of this compact.

5. The council shall comply with the requirements of chapters 21 and 22.

6. The department of education shall provide administrative support to the council.

Sec. 3. NEW SECTION. 256G.3 COMPACT COMMISSIONER — APPOINTMENT.

In accordance with section 256G.1, article VIII of the interstate compact on educational opportunity for military children, the governor shall designate a compact commissioner, who shall serve at the pleasure of the governor and who shall be responsible for the administration and management of this state's participation in the compact and shall serve as this state's voting representative on the interstate commission on educational opportunity for military children as provided in section 256G.1, article IX of the compact.

Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 26, 2009

CHAPTER 32

E911 AND 911 SERVICES
— USE OF LOCAL EXCHANGE
SERVICE SUBSCRIBER INFORMATION

S.F. 154

AN ACT relating to the authorized uses of local exchange service information by specified individuals and entities.

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

Section 1. Section 34A.8, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. The program manager, joint E911 service board, the designated E911 service provider, and the public safety answering point, their agents, employees, and assigns shall use local exchange service information provided by the local exchange service provider solely for the purposes of providing E911 emergency telephone service or providing related 911 call alert services utilizing only the subscriber's information to a subscriber who consents to the provision of such services, and it shall otherwise be kept confidential. A person who violates this section is guilty of a simple misdemeanor.

Approved April 2, 2009

CHAPTER 33

UNIFORM ATHLETE AGENTS ACT

S.F. 199

AN ACT relating to the uniform athlete agents Act and providing remedies and penalties.

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

Section 1. NEW SECTION. 9A.101 TITLE.

This chapter shall be known as the "Uniform Athlete Agents Act".

Sec. 2. NEW SECTION. 9A.102 DEFINITIONS.

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

1. "Agency contract" means an agreement pursuant to which a student athlete authorizes a person to negotiate or solicit on behalf of the student athlete a professional sports services contract or an endorsement contract.

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

3. "Athletic director" means an individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.

4. "Contact" means a direct or indirect communication between an athlete agent and a student athlete, to recruit or solicit the student athlete to enter into an agency contract.

5. "Endorsement contract" means an agreement under which a student athlete is employed or receives consideration to use on behalf of the other party any value that the student athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance.

6. "Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association for the promotion or regulation of collegiate athletics.

7. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.

8. "Professional sports services contract" means an agreement under which an individual is employed, or agrees to render services, as a player on a professional sports team, with a professional sports organization, or as a professional athlete.

9. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

10. "Registration" means registration as an athlete agent pursuant to this chapter.

11. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

12. "Student athlete" means an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport. If an individual is permanently ineligible to participate in a particular intercollegiate sport, the individual is not a student athlete for purposes of that sport.

Sec. 3. NEW SECTION. 9A.103 SERVICE OF PROCESS — SUBPOENAS.

1. By acting as an athlete agent in this state, a nonresident individual appoints the secretary of state as the individual's agent for service of process in any civil action in this state related to the individual's acting as an athlete agent in this state.

2. The secretary of state may issue subpoenas for any material that is relevant to the administration of this chapter.

Sec. 4. NEW SECTION. 9A.104 ATHLETE AGENTS — REGISTRATION REQUIRED — VOID CONTRACTS.

1. Except as otherwise provided in subsection 2, an individual shall not act as an athlete agent in this state without holding a certificate of registration under section 9A.106 or 9A.108.

2. Before being issued a certificate of registration, an individual may act as an athlete agent in this state for all purposes except signing an agency contract, if all of the following occur:

a. A student athlete or another person acting on behalf of the student athlete initiates communication with the individual.

b. Within seven days after an initial act as an athlete agent, the individual submits an application for registration as an athlete agent in this state.

3. An agency contract resulting from conduct in violation of this section is void and the athlete agent shall return any consideration received under the contract.

Sec. 5. NEW SECTION. 9A.105 REGISTRATION AS ATHLETE AGENT — FORM — REQUIREMENTS.

1. An applicant for registration shall submit an application for registration to the secretary of state in a form prescribed by the secretary of state. An application filed under this section is a public record. The application shall be in the name of an individual and, except as other-

wise provided in subsection 2, signed or otherwise authenticated by the applicant under penalty of perjury, and contain the following information:

a. The name of the applicant and the address of the applicant's principal place of business.

b. The name of the applicant's business or employer, if applicable.

c. Any business or occupation engaged in by the applicant for the five years immediately preceding the date of submission of the application.

d. A description of the applicant's qualifications, including:

(1) Formal training as an athlete agent.

(2) Practical experience as an athlete agent.

(3) Educational background relating to the applicant's activities as an athlete agent.

e. The names and addresses of three individuals not related to the applicant who are willing to serve as references.

f. The name, sport, and last known team of each individual for whom the applicant acted as an athlete agent during the five years immediately preceding the date of submission of the application.

g. The names and addresses of all persons who have or claim an ownership interest in the applicant's business, including:

(1) The partners, members, officers, managers, associates, or profit-sharers of the business if it is not a corporation.

(2) The officers, directors, and any shareholder of the corporation having an interest of five percent or greater in a corporation employing the athlete agent.

h. Whether the applicant or any person named pursuant to paragraph "g" has been convicted of a crime that, if committed in this state, would be a crime involving moral turpitude or which is a felony, and identify the crime.

i. Whether there has been any administrative or judicial determination that the applicant or any person named pursuant to paragraph "g" has made a materially false, misleading, deceptive, or fraudulent representation.

j. Any instance in which the conduct of the applicant or any person named pursuant to paragraph "g" resulted in the imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event on, of, or by a student athlete or educational institution.

k. Any sanction, suspension, or disciplinary action taken against the applicant or any person named pursuant to paragraph "g" arising out of occupational or professional conduct.

l. Whether there has been any denial of an application for, suspension or revocation of, or refusal to renew, the registration or licensure of the applicant or of any person named pursuant to paragraph "g" as an athlete agent in any state.

2. An individual who has submitted an application for, and holds a certificate of, registration or licensure as an athlete agent in another state may submit a copy of the application and certificate in lieu of submitting an application in the form prescribed pursuant to subsection 1. The secretary of state shall accept the application and the certificate from the other state as an application for registration in this state if the application to the other state complies with all of the following:

a. Was submitted in the other state within the six-month period immediately preceding the submission of the application in this state and the applicant certifies that the information contained in the application in the other state is current.

b. Contains information substantially similar to or more comprehensive than that required in an application submitted in this state.

c. Was signed by the applicant under penalty of perjury.

Sec. 6. NEW SECTION. 9A.106 CERTIFICATE OF REGISTRATION — ISSUANCE OR DENIAL — RENEWAL.

1. Except as otherwise provided in subsection 2, the secretary of state shall issue a certificate of registration to an individual who complies with section 9A.105, subsection 1, or whose application has been accepted under section 9A.105, subsection 2.

2. The secretary of state may refuse to issue a certificate of registration if the secretary of

state determines that the applicant has engaged in conduct that has a significant adverse effect on the applicant's fitness to act as an athlete agent. In making the determination, the secretary of state may consider whether the applicant has done the following:

a. Been convicted of a crime that, if committed in this state, would be a crime involving moral turpitude or a felony.

b. Made a materially false, misleading, deceptive, or fraudulent representation in the application or as an athlete agent.

c. Engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity.

d. Engaged in conduct prohibited by section 9A.114.

e. Had a certificate of registration or licensure as an athlete agent suspended, revoked, or denied or been refused renewal of a certificate of registration or licensure as an athlete agent in any state.

f. Engaged in conduct which resulted in the imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event on, of, or by a student athlete or educational institution.

g. Engaged in conduct that significantly adversely reflects on the applicant's credibility, honesty, or integrity.

3. In making a determination under subsection 2, the secretary of state shall consider the following:

a. How recently the conduct occurred.

b. The nature of the conduct and the context in which it occurred.

c. Any other relevant conduct of the applicant.

4. An athlete agent may apply to renew a certificate of registration by submitting an application for renewal in a form prescribed by the secretary of state. An application filed under this section is a public record. The application for renewal must be signed by the applicant under penalty of perjury and must contain current information on all matters required in an original application for registration.

5. An individual who has submitted an application for renewal of a certificate of registration or licensure in another state, in lieu of submitting an application for renewal in the form prescribed pursuant to subsection 4, may file a copy of the application for renewal and a valid certificate of registration or licensure from the other state. The secretary of state shall accept the application for renewal from the other state as an application for renewal in this state if the application to the other state complies with all of the following:

a. Was submitted in the other state within the six-month period immediately preceding the filing in this state and the applicant certifies the information contained in the application for renewal in the other state is current.

b. Contains information substantially similar to or more comprehensive than that required in an application for renewal submitted in this state.

c. Was signed by the applicant under penalty of perjury.

6. An original certificate of registration or a renewal of a certificate of registration is valid for two years.

Sec. 7. NEW SECTION. 9A.107 SUSPENSION, REVOCATION, OR REFUSAL TO RENEW REGISTRATION.

1. The secretary of state may suspend, revoke, or refuse to renew a certificate of registration for conduct that would have justified denial of a certificate of registration under section 9A.106, subsection 2.

2. The secretary of state may deny, suspend, revoke, or refuse to renew a certificate of registration or licensure only after proper notice and an opportunity for a hearing held in accordance with chapter 17A.

Sec. 8. NEW SECTION. 9A.108 TEMPORARY REGISTRATION.

The secretary of state may issue a temporary certificate of registration while an application for registration or renewal of registration is pending.

Sec. 9. NEW SECTION. 9A.109 REGISTRATION AND RENEWAL FEES.

An application for registration or renewal of registration shall be accompanied by a reasonable registration or renewal of registration fee sufficient to offset expenses incurred in the administration of this chapter as established by the secretary of state.

Sec. 10. NEW SECTION. 9A.110 REQUIRED FORM OF CONTRACT.

1. An agency contract shall be in a record, signed, or otherwise authenticated by the parties.

2. An agency contract shall contain the following information:

a. The amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the athlete agent under the contract and any other consideration the athlete agent has received or will receive from any other source for entering into the contract or for providing the services.

b. The name of any person not listed in the application for registration or renewal of registration who will be compensated because the student athlete signed the agency contract.

c. The description of any expenses that the student athlete agrees to reimburse.

d. The description of the services to be provided to the student athlete.

e. The duration of the contract.

f. The date of execution of the contract.

3. An agency contract must contain, in close proximity to the signature of the student athlete, a conspicuous notice in boldface type in capital letters stating:

WARNING TO STUDENT ATHLETE

IF YOU SIGN THIS CONTRACT:

(1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE IN YOUR SPORT;

(2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND

(3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.

4. An agency contract that does not conform to this section is voidable by the student athlete. If a student athlete voids an agency contract, the student athlete is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student athlete to enter into the contract.

5. The athlete agent shall give a record of the signed or otherwise authenticated agency contract to the student athlete at the time of execution of the contract.

Sec. 11. NEW SECTION. 9A.111 NOTICE TO EDUCATIONAL INSTITUTION.

1. Within seventy-two hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution at which the student athlete is enrolled or at which the athlete agent has reasonable grounds to believe the student athlete intends to enroll.

2. Within seventy-two hours after entering into an agency contract or before the next athletic event in which the student athlete may participate, whichever occurs first, the student athlete shall inform the athletic director of the educational institution at which the student athlete is enrolled or intends to enroll that the student athlete has entered into an agency contract.

Sec. 12. NEW SECTION. 9A.112 STUDENT ATHLETE'S RIGHT TO CANCEL.

1. A student athlete may cancel an agency contract by giving notice of the cancellation to the athlete agent in a record within fourteen days after the contract is signed.

2. A student athlete shall not waive the right to cancel an agency contract.

3. If a student athlete cancels an agency contract, the student athlete is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student athlete to enter into the contract.

Sec. 13. NEW SECTION. 9A.113 REQUIRED RECORDS.

1. An athlete agent shall retain the following records for a period of five years:

a. The name and address of each individual represented by the athlete agent.

b. Any agency contract entered into by the athlete agent.

c. Any direct costs incurred by the athlete agent in the recruitment or solicitation of a student athlete to enter into an agency contract.

2. Records required to be retained pursuant to subsection 1 are open to inspection by the secretary of state during normal business hours.

Sec. 14. NEW SECTION. 9A.114 PROHIBITED CONDUCT.

1. An athlete agent, with the intent to induce a student athlete to enter into an agency contract, shall not do any of the following:

a. Give any materially false, misleading, deceptive, or fraudulent information or make a materially false promise or a materially false, misleading, deceptive, or fraudulent representation.

b. Furnish anything of value to a student athlete before the student athlete enters into the agency contract.

c. Furnish anything of value to any individual other than the student athlete or another registered athlete agent.

2. An athlete agent shall not intentionally:

a. Initiate contact with a student athlete unless registered under this chapter.

b. Refuse or fail to retain or permit inspection of the records required to be retained by section 9A.113.

c. Fail to register when required by section 9A.104.

d. Provide materially false or misleading information in an application for registration or renewal of registration.

e. Predate or postdate an agency contract.

f. Fail to notify a student athlete before the student athlete signs or otherwise authenticates an agency contract for a particular sport that the signing or authentication may make the student athlete ineligible to participate as a student athlete in that sport.

Sec. 15. NEW SECTION. 9A.115 CRIMINAL PENALTIES.

An athlete agent who violates section 9A.114 is guilty of a serious misdemeanor.

Sec. 16. NEW SECTION. 9A.116 CIVIL REMEDIES.

1. An educational institution has a right of action against an athlete agent or a former student athlete for damages caused by a violation of this chapter. In an action under this section, the court may award costs and reasonable attorney fees to the prevailing party.

2. Damages to an educational institution under subsection 1 include losses and expenses incurred because, as a result of the conduct of an athlete agent or former student athlete, the educational institution was injured by a violation of this chapter or was sanctioned, declared ineligible, or suspended from participation in athletics by a national association for the promotion and regulation of athletics, by an athletic conference, or by reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by such an association.

3. A right of action under this section does not accrue until the educational institution discovers or by the exercise of reasonable diligence should have discovered the violation by the athlete agent or former student athlete.

4. Any liability of the athlete agent or the former student athlete under this section is several and not joint.

5. This chapter does not restrict rights, remedies, or defenses of any person under law or equity.

Sec. 17. NEW SECTION. 9A.117 ADMINISTRATIVE PENALTY.

The secretary of state may assess a civil penalty against an athlete agent not to exceed twenty-five thousand dollars for a violation of this chapter.

Sec. 18. NEW SECTION. 9A.118 UNIFORMITY OF APPLICATION AND CONSTRUCTION.

In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to the subject matter of this chapter among states that enact the uniform athlete agents Act.

Sec. 19. NEW SECTION. 9A.119 ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.

The provisions of this chapter governing the legal effect, validity, or enforceability of electronic records or signatures, and of contracts formed or performed with the use of such records or signatures, shall be construed as conforming to the requirements of section 102 of the federal Electronic Signatures in Global and National Commerce Act, Pub. L. No. 106-229, 114 Stat. 464 (2000), codified at 15 U.S.C. § 7001 et seq., as amended.

Sec. 20. Code sections 9A.1 through 9A.12, Code 2009, are repealed.

Approved April 2, 2009

CHAPTER 34

REGULATION OF DEBT MANAGEMENT SERVICES

S.F. 311

AN ACT relating to the regulation of the business of debt management and making penalties applicable.

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

Section 1. Section 533A.1, Code 2009, is amended to read as follows:

533A.1 DEFINITIONS.

As used in this chapter:

~~1. "Allowable cost" means an actual, identifiable third-party expense incurred by the licensee on behalf of a specific debtor, such as postage and long distance telephone charges, that may be itemized and charged against the debtor for payment.~~

~~2.~~ 1. "Creditor" means a person who grants credit, a person who takes assignment of the rights to payments of a person who grants credit, or a person for whose benefit moneys are being collected and distributed by ~~licensees~~ a licensee.

~~3.~~ 2. "Debt management" means ~~the planning and management of the financial affairs of a debtor and the receiving therefrom of money or evidences thereof for the purpose of distributing the same to the debtor's creditors in payment or partial payment of the debtor's obligations for a fee~~, when done for a fee, any of the following:

a. Arranging or negotiating, or attempting to arrange or negotiate, the amount or terms of debt owed by a debtor to a creditor.

b. Receiving from a debtor, directly or indirectly, money or evidences thereof for the purposes of distributing the same to one or more creditors of the debtor in payment or partial payment of the debtor's obligations.

c. Serving as an intermediary between a debtor and one or more creditors of the debtor for the purpose of obtaining concessions from the creditors.

d. Engaging in debt settlement.

3. "Debt settlement" means seeking to settle the amount of a debtor's debts with creditors for less than the amounts owed on the debts.

4. "Debtor" means any natural person.

5. "Donation" means money given by the debtor to a licensee as a gift for debt management and outside of the debt management contract.

6. "Fee" means the moneys paid by the debtor to the licensee as payment for debt management and shall not include money paid to the licensee or held by the licensee for distribution to a creditor, ~~allowable costs,~~ a distribution to the debtor as a refund, or a donation.

7. "Gratuitous debt-management service" means debt management without charging a fee.

8. "Licensee" means any person licensed under this chapter.

9. "Natural person" means an individual who is not an association, joint venture, or joint stock company, partnership, limited partnership, business corporation, nonprofit corporation, other business entity, or any group of individuals or business entities, however organized.

10. "Office" means each location by street number, building number, city, and state where any person engages in debt management.

11. "Person" means an individual, an association, joint venture or joint stock company, partnership, limited partnership, business corporation, nonprofit corporation, or any other group of individuals however organized.

12. "Superintendent" means the superintendent of banking.

Sec. 2. Section 533A.2, subsection 2, Code 2009, is amended by adding the following paragraph:

NEW PARAGRAPH. h. A person licensed under chapter 533C, including that person's authorized delegates as defined in section 533C.102, or a person exempt from licensing under section 533C.103, when engaging in money transmission or currency exchange as defined in chapter[1] 533C.102.

Sec. 3. Section 533A.2, subsection 3, Code 2009, is amended to read as follows:

3. The application for a license shall be in the form prescribed by the superintendent. If the applicant is not a natural person, a copy of the legal documents creating the applicant shall be filed with the application. The application shall contain all of the following:

a. The name of the applicant.

b. If the applicant is not a natural person, the type of business entity of the applicant and the date the entity was organized.

c. If the applicant is a foreign corporation, both of the following:

(1) An irrevocable consent, duly acknowledged, that suits and actions may be commenced against the licensee in the courts of this state by service of process performed as provided in section 617.3 or as provided in the Iowa rules of civil procedure.

(2) Proof of authorization to do business in this state.

~~c.~~ d. The address where the business is to be conducted, including information as to any branch office of the applicant.

~~d.~~ e. The name and resident address of the applicant's owner or partners, or, if a corporation, association, or agency, of the members, shareholders, directors, trustees, principal officers, managers, and agents.

f. The name, physical address, and telephone number of the licensee's agent for service of process.

~~e.~~ g. Other pertinent information as the superintendent may require, including a credit report.

Sec. 4. Section 533A.2, subsection 5, Code 2009, is amended to read as follows:

5. Each applicant shall furnish with the application a description of its proposed debt management program, a copy of the disclosures it will be providing debtors pursuant to section 533A.8, subsection 3, and a copy of the contract the applicant proposes to use between the ap-

[1] See chapter 179, §41 herein

plicant and the debtor~~, which shall contain a schedule of fees to be charged the debtor for the applicant's services~~ pursuant to section 533A.8, subsection 4.

Sec. 5. Section 533A.8, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

533A.8 LICENSEE REQUIREMENTS.

1. A licensee shall describe the methodology of its debt management program to each potential debtor client so that the debtor can make an informed decision as to whether or not the licensee's program is an appropriate option for the debtor.

2. A licensee shall conduct a comprehensive review of a debtor's debts and monthly budget and make a determination that the licensee's program is an appropriate option for the debtor before entering into a contract with the debtor. A licensee shall not accept an account unless a written and thorough budget analysis has been performed which indicates that the debtor can meet the requirements determined by the budget analysis.

3. a. A licensee, including any third party who markets or sells a debt management program on behalf of a licensee, shall make the following disclosures to a debtor both verbally and in writing before the debtor signs a contract to enroll in the debt management program:

(1) The total estimated fee the debtor will pay for participating in the program if the debtor remains in the program for the entire term of the contract.

(2) That the licensee cannot guarantee any specific results from participation in the program.

(3) That the debtor may elect to discontinue participation in the program without penalty at any time during the program.

(4) If the program includes obtaining concessions regarding the principal amount of the debt from creditors, that any concessions may be considered income to the debtor subject to income tax.

(5) If the program is based on a model which does not require the licensee or another licensee to receive money or evidence thereof from the debtor to distribute to the debtor's creditors, the following:

(a) That payments are not made to creditors on the debtor's behalf, so the debtor is still obligated to make payments to creditors.

(b) That creditors may continue to try to collect the debtor's debts while the debtor is enrolled in the program.

(6) If the program is a debt settlement program, that the following may occur:

(a) The debtor's credit report and credit score may be harmed by participating in the program.

(b) Failure to make required minimum payments to the debtor's creditors may violate the debtor's agreement with the creditors and may result in additional charges, such as late fees, over limit fees, and penalties and creditors may raise the debtor's interest rate.

(c) The debtor may be sued by creditors if the debtor fails to make required minimum payments to the debtor's creditors.

b. The verbal disclosures required pursuant to this subsection shall be made at a normal rate of speech in a manner designed to ensure the debtor understands the disclosures. The written disclosures shall be provided in a separate document from the contract between the licensee and the debtor and shall be designed to ensure the debtor understands the disclosures. It is a violation of this chapter for a licensee, or any third party who markets or sells a debt management program on behalf of a licensee, to contradict these disclosures in any representation, advertising, or solicitation.

4. A licensee shall make a written contract with a debtor and shall immediately and before collecting any fee, furnish the debtor with a true copy of the contract. A contract shall not extend for a period longer than sixty months. The contract between a licensee and a debtor shall include all of the following:

a. The total estimated charges agreed upon for the services of the licensee and any third parties providing services for or in conjunction with the licensee.

b. A statement of how and when the charges are to be paid.

c. A statement that the debtor may elect to discontinue participation in the program without penalty at any time during the program.

d. The beginning and expiration date of the contract.

e. The name, physical address, mailing address if different from the physical address, and telephone number of the licensee.

f. A description of the services to be provided by the licensee, which shall include educational and counseling services designed to assist the debtor in managing the debtor's borrowing, spending, and saving habits.

g. If the debt management program is a debt settlement program, the following:

(1) A comprehensive list of every debt at the time of enrollment that is to be negotiated for settlement by the licensee, including the creditors' names and identifying information.

(2) The estimated amount of money needed to fund settlements.

h. If the debt management program is based on a model which requires the licensee or any licensee to receive money or evidences thereof from the debtor to distribute to the debtor's creditors, the contract shall set forth the complete list of creditors who are to receive payments under the contract.

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

a. Maintain a separate bank trust account in which all payments received from debtors for the benefit of creditors shall be deposited and in which all payments shall remain until a remittance is made to either the debtor or the creditor.

b. Make remittances to creditors within forty-five days after initial receipt of funds, and thereafter remittances shall be made to creditors within thirty days of receipt, less fees, unless the reasonable payment of one or more of the debtor's obligations requires that such funds be held for a longer period so as to accumulate a sum certain.

c. Provide each debtor a monthly written statement of disbursements made and fees deducted from the debtor's account. The licensee shall also provide a verbal accounting of disbursements made and fees deducted from the debtor's account at any time the debtor requests it during normal business hours.

d. Not receive any fee, or have or cause any fee to be received by any other licensee, other than the initiation fee permitted in section 533A.9, subsection 2, unless the licensee has the consent of at least fifty percent of the total number of the creditors listed in the licensee's contract with the debtor, or such a like number of creditors have accepted a distribution of payment. The debtor shall be informed by the licensee of those creditors who have not agreed to the licensee's handling of the account.

6. If the debt management program is not based on a model which requires the licensee or any licensee to receive money or evidences thereof from the debtor to distribute to the debtor's creditors, both of the following shall apply:

a. The debtor shall maintain full control of and access to any moneys set aside for payment to creditors.

b. The licensee may not receive consideration from any third party in connection with services rendered to a debtor.

7. A licensee shall keep, and use in the licensee's business, books, accounts, and records which will enable the superintendent to determine whether such licensee is complying with the provisions of this chapter, any applicable state or federal laws or regulations, and the rules and regulations of the superintendent. A licensee shall preserve such books, accounts, and records for at least five years after making the final entry on any transaction recorded therein. Records shall contain complete information regarding all contracts, extensions thereof, payments, disbursements, and charges, which records shall be open to inspection by the superintendent and the superintendent's duly appointed agents during normal business hours.

8. In the event a compromise of a debt is arranged by a licensee with one or more creditors, the debtor shall have the full benefit of such compromise.

9. All licensee advertising content, and data supporting any claims made in the advertising,

shall be maintained in retrievable format and available to the superintendent for inspection for a minimum of five years.

10. If the licensee maintains an internet website, the licensee shall make available on its internet website a physical address for its headquarters, a main telephone number, and an electronic mail contact address.

11. The superintendent may adopt additional requirements applicable to licensees pursuant to administrative rule.

Sec. 6. Section 533A.9, Code 2009, is amended to read as follows:

533A.9 FEE AGREED IN ADVANCE.

1. The fee of ~~the~~ a licensee charged to ~~the~~ a debtor shall be agreed upon in advance and stated in the contract and provision for settlement in case of cancellation ~~or prepayment~~ shall also be clearly stated in the contract. ~~The fee of the licensee charged to the debtor shall not exceed fifteen percent of any payment made by the debtor and distributed to the creditors pursuant to the contract. In case of total payment of the contract before the contract period has expired, the licensee shall be entitled only to a fee of no more than three percent of the final payment.~~

2. A debtor may be charged a one-time initiation fee for debt management services, which shall not exceed fifty dollars.

3. If a debt management program is based on a model that required the licensee or any other licensee to receive money or evidences thereof from the debtor to distribute to the debtor's creditors, the debtor may not be charged a fee exceeding the initiation fee permitted in subsection 2 plus a fee not to exceed fifteen percent of amounts actually applied to the debtor's accounts with the creditors. Other than the initiation fee, the debtor shall at no time be required to pay fees exceeding fifteen percent of amounts actually applied to the debtor's accounts with the creditors.

4. If a debt management program is not based on a model that requires the licensee or another licensee to receive money or evidences thereof from the debtor to distribute to the debtor's creditors, a debtor may not be charged a fee exceeding the sum of the following:

a. The initiation fee permitted in subsection 2.

b. An additional fee not to exceed eighteen percent of the total amount of the debtor's debts enrolled in the licensee's program at the time the debtor enrolled in the program. The additional fee shall not be collected pursuant to a method other than the percent of total debt method or the percent of savings method, as provided in subparagraphs (1) and (2), respectively.

(1) The percent of total debt method involves the additional fee being collected in equal monthly installments payable over the first two-thirds of the term of the contract between the debtor and the licensee. The debtor may elect to discontinue participation at any time during the program by providing written notice to the licensee at the address specified in the contract. Notice of discontinuance, if given by mail, is effective when deposited in the mail properly addressed with postage paid. If the debtor discontinues participation in the program, no future installments are due after the mailing of the notice. If participation is discontinued within the first twelve months of the contract, the licensee may retain only fifty percent of the installments it is scheduled to receive through the date the debtor gives the discontinuation notice and shall refund the excess to the debtor. Notwithstanding the foregoing, the licensee may collect a pro rata portion of the total fee upon completion of a settlement of a debtor's debt. The pro rata portion shall be calculated by multiplying the total dollar amount of the contracted additional fee by the percentage of debt settled of the original amount of debt enrolled in the program. In no event shall the additional fee exceed eighteen percent of the total amount of the debtor's debts enrolled in the licensee's program at the time the debtor enrolled in the program.

(2) The percent of savings method involves the additional fee being collected in monthly installments of fifty dollars per month, and the monthly fees collected shall be credited against any fees the licensee earns as the result of settlements. The debtor may elect to discontinue participation at any time during the program by providing written notice to the licensee at the

address specified in the contract. Notice of discontinuance, if given by mail, is effective when deposited in the mail properly addressed with postage paid. If the debtor discontinues participation in the program, no future installments are due after the mailing of the notice. If participation is discontinued within the first twelve months of the contract, the licensee may retain only fifty percent of the installments it is scheduled to receive through the date the debtor gives the discontinuation notice and shall refund the excess to the debtor. Notwithstanding the foregoing, the licensee may collect a pro rata portion of the total fee upon completion of a settlement of a debtor's debt. The pro rata portion, which may be collected at the time of settlement, shall be calculated by multiplying the contracted savings percentage, not to exceed thirty percent, by the amount saved on settled debt. The amount saved on settled debt is the difference between the balance of that debt upon enrollment in the program and the amount settled. In no event shall the additional fee exceed eighteen percent of the total amount of the debtor's debts enrolled in the licensee's program at the time the debtor enrolled in the program.

5. Any services provided by a third party, other than the debtor's own banking fees, including lead generating, marketing, and selling services, shall be paid for by the licensee. Under no circumstances shall a debtor be required to pay a fee to a third party to obtain a licensee's services.

Sec. 7. Section 533A.11, Code 2009, is amended to read as follows:

533A.11 UNLAWFUL ACTS OF LICENSEE.

It ~~shall be~~ is unlawful and a violation of this chapter for the holder of any license issued under ~~the terms and provisions hereto~~ this chapter:

1. To purchase from a creditor any obligation of a debtor.

2. To operate as a collection agent and as a licensee as to the same debtor's account without first disclosing in writing such fact to both the debtor and creditor.

3. To execute any contract or agreement to be signed by the debtor unless the contract or agreement is fully and completely filled in and finished.

4. To receive or charge any fee in the form of a promissory note or other promise to pay, or receive or accept any mortgage or other security for any fee, both as to real or personal property.

5. To pay any bonus or other consideration to any individual, agency, partnership, unincorporated association, or corporation for the referral of a debtor to the licensee's business, or to accept or receive any bonus, commission, or other consideration for referring any debtor to any individual, partnership, unincorporated association, agency, or corporation for any reason.

6. To advertise the licensee's services, display, distribute, broadcast, or televise, or permit to be displayed, advertised, distributed, broadcast, or televised the licensee's services in any manner inconsistent with the law.

7. To make, or facilitate the debtor in making, any false or misleading claim regarding a creditor's right to collect a debt.

8. To dispute, or facilitate the debtor in disputing, the validity of a debt absent a good faith belief by the debtor that the debt is not validly owing.

9. To challenge a debt without the written consent of the debtor.

10. To provide or offer to provide legal advice or legal services, including but not limited to the negotiation of payments or the settlement of a debtor's delinquent account that is subject to pending litigation, unless the person providing or offering to provide legal advice is licensed to practice law in the state in which the debtor resides.

11. To execute a power of attorney or any other written agreement that extinguishes or limits the debtor's right to contact or communicate with any creditor.

12. To take a wage assignment, a lien of any type on real or personal property, or other security to secure the payment of compensation. Any such security is void and unenforceable.

13. To induce or attempt to induce a debtor to enter into a contract which does not comply in all respects with the requirements of this chapter.

14. Where applicable, to make any statements, or allow a third party marketing or selling the licensee's program to make any statements, in the course of advertising or solicitation that contradicts the disclosures required by section 533A.8.

15. When the licensee's program is a debt settlement program, the following:

a. To advise a debtor to stop making payments to creditors.

b. To lead a debtor to believe that a payment to a creditor is in settlement of a debt to the creditor unless the creditor provides a written certification or confirmation that the payment is in full settlement of the debt, or is part of a payment plan that is in full settlement of the debt.

c. To make any of the following representations:

(1) The licensee will furnish money to pay bills or prevent attachments.

(2) Payment of a certain amount will guarantee satisfaction of a certain amount or range of indebtedness.

(3) Participation in a program will prevent debt collection calls, litigation, garnishment, attachment, repossession, foreclosure, eviction, or loss of employment.

(4) Participation in a program will not harm the debtor's credit report or credit score.

(5) Participation in a program will prevent the debtor from having to declare bankruptcy.

(6) That the licensee is authorized or competent to furnish legal advice or perform legal services, including but not limited to the negotiation of payments or the settlement of a debtor's delinquent account that is subject to pending litigation.

(7) That the licensee's negotiations with creditors will result in the elimination of adverse information on the debtor's credit report.

Sec. 8. NEW SECTION. 533A.17 WAIVER NOT ALLOWED.

A waiver by a debtor of the provisions of this chapter is void and unenforceable as contrary to public policy. An attempt by a licensee to induce a debtor to waive the debtor's rights is a violation of this chapter.

Sec. 9. Section 533A.6, Code 2009, is repealed.

Approved April 2, 2009

CHAPTER 35

REGULATION OF CHARITABLE TRUSTS

S.F. 320

AN ACT relating to charitable trusts by providing for filing documents with the attorney general and providing for the attorney general's investigative authority.

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

Section 1. NEW SECTION. 633A.5107 FILING REQUIREMENTS.

1. The provisions of this section apply to the following charitable trusts administered in this state with assets in excess of twenty-five thousand dollars:

a. A nonprofit entity as defined in section 501(c)(3) of the Internal Revenue Code, as defined in section 422.3.

b. A charitable remainder trust as defined in section 664(d) of the Internal Revenue Code, as defined in section 422.3.

c. A charitable lead trust as defined in sections 2055(e)(2)(b) and 2522(c)(2)(b) of the Internal Revenue Code, as defined in section 422.3.

2. a. Within sixty days from the creation of a charitable trust, as described in subsection 1, the trustee shall register the charitable trust with the attorney general. The trustee shall register the charitable trust on a form provided by the attorney general. The trustee shall also submit a copy of the trust instrument to the attorney general as required by the attorney general.

b. The trustee of a charitable trust, as described in subsection 1, shall annually file a copy of the charitable trust's annual report with the attorney general. The annual report may be the same report submitted to the persons specified in section 633A.4213, the charitable trust's most recent annual federal tax filings, or an annual report completed on a form provided by the attorney general.

c. The attorney general may require that documents be filed electronically, including forms, trust instruments, and reports. In addition, the attorney general may require the use of electronic signatures as defined in section 554D.103.

3. Any document provided to the office of the attorney general in connection with a charitable remainder trust or a charitable lead trust, as described in subsection 1, shall not be considered a public record pursuant to chapter 22. The attorney general shall keep the identities and interest of the noncharitable beneficiaries confidential except to the extent that disclosure is required by a court.

4. The attorney general is authorized to adopt administrative rules in accordance with the provisions of chapter 17A for the administration and enforcement of this chapter.

5. For a charitable trust described in subsection 1, created prior to the effective date of this Act and still in existence, the trustee shall register the trust with and submit a current copy of the trust instrument and financial report to the attorney general not later than one hundred thirty-five days after the close of the trust's next fiscal year following the effective date of this Act. The trustee shall comply with the remainder of this Act[1] as if the charitable trust were created on or after the effective date of this Act.

Sec. 2. NEW SECTION. 633A.5108 ROLE OF THE ATTORNEY GENERAL.

The attorney general may investigate a charitable trust to determine whether the charitable trust is being administered in accordance with law and the terms and purposes of the trust. The attorney general may apply to a district court for such orders that are reasonable and necessary to carry out the terms and purposes of the trust and to ensure the trust is being administered in accordance with applicable law. Limitation of action provisions contained in section 633A.4504 apply.

Sec. 3. Section 633.303, Code 2009, is repealed.

Approved April 2, 2009

[1] See chapter 179, §45 herein

CHAPTER 36

CONTROLLED AND PRECURSOR SUBSTANCE
REGULATION AND REPORTING

H.F. 122

AN ACT relating to requiring reports for certain precursor substances and extending an information program for drug prescribing and dispensing and providing an effective date.

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

Section 1. Section 124B.2, subsection 1, Code 2009, is amended by adding the following new paragraphs:

NEW PARAGRAPH. y. Iodine

NEW PARAGRAPH. z. N-phenethyl-4-piperidone (NPP)

Sec. 2. 2006 Iowa Acts, chapter 1147, section 10, is repealed.

Sec. 3. Sections 124.551 through 124.558, Code 2009, are repealed June 30, 2011.

Sec. 4. EFFECTIVE DATE. The section of this Act that repeals 2006 Iowa Acts, chapter 1147, section 10, being deemed of immediate importance, takes effect upon enactment.

Approved April 2, 2009

CHAPTER 37

REGULATION OF MISCELLANEOUS
PUBLIC HEALTH-RELATED ACTIVITIES

H.F. 314

AN ACT relating to health-related activities and regulation by the department of public health and making penalties applicable.

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

DIVISION I
LEAD-SAFE RENOVATORS AND CHILD-OCCUPIED FACILITIES

Section 1. Section 135.105A, Code 2009, is amended to read as follows:

135.105A LEAD INSPECTOR, ~~AND~~ LEAD ABATER, AND LEAD-SAFE RENOVATOR TRAINING AND CERTIFICATION PROGRAM ESTABLISHED — CIVIL PENALTY.

1. The department shall establish a program for the training and certification of lead inspectors, ~~and~~ lead abaters, and lead-safe renovators. The department shall maintain a listing, available to the public and to city and county health departments, of lead inspector, ~~and~~ lead abater, and lead-safe renovator training programs that have been approved by the department, and of lead inspectors, ~~and~~ lead abaters, and lead-safe renovators who have successfully completed the training program and have been certified by the department. A person may be certified as ~~both~~ a lead inspector, ~~and~~ a lead abater, or a lead-safe renovator, or may be certified to provide two or more of such services. However, a person who ~~is certified as both a lead inspector~~

~~and a lead abater~~ holds more than one such certification shall not provide ~~both~~ inspection service and also provide abatement ~~services~~ service or renovation service at the same site unless a written consent or waiver, following full disclosure by the person, is obtained from the owner or manager of the site.

~~2. The department shall also establish a program for the training of painting, demolition, and remodeling contractors and those who conduct interim controls of lead-based paint hazards. The training shall be completed on a voluntary basis.~~

~~3.~~ 2. A person who owns real property which includes a residential dwelling and who performs lead inspection, ~~or~~ lead abatement, or renovation of the residential dwelling is not required to obtain certification to perform these measures, unless the residential dwelling is occupied by a person other than the owner or a member of the owner's immediate family while the measures are being performed. However, the department shall encourage property owners who are not required to be certified to complete the applicable training course to ensure the use of appropriate and safe lead inspection ~~and~~, lead abatement, or lead-safe renovation procedures.

~~4.~~ 3. Except as otherwise provided in this section, a person shall not perform lead abatement or lead inspections, and shall not perform renovations on target housing or a child-occupied facility, unless the person has completed a training program approved by the department and has obtained certification pursuant to this section. All lead abatement and lead inspections~~,~~; and lead inspector, ~~and~~ lead abater, and lead-safe renovation training programs~~,~~; and renovations on target housing or a child-occupied facility, shall be performed and conducted in accordance with work practice standards established by the department. A person shall not conduct a training program for lead inspectors, ~~or~~ lead abaters, or lead-safe renovators unless the program has been submitted to and approved by the department.

4. A person who violates this section is subject to a civil penalty not to exceed five thousand dollars for each offense.

5. The department shall adopt rules regarding minimum requirements for lead inspector, lead abater, and lead-safe renovator training programs, certification, work practice standards, and suspension and revocation requirements, and shall implement the training and certification programs. The department shall seek federal funding and shall establish fees in amounts sufficient to defray the cost of the programs. Fees received shall be considered repayment receipts as defined in section 8.2.

Sec. 2. Section 135.105C, Code 2009, is amended to read as follows:

135.105C RENOVATION, REMODELING, AND REPAINTING — LEAD HAZARD NOTIFICATION PROCESS ESTABLISHED.

1. a. A person who performs renovation, remodeling, or repainting services ~~of~~ for target housing or a child-occupied facility for compensation shall provide an approved lead hazard information pamphlet to the owner and occupant of the housing or facility prior to commencing the services. The department shall adopt rules to implement the renovation, remodeling, and repainting lead hazard notification process under this section.

b. The rules shall include but are not limited to an authorization that the lead hazard notification to parents or guardians of the children attending a child-occupied facility may be completed by posting an informational sign and a copy of the approved lead hazard information pamphlet. The rules shall also address requirements for notification of parents or guardians of the children visiting a child-occupied facility when the facility is vacant for an extended period of time.

2. For the purpose of this section and section 135.105A, ~~"target~~ unless the context otherwise requires:

a. (1) "Child-occupied facility" means a building, or portion of a building, constructed prior to 1978, that is described by all of the following:

(a) The building is visited on a regular basis by the same child, who is less than six years of age, on at least two different days within any week. For purposes of this paragraph "a", a week is a Sunday through Saturday period.

(b) Each day's visit by the child lasts at least three hours, and the combined annual visits total at least sixty hours.

(2) A child-occupied facility may include but is not limited to a child care center, preschool, or kindergarten classroom. A child-occupied facility also includes common areas that are routinely used by children who are less than six years of age, such as restrooms and cafeterias, and the exterior walls and adjoining space of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under the age of six years.

b. "Target housing" means housing constructed prior to 1978 with the exception of housing for the elderly or for persons with disabilities and housing that does not contain a bedroom, unless at least one child, under six years of age, resides or is expected to reside in the housing. ~~The department shall adopt rules to implement the renovation, remodeling, and repainting lead hazard notification process.~~

3. A person who violates this section is subject to a civil penalty not to exceed five thousand dollars for each offense.

DIVISION II
NEWBORN AND INFANT HEARING SCREENING

Sec. 3. Section 135.131, Code 2009, is amended to read as follows:

135.131 UNIVERSAL NEWBORN AND INFANT HEARING SCREENING.

1. For the purposes of this section, unless the context otherwise requires:

a. "Birth center" means birth center as defined in section 135.61.

b. "Birthing hospital" means a private or public hospital licensed pursuant to chapter 135B that has a licensed obstetric unit or is licensed to provide obstetric services.

2. ~~Beginning January 1, 2004, all~~ All newborns and infants born in this state shall be screened for hearing loss in accordance with this section. The person required to perform the screening shall use at least one of the following procedures:

a. Automated or diagnostic auditory brainstem response.

b. Otoacoustic emissions.

c. Any other technology approved by the department.

3. a. ~~Beginning January 1, 2004, a~~ A birthing hospital shall screen every newborn delivered in the hospital for hearing loss prior to discharge of the newborn from the birthing hospital. A birthing hospital that transfers a newborn for acute care prior to completion of the hearing screening shall notify the receiving facility of the status of the hearing screening. The receiving facility shall be responsible for completion of the newborn hearing screening.

b. The birthing hospital or other facility completing the hearing screening under this subsection shall report the results of the screening to the parent or guardian of the newborn and to the department in a manner prescribed by rule of the department. The birthing hospital or other facility shall also report the results of the hearing screening to the primary care provider of the newborn or infant upon discharge from the birthing hospital or other facility. If the newborn or infant was not tested prior to discharge, the birthing hospital or other facility shall report the status of the hearing screening to the primary care provider of the newborn or infant.

4. ~~Beginning January 1, 2004, a~~ A birth center shall refer the newborn to a licensed audiologist, physician, or hospital for screening for hearing loss prior to discharge of the newborn from the birth center. The hearing screening shall be completed within thirty days following discharge of the newborn. The person completing the hearing screening shall report the results of the screening to the parent or guardian of the newborn and to the department in a manner prescribed by rule of the department. Such person shall also report the results of the screening to the primary care provider of the newborn.

5. ~~Beginning January 1, 2004, if~~ If a newborn is delivered in a location other than a birthing hospital or a birth center, the physician or other health care professional who undertakes the pediatric care of the newborn or infant shall ensure that the hearing screening is performed within three months of the date of the newborn's or infant's birth. The physician or other

health care professional shall report the results of the hearing screening to the parent or guardian of the newborn or infant, to the primary care provider of the newborn or infant, and to the department in a manner prescribed by rule of the department.

6. A birthing hospital, birth center, physician, or other health care professional required to report information under subsection 3, 4, or 5 shall report all of the following information to the department relating to a newborn's or infant's hearing screening, as applicable:

a. The name, address, and telephone number, if available, of the mother of the newborn or infant.

b. The primary care provider at the time of the newborn's or infant's discharge from the birthing hospital or birth center ~~for the newborn or infant~~.

c. The results of the hearing screening.

d. Any rescreenings and the diagnostic audiological assessment procedures used.

e. Any known risk indicators for hearing loss of the newborn or infant.

f. Other information specified in rules adopted by the department.

7. The department may share information with agencies and persons involved with newborn and infant hearing screenings, follow-up, and intervention services, including the local birth-to-three coordinator or similar agency, the local area education agency, and local health care providers. The department shall adopt rules to protect the confidentiality of the individuals involved.

8. An ~~area education agency with which information is shared pursuant to subsection 7~~ audiologist who provides services addressed by this section shall conduct diagnostic audiological assessments of newborns and infants in accordance with standards specified in rules adopted by the department. The audiologist shall report all of the following information to the department relating to a newborn's or infant's hearing, follow-up, diagnostic audiological assessment, and intervention services, as applicable:

a. The name, address, and telephone number, if available, of the mother of the newborn or infant.

b. The results of the hearing screening and any rescreenings, including the diagnostic audiological assessment procedures used.

c. The nature of any follow-up or other intervention services provided to the newborn or infant.

d. Any known risk indicators for hearing loss of the newborn or infant.

e. Other information specified in rules adopted by the department.

9. This section shall not apply if the parent objects to the screening. If a parent objects to the screening, the birthing hospital, birth center, physician, or other health care professional required to report information under subsection 3, 4, or 5 to the department shall obtain a written refusal from the parent, shall document the refusal in the newborn's or infant's medical record, and shall report the refusal to the department in the manner prescribed by rule of the department.

10. A person who acts in good faith in complying with this section shall not be civilly or criminally liable for reporting the information required to be reported by this section.

DIVISION III
PUBLIC HEALTH DISASTER AUTHORITY

Sec. 4. Section 135.140, subsection 6, paragraph b, Code 2009, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) Short-term or long-term physical or behavioral health consequences to a large number of the affected population.

Sec. 5. Section 135.140, subsection 7, Code 2009, is amended to read as follows:

7. "Public health response team" means a team of professionals, including licensed health care providers, nonmedical professionals skilled and trained in disaster or emergency response, and public health practitioners, which is sponsored by a hospital or other entity and

approved by the department to provide disaster ~~medical~~ assistance in the event of a disaster or threatened disaster.

Sec. 6. Section 135.141, subsection 2, paragraphs b, g, and i, Code 2009, are amended to read as follows:

b. Coordinate with federal, state, and local agencies and officials, and private agencies, organizations, companies, and persons, the administration of emergency planning, response, and recovery matters that involve the public health.

g. Conduct or coordinate public information activities regarding emergency and disaster planning, response, and recovery matters that involve the public health.

i. Establish and coordinate other programs or activities as necessary for the prevention, detection, management, and containment of public health disasters, and for the recovery from such disasters.

Sec. 7. Section 135.143, subsection 1, paragraph b, Code 2009, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (6) During or after a natural occurrence or incident, including but not limited to fire, flood, storm, drought, earthquake, tornado, or windstorm.

NEW SUBPARAGRAPH. (7) During or after a man-made occurrence or incident, including but not limited to an attack, spill, or explosion.

Sec. 8. Section 135.143, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The department shall provide by rule a process for registration and approval of public health response team members and sponsor entities and shall authorize specific public health response teams, which may include but are not limited to disaster assistance teams and environmental health response teams. The department may expedite the registration and approval process during a disaster, threatened disaster, or other incident described in subsection 1.

Sec. 9. Section 135.144, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 12. Temporarily reassign department employees for purposes of response and recovery efforts, to the extent such employees consent to the reassignments.

Approved April 2, 2009

CHAPTER 38

CONFINEMENT FEEDING OPERATIONS —
STOCKPILING DRY MANURE

H.F. 735

AN ACT providing for the stockpiling of dry manure originating from confinement feeding operations, making penalties applicable, and providing an effective date.

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

Section 1. Section 459.102, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 20A. "Designated area" means a known sinkhole, a cistern, an abandoned well, an unplugged agricultural drainage well, an agricultural drainage well surface in-

let, a drinking water well, a designated wetland, or a water source. However, "designated area" does not include a terrace tile inlet or a surface tile inlet other than an agricultural drainage well surface tile inlet.

NEW SUBSECTION. 23A. "Dry manure" means manure which meets all of the following conditions:

a. The manure does not flow perceptibly under pressure.

b. The manure is not capable of being transported through a mechanical pumping device designed to move a liquid.

c. The constituent molecules of the manure do not flow freely among themselves but may show a tendency to separate under stress.

NEW SUBSECTION. 32A. "Long-term stockpile location" means an area where a person stockpiles manure for more than six months in any two-year period.

NEW SUBSECTION. 41A. "Qualified stockpile cover" means a barrier impermeable to precipitation that is used to protect a stockpile from precipitation.

NEW SUBSECTION. 41B. "Qualified stockpile structure" means any of the following:

1. A building.

2. A roofed structure other than a building that is all of the following:

a. Impermeable to precipitation.

b. Constructed using wood, steel, aluminum, vinyl, plastic, or other similar materials.

c. Constructed with walls or other means to prevent precipitation-induced surface runoff from contacting the stockpile.

NEW SUBSECTION. 45A. "Stockpile" means dry manure originating from a confinement feeding operation that is stored at a particular location outside a manure storage structure.

NEW SUBSECTION. 45B. "Stockpile dry manure" means to create or add to a stockpile.

Sec. 2. NEW SECTION. 459.204A STOCKPILING DRY MANURE.

A person may stockpile dry manure so long as the person stockpiles the dry manure in compliance with restrictions applicable to stockpiling as provided in this subchapter and subchapter III.

Sec. 3. NEW SECTION. 459.204B STOCKPILING DRY MANURE — MINIMUM SEPARATION DISTANCE REQUIREMENTS.

Except as provided in section 459.205, a person shall not stockpile dry manure within one thousand two hundred fifty feet from a residence not owned by the titleholder of the land, a commercial enterprise, a bona fide religious institution, an educational institution, or a public use area.

Sec. 4. Section 459.205, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. The stockpiling of dry manure within a separation distance required between a stockpile and an object or location for which separation is required under section 459.204B if any of the following apply:

a. The titleholder of the land benefiting from the separation distance requirement executes a written waiver with the titleholder of the land where the stockpile is located.

b. The stockpile consists of dry manure originating from a small animal feeding operation.

c. The stockpile consists of dry manure originating from a confinement feeding operation that was constructed before January 1, 2006, unless the confinement feeding operation is expanded after that date.

Sec. 5. Section 459.206, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. A qualified confinement feeding operation that stores dry manure ~~on a dry matter basis~~.

Sec. 6. Section 459.301, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Dry manure that is stockpiled within a distance of one thousand two hundred fifty feet from another stockpile shall be considered part of the same stockpile.

Sec. 7. Section 459.307, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. Whether the manure storage structure stores only dry manure ~~in an exclusively dry form~~.

Sec. 8. Section 459.311, subsection 1, Code 2009, is amended to read as follows:

1. A confinement feeding operation shall retain all manure produced by the operation between periods of manure disposal. For purposes of this section, dry manure may be retained by stockpiling as provided in this subchapter. A confinement feeding operation shall not discharge manure directly into water of the state or into a tile line that discharges directly into water of the state.

Sec. 9. NEW SECTION. 459.311A STOCKPILING DRY MANURE.

A person may stockpile dry manure so long as the person stockpiles the dry manure in compliance with restrictions applicable to stockpiling as provided in this subchapter and subchapter II.

Sec. 10. NEW SECTION. 459.311B STOCKPILING DRY MANURE — MINIMUM SEPARATION DISTANCE REQUIREMENTS AND PROHIBITIONS.

1. A person shall not stockpile dry manure within the following distances from any of the following:

a. A terrace tile inlet or surface tile inlet, two hundred feet. However, this paragraph does not apply to a person who stockpiles the dry manure in a manner that does not allow precipitation-induced runoff to drain from the stockpile to the terrace tile inlet or surface tile inlet. A terrace tile inlet or surface tile inlet does not include a tile inlet that is not directly connected to a tile line that discharges directly into a water of the state.

b. (1) A designated area, four hundred feet. However, an increased separation distance of eight hundred feet shall apply to all of the following:

(a) A high-quality water resource.

(b) An agricultural drainage well.

(c) A known sinkhole.

(2) Subparagraph (1) does not apply to a person who stockpiles dry manure in a manner that does not allow precipitation-induced runoff to drain from the stockpile to the designated area.

2. A person shall not stockpile dry manure in a grassed waterway.

3. A person shall not stockpile dry manure on land having a slope of more than three percent. However, this subsection shall not apply to a person who stockpiles dry manure using methods, structures, or practices that contain the stockpile, including but not limited to silt fences, temporary earthen berms, or other effective measures, and that prevent or diminish precipitation-induced runoff from the stockpile.

Sec. 11. NEW SECTION. 459.311C STOCKPILING DRY MANURE ON TERRAIN OTHER THAN KARST TERRAIN.

A person stockpiling dry manure on terrain, other than karst terrain, for more than fifteen consecutive days shall comply with any of the following:

1. Stockpile dry manure using any of the following:

a. A qualified stockpile structure.

b. A qualified stockpile cover. However, the person shall not stockpile dry manure using a qualified stockpile cover at a long-term stockpile location unless the person stockpiles the dry manure on compacted soil, compacted granular aggregates, asphalt, concrete, or other similar materials.

2. Deliver a stockpile inspection statement to the department as follows:

a. The department must receive the statement by the fifteenth day of each month.

b. The stockpile inspection statement shall provide the location of the stockpile and document the results of an inspection conducted by the person during the previous month. The inspection must evaluate whether precipitation-induced runoff is draining away from the

stockpile and, if so, describe actions taken to prevent the runoff. If an inspection by the department documents that precipitation-induced runoff is draining away from a stockpile, the person shall immediately remove dry manure from the stockpile in compliance with this chapter or comply with all directives of the department to prevent the runoff.

c. The stockpile inspection statement must be in writing and may be on a form prescribed by the department.

Sec. 12. NEW SECTION. 459.311D STOCKPILING DRY MANURE ON KARST TERRAIN.

A person stockpiling dry manure on karst terrain shall comply with all of the following:

1. The person shall stockpile the dry manure at a location where there is a vertical separation distance of at least five feet between the bottom of the stockpile and the underlying limestone, dolomite, or other soluble rock.

2. A person who stockpiles dry manure for more than fifteen consecutive days shall use any of the following:

a. A qualified stockpile structure.

b. A qualified stockpile cover. However, the person shall not stockpile dry manure using a qualified stockpile cover at a long-term stockpile location unless the stockpile is located on reinforced concrete at least five inches thick.

Sec. 13. NEW SECTION. 459.311E STOCKPILING — REQUIRED PRACTICES.

1. A person stockpiling dry manure shall comply with applicable requirements of the national pollutant discharge elimination system pursuant to the federal Water Pollution Control Act, 33 U.S.C. ch. 26, as amended, and 40 C.F.R. pts. 122 and 412.

2. A person stockpiling dry manure shall remove the dry manure and apply it in accordance with the provisions of this chapter, including but not limited to section 459.311, within six months after the dry manure is first stockpiled.

Sec. 14. Section 459.314, unnumbered paragraph 1, Code 2009, is amended by striking the unnumbered paragraph.

Sec. 15. NEW SECTION. 459.319 STOCKPILING — EXCEPTION FROM REGULATION.

1. This subchapter shall not apply to a person who stockpiles dry manure if the stockpile's dry manure originates from a confinement feeding operation that was constructed prior to January 1, 2006, unless the confinement feeding operation is expanded after that date.

2. Subsection 1 does not apply to any of the following:

a. A person who stockpiles dry manure in violation of section 459.311.

b. A stockpile where precipitation-induced runoff has drained away.

Sec. 16. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 2, 2009

CHAPTER 39

ELECTRICIAN LICENSURE AND
ELECTRICAL INSTALLATIONS

S.F. 159

AN ACT relating to electrician licensure by modifying existing provisions and specifying new classifications.

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

Section 1. Section 103.1, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 11A. "Residential electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to perform a residential installation.

NEW SUBSECTION. 11B. "Residential installation" means the wiring for or installation of electrical wiring, apparatus, and equipment in a residence consisting of no more than four living units within the same building.

NEW SUBSECTION. 11C. "Residential master electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to properly plan, lay out, and supervise the performance of a residential installation.

Sec. 2. NEW SECTION. 103.10A INACTIVE MASTER ELECTRICIAN LICENSE.

The board may by rule create an inactive master electrician license and establish a fee for such a license. An applicant for an inactive master electrician license shall, at a minimum, meet the requirements of this chapter and requirements established by the board by rule for licensure as a class A master electrician or a class B master electrician. A person licensed as an inactive master electrician shall not be authorized to act as a master electrician, but shall be authorized to apply for a class A master electrician license or a class B master electrician license at a future date subject to conditions and under procedures established by the board by rule. The conditions and procedures shall include but not be limited to completion of the required number of contact hours of continuing education courses specified in section 103.18, and paying the applicable license fee specified in section 103.19 for a class A master electrician license or class B master electrician license.

Sec. 3. NEW SECTION. 103.12A RESIDENTIAL ELECTRICIAN AND RESIDENTIAL MASTER ELECTRICIAN LICENSE — QUALIFICATIONS.

1. The board may by rule provide for the issuance of a residential electrician license, and may by rule provide for the issuance of a residential master electrician license.

a. A residential electrician license or residential master electrician license, if established by the board, shall be issued to applicants who meet qualifications determined by the board, and shall be valid for the performance of residential installations, subject to limitations or restrictions established by the board.

b. A person who, on or after the effective date of this Act, holds a special electrician license authorizing residential electrical installation, granted pursuant to section 103.13, shall be eligible for conversion of that special license to either a residential electrician license or a residential master electrician license, if established by the board, in accordance with requirements and procedures established by the board.

2. A person licensed by the board as a class A journeyman electrician or a class B journeyman electrician, or as a class A master electrician or a class B master electrician, shall not be required to hold a residential electrician or residential master electrician license to perform any type of residential installation authorized for a person licensed pursuant to this section.

3. The board may reject an application for licensure under this section from an applicant who would be subject to suspension, revocation, or reprimand pursuant to section 103.35.

Sec. 4. Section 103.13, Code 2009, is amended to read as follows:

103.13 SPECIAL ELECTRICIAN LICENSE — QUALIFICATIONS.

1. The board shall by rule provide for the issuance of special electrician licenses authorizing the licensee to engage in a limited class or classes of electrical work, which class or classes shall be specified on the license. Each licensee shall have experience, acceptable to the board, in each such limited class of work for which the person is licensed. ~~The board may reject an application for licensure under this section from an applicant who would be subject to suspension, revocation, or reprimand pursuant to section 103.35.~~

2. Notwithstanding section 103.8, a person who holds a special electrician license is not required to obtain an electrical contractor license to engage in the business of providing new electrical installations or any other electrical services if such installations or services fall within the limited class of special electrical work for which the person holds the special electrician license.

3. The board may reject an application for licensure under this section from an applicant who would be subject to suspension, revocation, or reprimand pursuant to section 103.35.

Sec. 5. Section 103.19, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. For each year of the three-year license period for issuance and renewal:

(1) Electrical contractor, one hundred twenty-five dollars.

(2) Class A master electrician, class B master electrician, residential master electrician, one hundred twenty-five dollars.

(3) Class A journeyman electrician, class B journeyman electrician, residential electrician, or special electrician, twenty-five dollars.

Sec. 6. Section 103.19, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. If the board determines that all licenses shall expire on the same date every three years for licenses specified in subsection 1, paragraph "a", the license fees shall be prorated by month. The board shall determine an individual's license fee based on the number of months that the individual's license will be in effect after being issued and prior to expiration.

Sec. 7. Section 103.22, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 13. Apply to a person otherwise licensed pursuant to this chapter who is engaged in the wiring or installation of electrical wiring, apparatus, or equipment while presenting a course of instruction relating to home construction technology, or a similar course of instruction, offered to students by a community college established under chapter 260C, an institution under the control of the state board of regents, or a school corporation. A student enrolled in such a course of instruction shall not be considered an apprentice electrician or unclassified person, and supervision ratios as provided in section 103.15, subsection 3, shall not be applicable. The board shall by rule establish inspection procedures in the event that the home constructed pursuant to the course is intended for eventual occupation as a residence.

NEW SUBSECTION. 14. Prohibit a person from performing work on an emergency basis as determined by the board.

Sec. 8. Section 103.25, Code 2009, is amended to read as follows:

103.25 REQUEST FOR INSPECTION — FEES.

1. At or before commencement of any installation required to be inspected by the board, the licensee or property owner making such installation shall submit to the state fire marshal's office a request for inspection. The board shall prescribe the methods by which the request may be submitted, which may include electronic submission or through a form prescribed by the board that can be submitted either through the mail or by a fax transmission. The board shall also prescribe methods by which inspection fees can ~~by~~ be paid, which may include elec-

tronic methods of payment. If the board or the state fire marshal's office becomes aware that a person has failed to file a necessary request for inspection, the board shall send a written notification by certified mail that the request must be filed within fourteen days. Any person filing a late request for inspection shall pay a delinquency fee in an amount to be determined by the board. A person who fails to file a late request within fourteen days shall be subject to a civil penalty to be determined by the board by rule.

2. Notwithstanding subsection 1, the board may by rule provide for the issuance of a single permit to a licensee to request multiple inspections. The permit authorizes the licensee to perform new electrical installations specified in the permit. The board shall prescribe the methods by which the request for multiple inspections may be submitted, which may include electronic submission or through a form prescribed by the board that can be submitted either through the mail or by a fax transmission. The board shall also prescribe methods by which inspection fees can be paid, which may include electronic methods of payment. The board may perform inspections of each new electrical installation or any portion of the total number of new electrical installations made under each permit. The board shall establish fees for such permits, which shall not exceed the total inspection fees that would be required if each new electrical installation performed under the request for multiple inspections had been performed under individual requests for inspections as provided in subsection 1.

Sec. 9. Section 103.29, subsection 4, Code 2009, is amended to read as follows:

4. A political subdivision is authorized to determine what work may be performed by a class B licensee within the jurisdictional limits of the political subdivision, provided, however, that a political subdivision shall not prohibit a class B licensee from performing any type of work that the licensee was authorized to perform within the political subdivision under the authority of a license validly issued or recognized by the political subdivision on December 31, 2007.

Sec. 10. Section 103.30, Code 2009, is amended to read as follows:

103.30 INSPECTIONS NOT REQUIRED.

1. Nothing in this chapter shall be construed to require the work of employees of municipal utilities, railroads, electric membership or cooperative associations, investor-owned utilities, rural water associations or districts, or telecommunications systems to be inspected while acting within the scope of their employment.

2. The board may by rule exempt specified types of new electrical installations from the state electrical inspection requirements under section 103.23, provided that a political subdivision conducting inspections pursuant to section 103.24 shall not be prohibited from requiring inspection of any new electrical installation exempt by rule from state inspection pursuant to this subsection.

Sec. 11. Section 103.33, subsection 3, Code 2009, is amended to read as follows:

3. Upon receipt of notice of appeal from a condemnation or disconnection order because the electrical installation is not in compliance with accepted standards of construction for safety to health and property, except as provided in subsection 2, the order appealed from shall be stayed until final decision of the board and the board shall notify the property owner and the electrical contractor, class A master electrician, class B master electrician, fire alarm installer, ~~or~~ special electrician, or if established by the board the residential master electrician, making the installation. The power supplier shall also be notified in those instances in which the order has been served on such supplier.

Approved April 3, 2009

CHAPTER 40

EMERGENCY ASSISTANCE IMMUNITY — DISASTERS

S.F. 280

AN ACT relating to disaster emergency assistance immunity.

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

Section 1. Section 613.17, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A person, who in good faith renders emergency care or assistance without compensation, shall not be liable for any civil damages for acts or omissions occurring at the place of an emergency or accident or while the person is in transit to or from the emergency or accident or while the person is at or being moved to or from an emergency shelter unless such acts or omissions constitute recklessness or willful and wanton misconduct. An emergency includes but is not limited to a disaster as defined in section 29C.2 or the period of time immediately following a disaster for which the governor has issued a proclamation of a disaster emergency pursuant to section 29C.6.

Approved April 3, 2009

CHAPTER 41

NONSUBSTANTIVE CODE CORRECTIONS

S.F. 446

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

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

DIVISION I
MISCELLANEOUS CHANGES

Section 1. Section 1.1, Code 2009, is amended to read as follows:

1.1 STATE BOUNDARIES.

The boundaries of the state are as defined in the preamble of the Constitution of the State of Iowa.

Sec. 2. Section 2.32A, subsection 1, Code 2009, is amended to read as follows:

1. A member of the general assembly who is charged with making an appointment to a statutory board, commission, council, or committee shall make the appointment prior to the fourth Monday in January of the first regular session of each general assembly and in accordance with section 69.16B. If multiple appointing members are charged with making appointments of public members to the same board, commission, council, or committee, including as provided in section 333A.2, the appointing members shall consult with one another in making the appointments. If the senate appointing member for a legislative appointment is the president, majority leader, or the minority leader, the appointing ~~authority~~ member shall consult with the

other two leaders in making the appointment. If the house of representatives appointing member is the speaker, majority leader, or minority leader, the appointing member shall consult with the other two leaders in making the appointment.

Sec. 3. Section 7C.13, subsection 2, Code 2009, is amended to read as follows:

2. ANNUAL REPORT AND AUDIT. The qualified student loan bond issuer shall submit an annual report to the governor, general assembly, and the auditor of state by January 15 setting forth its operations and activities conducted and newly implemented in the previous fiscal year related to use of the allocation of the state ceiling in accordance with this chapter and the outlook for the future. The report shall describe how the operations and activities serve students and parents. The annual audit of the qualified student loan bond issuer shall be filed with the office of auditor of state.

Sec. 4. Section 7E.5, subsection 1, paragraph s, Code 2009, is amended to read as follows:

s. The department of human rights, created in section 216A.1, which has primary responsibility for services relating to Latino persons, women, persons with disabilities, community action agencies, criminal and juvenile justice planning, ~~the status of African-Americans~~ African Americans, deaf and hard-of-hearing persons, ~~status of Iowans~~ persons of Asian and Pacific Islander heritage, and ~~Native-Americans~~ Native Americans.

Sec. 5. Section 8.6, subsection 9, unnumbered paragraph 1, Code 2009, is amended to read as follows:

BUDGET REPORT. ~~The director shall~~ To prepare and file in the department of management, on or before the first day of December of each year, a state budget report, which shall show in detail the following:

Sec. 6. Section 8.11, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. "Minority persons" includes individuals who are women, persons with a disability, ~~Blacks~~ African Americans, Latinos, Asians or Pacific Islanders, American Indians, and Alaskan Native Americans.

Sec. 7. Section 9D.3, subsection 4, paragraph a, Code 2009, is amended to read as follows:

a. File with the secretary proof of professional liability and errors and omissions insurance in an amount of at least one million dollars annually.

Sec. 8. Section 9G.7, Code 2009, is amended to read as follows:

9G.7 CORRECTIONS.

The secretary of state is authorized and required to correct all clerical errors of the secretary's office in name of grantee and description of tract of land conveyed by the state, found upon the records of such office~~; the~~. The secretary shall attach an official certificate to each conveyance so corrected, giving the reasons therefor; record the same with the record of the original conveyance, and make the necessary corrections in the tract and plat books of the secretary's office. Such corrections, when made in accordance with ~~the foregoing provisions~~ this section, shall have the force and effect of a deed originally correct, subject to prior rights accrued without notice.

Sec. 9. Section 9H.4, subsection 1, paragraph b, subparagraph (3), subparagraph division (a), unnumbered paragraph 1 and subparagraph subdivisions (i) and (iv), Code 2009, are amended to read as follows:

The agricultural land is used by a corporation or limited liability company, including any trade or business which is under common control, as provided in 26 U.S.C. § 414 for the primary purpose of testing, developing, or producing animals for sale or resale to farmers as breeding stock. However, after July 1, 1989, to qualify under this subparagraph ~~subdivision~~ division, the following conditions must be satisfied:

(i) The corporation or limited liability company must not hold the agricultural land other than as a lessee. The term of the lease must be for not more than twelve years. The corporation

or limited liability company shall not renew a lease. The corporation or limited liability company shall not enter into a lease under this subparagraph subdivision ~~part~~, if the corporation or limited liability company has ever entered into another lease under this subparagraph (3), whether or not the lease is in effect. However, this subparagraph does not apply to a domestic corporation organized under chapter 504, Code 1989, or current chapter 504.

(iv) The corporation or limited liability company must deliver a copy of the lease to the secretary of state. The secretary of state shall notify the lessee of receipt of the copy of the lease. However, this subparagraph ~~subdivision~~ division does not apply to a domestic corporation organized under chapter 504, Code 1989, or current chapter 504.

Sec. 10. Section 12A.7, subsections 1, 2, and 7, Code 2009, are amended to read as follows:

1. ~~Pledging~~ Pledges or ~~assigning~~ assignments of the revenue of a project with respect to which the bonds are to be issued or the revenue of other property or facilities.

2. ~~Setting~~ The setting aside of reserves or sinking funds, and their regulation, investment, and disposition.

7. ~~Defining~~ Definitions of the acts or omissions to act which constitute a default in the duties of the issuer to holders of bonds, specifying any rights and remedies of the holders in the event of a default, and restricting the individual right of action by holders.

Sec. 11. Section 15.102, subsection 7, paragraph b, subparagraph (3), Code 2009, is amended to read as follows:

(3) "Minority person" means an individual who is ~~a Black~~ an African American, Latino, Asian or Pacific Islander, American Indian, or Alaskan native American.

Sec. 12. Section 15.247, subsection 8, paragraph b, subparagraph (2), Code 2009, is amended to read as follows:

(2) ~~Black~~ African American.

Sec. 13. Section 15.316, Code 2009, is amended to read as follows:

15.316 PURPOSE.

The purpose of this ~~program~~ part is to assist communities and rural areas of the state with their economic development efforts and to increase employment opportunities for Iowans by increasing the level of economic activity and development within the state.

Sec. 14. Section 15.317, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The department shall establish a community economic betterment program to effectuate the purposes of this part by providing financial assistance for small business gap financing, new business opportunities, and new product and entrepreneurial development. These purposes may be accomplished by providing the following types of assistance:

Sec. 15. Section 15.339, subsection 2, Code 2009, is amended to read as follows:

2. The department shall establish ~~a~~ an entrepreneurial ventures assistance program to provide financial and technical assistance to early-stage industry companies and entrepreneurs. The purpose of the program is to encourage the development of entrepreneurial venture planning and managerial skills in conjunction with the delivery of a financial assistance program for business start-ups and expansions. An applicant eligible for the program includes an individual who is participating in or has successfully completed a recognized entrepreneurial venture development curriculum, or a business whose principal participants have successfully completed a recognized entrepreneurial venture development curriculum.

Sec. 16. Section 15E.63, subsection 2, Code 2009, is amended to read as follows:

2. The board shall consist of five voting members and four nonvoting advisory members who are members of the general assembly. Members shall be selected based upon demonstrated expertise and competence in the supervision of investment managers, in the fiduciary management of investment funds, or in the management and administration of tax credit allo-

cation programs. Members shall not have an interest in any person to whom a tax credit is allocated and issued by the board.

a. The five voting members shall be appointed by the governor and confirmed by the senate pursuant to section 2.32. ~~The five voting members shall be appointed to five-year staggered terms that shall be structured to allow the term of one member to expire each year.~~ One nonvoting member shall be appointed by the majority leader of the senate after consultation with the president of the senate and one nonvoting member shall be appointed by the minority leader of the senate. One nonvoting member shall be appointed by the speaker of the house of representatives after consultation with the majority leader of the house of representatives and one nonvoting member shall be appointed by the minority leader of the house of representatives.

b. The five voting members shall be appointed to five-year staggered terms that shall be structured to allow the term of one member to expire each year. The nonvoting members shall serve terms as provided in section 69.16B. Vacancies shall be filled in the same manner as the appointment of the original members.

c. Members shall be compensated by the board for direct expenses and mileage but members shall not receive a director's fee, per diem, or salary for service on the board. ~~Members shall be selected based upon demonstrated expertise and competence in the supervision of investment managers, in the fiduciary management of investment funds, or in the management and administration of tax credit allocation programs. Members shall not have an interest in any person to whom a tax credit is allocated and issued by the board.~~

Sec. 17. Section 15G.201A, Code 2009, is amended to read as follows:

15G.201A CLASSIFICATION OF RENEWABLE FUEL.

For purposes of this ~~division~~ subchapter, ethanol blended fuel and biodiesel fuel shall be classified in the same manner as provided in section 214A.2.

Sec. 18. Section 15G.205, subsection 3, Code 2009, is amended to read as follows:

3. Moneys in the renewable fuel infrastructure fund are appropriated to the department exclusively to support and market the renewable fuel infrastructure programs as provided in sections 15G.203 and 15G.204, and as allocated in financial incentives by the renewable fuel infrastructure board created in section 15G.202. Up to fifty thousand dollars shall be allocated each fiscal year to the department to support the administration of the programs. The department may use up to one and one-half percent of the program funds to market the ~~program~~ programs. Otherwise the moneys shall not be transferred, used, obligated, appropriated, or otherwise encumbered except to allocate as financial incentives under the programs.

Sec. 19. Section 16.5, subsection 1, paragraph f, Code 2009, is amended to read as follows:

f. By rule, ~~the authority shall~~ adopt procedures relating to competitive bidding, including the identification of those circumstances under which competitive bidding by the authority, either formally or informally, shall be required. In any bidding process, the authority may administer its own bidding and procurement or may utilize the services of the department of administrative services or any other agency. Except when such rules apply, the authority and all contracts made by it in carrying out its public and essential governmental functions with respect to any of its programs shall be exempt from the provisions and requirements of all laws or rules of the state which require competitive bids in connection with the letting of such contracts.

Sec. 20. Section 16.100A, subsection 6, paragraph b, Code 2009, is amended to read as follows:

b. The council shall elect a chairperson and vice chairperson from the membership of the council. The chairperson and vice chairperson shall each serve two-year terms. The positions of chairperson and vice chairperson shall not ~~both~~ be held by members who are both either general public members or agency directors. The position of chairperson shall rotate between agency director members and general public members.

Sec. 21. Section 23A.2, subsection 10, paragraph e, Code 2009, is amended to read as follows:

e. The operation of a county enterprise, as defined in section 331.461, subsection 1~~,~~ or ~~331.461, subsection~~ 2.

Sec. 22. Section 29A.33, Code 2009, is amended to read as follows:

29A.33 PER CAPITA ALLOWANCE TO UNIT.

Each unit of the national guard showing attendance and actual drill of those present for such drills as are prescribed in compliance with the National Defense Act or its amendments and such regulations as prescribed by the secretary of defense, shall receive an annual allowance for military purposes, in the sum of five dollars per capita, to be paid in semiannual installments on the basis of two dollars and fifty cents per capita. For the purpose of computing each semiannual installment the per capita strength shall be the average enlisted strength of the unit, for that semiannual period~~,~~; however, if the average attendance of any unit during any semiannual period falls below fifty percent of the average enlisted strength of such unit in that period, the allowance shall not be paid for that period. The semiannual periods shall begin January 1 and July 1. The allowance shall be paid from the funds appropriated for the support and maintenance of the national guard, and the adjutant general shall prescribe regulations requiring an itemized statement of the allowance and governing its expenditure. The allowance shall be used for morale purposes and for the welfare of the troops. The allowance shall not be used to purchase an alcoholic beverage or beer.

Sec. 23. Section 29B.17, Code 2009, is amended to read as follows:

29B.17 JURISDICTION OF GENERAL COURTS-MARTIAL.

Subject to section 29B.16, general courts-martial have jurisdiction to try persons subject to this code for any offense made punishable by this code and may, under such limitations as the adjutant general may prescribe, adjudge any one or a combination of the following punishments:

1. A fine of not more than five thousand dollars~~;~~.
2. Forfeiture of not more than twenty days' pay and allowances~~;~~.
3. A reprimand~~;~~.
4. Dismissal or dishonorable discharge~~;~~.
5. Reduction of a noncommissioned officer to the ranks~~; or~~.
~~6. Any combination of these punishments.~~

Sec. 24. Section 48A.27, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. If a registered voter submits a change of name, telephone number, or address under this subsection, the commissioner shall not change the political party or nonparty political organization affiliation in the registered voter's prior registration ~~other than that~~ unless otherwise indicated by the registered voter.

Sec. 25. Section 49.13, subsection 5, paragraph a, subparagraph (3), Code 2009, is amended to read as follows:

(3) Receive credit in at least four subjects, each of one period or hour, or the equivalent thereof, at all times. The eligible subjects are language arts, social studies, mathematics, science, health, physical education, fine arts, foreign language, and vocational education. Coursework taken as a postsecondary enrollment option for which a school district or accredited nonpublic school grants academic credit toward high school graduation shall be used in determining eligibility. A student shall not be denied eligibility if the student's school program deviates from the traditional two-semester school year. Each student wishing to participate under this subsection shall be passing all coursework for which credit is given and shall be making adequate progress toward graduation requirements at the end of each grading period. At the end of a grading period that is the final grading period in a school year, a student who

receives a failing grade in any course for which credit is awarded is ineligible to participate under this subsection. A student who is eligible at the close of a semester is academically eligible to participate under this subsection until the beginning of the subsequent semester. A student with a disability who has an individualized education program shall not be denied eligibility to participate under this subsection on the basis of scholarship if the student is making adequate progress, as determined by school officials, towards the goals and objectives ~~on~~ of the student's individualized education program.

Sec. 26. Section 50.29, Code 2009, is amended to read as follows:

50.29 CERTIFICATE OF ELECTION.

1. When any person is thus declared elected, there shall be delivered to that person a certificate of election, under the official seal of the county, in substance as follows:

STATE OF IOWA)
. . . . . County.)

At an election held in said county on the . . . . . day of . . . . . ., ~~A.D.~~ (month) . . . . . (year), ... (candidate's name) was elected to the office of . . . . . for the term of . . . . . years from the . . . . . day of . . . . . ., ~~A.D.~~ (month) . . . . . ~~(or if~~ (year) [if elected to fill a vacancy, for the residue of the term ending on the . . . . . day of . . . . . ., ~~A.D.~~ (month) . . . . ~~.)~~ (year)], and until a successor is elected and qualified.

. . . . . .,
President of Board of Canvassers.
Witness, ...,
County Commissioner of Elections
(clerk).

2. ~~Such~~ The certificate of election is presumptive evidence of the person's election and qualification.

Sec. 27. Section 68A.405, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. Except as set out in ~~section~~ subsection 2, published material designed to expressly advocate the nomination, election, or defeat of a candidate for public office or the passage or defeat of a ballot issue shall include on the published material an attribution statement disclosing who is responsible for the published material.

Sec. 28. Section 68A.503, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. Except as provided in subsection 3, it is unlawful for a member, employee, or representative of a committee, ~~or its employee or representative, except~~ other than a ballot issue committee, or for a candidate or a representative of a candidate for office ~~or the representative of the candidate,~~ to solicit, request, or knowingly receive from an insurance company, savings and loan association, bank, credit union, or corporation organized pursuant to the laws of this state, the United States, or any other state, territory, or foreign country, whether for profit or not, or ~~its~~ from an officer, agent, or representative, any money, property, or thing of value belonging to the insurance company, savings and loan association, bank, credit union, or corporation for ~~campaign~~ either of the following purposes:

(1) Campaign expenses~~, or to~~.

(2) To expressly advocate that the vote of an elector be used to nominate, elect, or defeat a candidate for public office.

Sec. 29. Section 84A.1A, subsection 1, Code 2009, is amended to read as follows:

1. An Iowa workforce development board is created, consisting of nine voting members appointed by the governor and eight ex officio, nonvoting members.

a. The governor shall appoint the nine voting members of the workforce development board for a term of four years beginning and ending as provided by section 69.19, subject to confirmation by the senate, and the governor's appointments shall include persons knowledgeable in

the area of workforce development. Of the nine voting members, one member shall represent a nonprofit organization involved in workforce development services, four members shall represent employers, and four members shall represent nonsupervisory employees. Of the members appointed by the governor to represent nonsupervisory employees, two members shall be from statewide labor organizations, one member shall be an employee representative of a labor management council, and one member shall be a person with experience in worker training programs. The governor shall consider recommendations from statewide labor organizations for the members representing nonsupervisory employees. Not more than five of the voting members shall be from the same political party.

b. The ex officio, nonvoting members are four legislative members; one president, or the president's designee, of the university of northern Iowa, the university of Iowa, or Iowa state university of science and technology, designated by the state board of regents on a rotating basis; one representative from the largest statewide public employees' organization representing state employees; one president, or the president's designee, of an independent Iowa college, appointed by the Iowa association of independent colleges and universities; and one superintendent, or the superintendent's designee, of a community college, appointed by the Iowa association of community college presidents. The legislative members are two state senators, one appointed by the president of the senate after consultation with the majority leader of the senate, and one appointed by the minority leader of the senate from their respective parties; and two state representatives, one appointed by the speaker of the house of representatives after consultation with the majority leader of the house of representatives, and one appointed by the minority leader of the house of representatives from their respective parties. The legislative members shall serve for terms as provided in section 69.16B. ~~Not more than five of the voting members shall be from the same political party. Of the nine voting members, one member shall represent a nonprofit organization involved in workforce development services, four members shall represent employers, and four members shall represent nonsupervisory employees. Of the members appointed by the governor to represent nonsupervisory employees, two members shall be from statewide labor organizations, one member shall be an employee representative of a labor management council, and one member shall be a person with experience in worker training programs. The governor shall consider recommendations from statewide labor organizations for the members representing nonsupervisory employees. The governor shall appoint the nine voting members of the workforce development board for a term of four years beginning and ending as provided by section 69.19, subject to confirmation by the senate, and the governor's appointments shall include persons knowledgeable in the area of workforce development.~~

Sec. 30. Section 96.9, subsection 1, paragraph e, Code 2009, is amended to read as follows:

e. All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the Social Security Act ~~[~~42, codified at 42 U.S.C. § 501 – 503, 1103 – 1105, ~~1321 – 1324]~~ 1321 – 1324. All moneys in the unemployment compensation fund shall be mingled and undivided.

Sec. 31. Section 100C.1, subsection 2, Code 2009, is amended to read as follows:

2. "Alarm system contractor" means a person engaging in or representing ~~oneself as~~ that the person is engaging in the business of layout, installation, repair, alteration, addition, maintenance, or maintenance inspection of alarm systems in this state.

Sec. 32. Section 103A.1, Code 2009, is amended to read as follows:

103A.1 ESTABLISHMENT.

This ~~chapter~~ division shall be known as the "State Building Code Act".

Sec. 33. Section 103A.8A, Code 2009, is amended to read as follows:

103A.8A ENERGY CONSERVATION REQUIREMENTS.

The state building code commissioner shall adopt as a part of the state building code a requirement that new single-family or two-family residential construction shall comply with en-

ergy conservation requirements. The requirements adopted by the commissioner shall be based upon a nationally recognized standard or code for energy conservation. The requirements shall only apply to single-family or two-family residential construction commenced after the adoption of the requirements. Notwithstanding any other provision of this chapter to the contrary, the energy conservation requirements adopted by the commissioner and approved by the council shall apply to new single-family or two-family residential construction commenced on or after July 1, 2008, and shall supersede and replace any minimum requirements for energy conservation adopted or enacted by ~~the~~ a governmental subdivision prior to that date applicable to such construction. The state building code commissioner may provide training to builders, contractors, and other interested persons on the adopted energy conservation requirements.

Sec. 34. Section 124.203, Code 2009, is amended to read as follows:

124.203 SUBSTANCES LISTED IN SCHEDULE I — CRITERIA.

1. The board shall recommend to the general assembly that ~~it~~ the general assembly place a substance in schedule I ~~any~~ if the substance is not already included therein ~~if~~ and the board finds that the substance:

~~1.~~ a. Has high potential for abuse; and

~~2.~~ b. Has no accepted medical use in treatment in the United States; or lacks accepted safety for use in treatment under medical supervision.

2. If the board finds that any substance included in schedule I does not meet these criteria, ~~it~~ the board shall recommend that the general assembly place the substance in a different schedule or remove ~~it~~ the substance from the list of controlled substances, as appropriate.

Sec. 35. Section 124.205, Code 2009, is amended to read as follows:

124.205 SUBSTANCES LISTED IN SCHEDULE II — CRITERIA.

1. The board shall recommend to the general assembly that ~~it~~ the general assembly place a substance in schedule II ~~any~~ if the substance is not already included therein ~~if~~ and the board finds that:

~~1.~~ a. The substance has high potential for abuse;

~~2.~~ b. The substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and

~~3.~~ c. Abuse of the substance may lead to severe psychic or physical dependence.

2. If the board finds that any substance included in schedule II does not meet these criteria, ~~it~~ the board shall recommend that the general assembly place the substance in a different schedule or remove ~~it~~ the substance from the list of controlled substances, as appropriate.

Sec. 36. Section 124.207, Code 2009, is amended to read as follows:

124.207 SUBSTANCES LISTED IN SCHEDULE III — CRITERIA.

1. The board shall recommend to the general assembly that ~~it~~ the general assembly place a substance in schedule III ~~any~~ if the substance is not already included therein ~~if~~ and the board finds that:

~~1.~~ a. The substance has a potential for abuse which is less than that of the substances listed in schedules I and II;

~~2.~~ b. The substance has currently accepted medical use in treatment in the United States; and

~~3.~~ c. Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

2. If the board finds that any substance included in schedule III does not meet these criteria, ~~it~~ the board shall recommend that the general assembly place the substance in a different schedule or remove ~~it~~ the substance from the list of controlled substances, as appropriate.

Sec. 37. Section 124.209, Code 2009, is amended to read as follows:

124.209 SUBSTANCES LISTED IN SCHEDULE IV — CRITERIA.

1. The board shall recommend to the general assembly that ~~it~~ the general assembly place

a substance in schedule IV ~~any~~ if the substance is not already included therein ~~if~~ and the board finds that:

~~1.~~ a. The substance has a low potential for abuse ~~relative to~~ when compared with the substances listed in schedule III;

~~2.~~ b. The substance has currently accepted medical use in treatment in the United States; and

~~3.~~ c. Abuse of the substance may lead to limited physical dependence or psychological dependence ~~relative to~~ when compared with the substances listed in schedule III.

2. If the board finds that any substance included in schedule IV does not meet these criteria, ~~it~~ the board shall recommend that the general assembly place the substance in a different schedule or remove ~~it~~ the substance from the list of controlled substances, as appropriate.

Sec. 38. Section 124.211, Code 2009, is amended to read as follows:

124.211 SCHEDULE V — CRITERIA.

1. The board shall recommend to the general assembly that ~~it~~ the general assembly place a substance in schedule V ~~any~~ if any substance is not already included therein ~~if~~ and the board finds that:

~~1.~~ a. The substance has a low potential for abuse ~~relative to~~ when compared with the substances listed in schedule IV;

~~2.~~ b. The substance has currently accepted medical use in treatment in the United States; and

~~3.~~ c. The substance has limited physical dependence or psychological dependence liability ~~relative to~~ when compared with the controlled substances listed in schedule IV.

2. If the board finds that any substance included in schedule V does not meet these criteria, ~~it~~ the board shall recommend that the general assembly place the substance in a different schedule or remove ~~it~~ the substance from the list of controlled substances, as appropriate.

Sec. 39. Section 135.17, subsection 3, Code 2009, is amended to read as follows:

3. By June 30 annually, each local board shall furnish the department with evidence that each ~~person~~ student enrolled in any public or nonpublic school within the local board's jurisdiction has met the dental screening requirement in this section.

Sec. 40. Section 135.62, subsection 2, Code 2009, is amended to read as follows:

2. There is established a state health facilities council consisting of five persons appointed by the governor. The council shall be within the department for administrative and budgetary purposes.

a. QUALIFICATIONS. The members of the council shall be chosen so that the council as a whole is broadly representative of various geographical areas of the state, and no more than three of its members are affiliated with the same political party. Each council member shall be a person who has demonstrated by prior activities an informed concern for the planning and delivery of health services. ~~No~~ A member of the council~~, nor~~ and any spouse of a member~~,~~ shall not, during the time that member is serving on the council, do either of the following:

(1) Be a health care provider nor be otherwise directly or indirectly engaged in the delivery of health care services nor have a material financial interest in the providing or delivery of health services~~; nor~~.

(2) Serve as a member of any board or other policymaking or advisory body of an institutional health facility, a health maintenance organization, or any health or hospital insurer.

b. APPOINTMENTS. Terms of council members shall be six years, beginning and ending as provided in section 69.19. A member shall be appointed in each odd-numbered year to succeed each member whose term expires in that year. Vacancies shall be filled by the governor for the balance of the unexpired term. Each appointment to the council is subject to confirmation by the senate. A council member is ineligible for appointment to a second consecutive term, unless first appointed to an unexpired term of three years or less.

c. CHAIRPERSON. The governor shall designate one of the council members as chairper-

son. That designation may be changed not later than July 1 of any odd-numbered year, effective on the date of the organizational meeting held in that year under paragraph ~~"c" of this subsection~~ "d".

~~c.~~ d. MEETINGS. The council shall hold an organizational meeting in July of each odd-numbered year, or as soon thereafter as the new appointee or appointees are confirmed and have qualified. Other meetings shall be held as necessary to enable the council to expeditiously discharge its duties. Meeting dates shall be set upon adjournment or by call of the chairperson upon five days' notice to the other members.

e. COMPENSATION. Each member of the council shall receive a per diem as specified in section 7E.6 and reimbursement for actual expenses while engaged in official duties.

~~d.~~ f. DUTIES. The council shall do all of the following:

(1) Make the final decision, as required by section 135.69, with respect to each application for a certificate of need accepted by the department.

(2) Determine and adopt such policies as are authorized by law and are deemed necessary to the efficient discharge of its duties under this division.

(3) Have authority to direct staff personnel of the department assigned to conduct formal or summary reviews of applications for certificates of need.

(4) Advise and counsel with the director concerning the provisions of this division, and the policies and procedures adopted by the department pursuant to this division.

(5) Review and approve, prior to promulgation, all rules adopted by the department under this division.

Sec. 41. Section 135.107, Code 2009, is amended to read as follows:

135.107 CENTER FOR RURAL HEALTH AND PRIMARY CARE ESTABLISHED — DUTIES.

1. The center for rural health and primary care is established within the department. ~~There is established an advisory committee to the center for rural health and primary care consisting of one representative, approved by the respective agency, of each of the following agencies: the department of agriculture and land stewardship, the Iowa department of public health, the department of inspections and appeals, the national institute for rural health policy, the rural health resource center, the institute of agricultural medicine and occupational health, and the Iowa state association of counties. The governor shall appoint two representatives of consumer groups active in rural health issues and a representative of each of two farm organizations active within the state, a representative of an agricultural business in the state, a practicing rural family physician, a practicing rural physician assistant, a practicing rural advanced registered nurse practitioner, and a rural health practitioner who is not a physician, physician assistant, or advanced registered nurse practitioner, as members of the advisory committee. The advisory committee shall also include as members two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house, and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate.~~

~~The advisory committee shall regularly meet with the administrative head of the center as well as the director of the center for agricultural health and safety established under section 262.78. The head of the center and the director of the center for agricultural health and safety shall consult with the advisory committee and provide the committee with relevant information regarding their agencies.~~

~~A simple majority of the membership of the advisory committee shall constitute a quorum. Action may be taken by the affirmative vote of a majority of the advisory committee membership.~~

2. The center for rural health and primary care shall do all of the following:

a. Provide technical planning assistance to rural communities and counties exploring innovative means of delivering rural health services through community health services assessment, planning, and implementation, including but not limited to hospital conversions, cooperative agreements among hospitals, physician and health practitioner support, re-

cruitment and retention of primary health care providers, public health services, emergency medical services, medical assistance facilities, rural health care clinics, and alternative means which may be included in the long-term community health services assessment and developmental plan. The center for rural health and primary care shall encourage collaborative efforts of the local boards of health, hospital governing boards, and other public and private entities located in rural communities to adopt a long-term community health services assessment and developmental plan pursuant to rules adopted by the department and perform the duties required of the Iowa department of public health in section 135B.33.

b. Provide technical assistance to assist rural communities in improving Medicare reimbursements through the establishment of rural health clinics, defined pursuant to 42 U.S.C. § 1395(x), and distinct part skilled nursing facility beds.

c. Coordinate services to provide research for the following items:

(1) Examination of the prevalence of rural occupational health injuries in the state.

(2) Assessment of training and continuing education available through local hospitals and others relating to diagnosis and treatment of diseases associated with rural occupational health hazards.

(3) Determination of continuing education support necessary for rural health practitioners to diagnose and treat illnesses caused by exposure to rural occupational health hazards.

(4) Determination of the types of actions that can help prevent agricultural accidents.

(5) Surveillance and reporting of disabilities suffered by persons engaged in agriculture resulting from diseases or injuries, including identifying the amount and severity of agricultural-related injuries and diseases in the state, identifying causal factors associated with agricultural-related injuries and diseases, and indicating the effectiveness of intervention programs designed to reduce injuries and diseases.

d. Cooperate with the center for agricultural health and safety established under section 262.78, the center for health effects of environmental contamination established under section 263.17, and the department of agriculture and land stewardship. The agencies shall coordinate programs to the extent practicable.

e. Administer grants for farm safety education efforts directed to rural families for the purpose of preventing farm-related injuries to children.

3. The center for rural health and primary care shall establish a primary care provider recruitment and retention endeavor, to be known as PRIMECARRE. The endeavor shall include a community grant program, a primary care provider loan repayment program, and a primary care provider community scholarship program. The endeavor shall be developed and implemented in a manner to promote and accommodate local creativity in efforts to recruit and retain health care professionals to provide services in the locality. The focus of the endeavor shall be to promote and assist local efforts in developing health care provider recruitment and retention programs. ~~Eligibility under any of the programs established under the primary care provider recruitment and retention endeavor shall be based upon a community health services assessment completed under subsection 2, paragraph "a". A community or region, as applicable, shall submit a letter of intent to conduct a community health services assessment and to apply for assistance under this subsection. The letter shall be in a form and contain information as determined by the center. A letter of intent shall be submitted to the center by January 1 preceding the fiscal year for which an application for assistance is to be made. Assistance under this subsection shall not be granted until such time as the community or region making application has completed the community health services assessment and adopted a long-term community health services assessment and developmental plan. In addition to any other requirements, a developmental plan shall include a clear commitment to informing high school students of the health care opportunities which may be available to such students.~~

~~The center for rural health and primary care shall seek additional assistance and resources from other state departments and agencies, federal agencies and grant programs, private organizations, and any other person, as appropriate. The center is authorized and directed to accept on behalf of the state any grant or contribution, federal or otherwise, made to assist in meeting the cost of carrying out the purpose of this subsection. All federal grants to and the~~

~~federal receipts of the center are appropriated for the purpose set forth in such federal grants or receipts. Funds appropriated by the general assembly to the center for implementation of this subsection shall first be used for securing any available federal funds requiring a state match, with remaining funds being used for the community grant program.~~

~~The center for rural health and primary care may, to further the purposes of this subsection, provide financial assistance in the form of grants to support the effort of a community which is clearly part of the community's long-term community health services assessment and developmental plan. Efforts for which such grants may be awarded include, but are not limited to, the procurement of clinical equipment, clinical facilities, and telecommunications facilities, and the support of locum tenens arrangements and primary care provider mentor programs.~~

a. COMMUNITY GRANT PROGRAM.

(1) The center for rural health and primary care shall adopt rules establishing an application process to be used by the center to establish a grant assistance program as provided in this paragraph, and establishing the criteria to be used in evaluating the applications. Selection criteria shall include a method for prioritizing grant applications based on illustrated efforts to meet the health care provider needs of the locality and surrounding area. Such assistance may be in the form of a forgivable loan, grant, or other nonfinancial assistance as deemed appropriate by the center. An application submitted shall contain a commitment of at least a dollar-for-dollar match of the grant assistance. Application may be made for assistance by a single community or group of communities.

(2) Grants awarded under the program shall be subject to the following limitations:

~~(1)~~ (a) Ten thousand dollars for a single community or region with a population of ten thousand or less. An award shall not be made under this program to a community with a population of more than ten thousand.

~~(2)~~ (b) An amount not to exceed one dollar per capita for a region in which the population exceeds ten thousand. For purposes of determining the amount of a grant for a region, the population of the region shall not include the population of any community with a population of more than ten thousand located in the region.

b. PRIMARY CARE PROVIDER LOAN REPAYMENT PROGRAM.

(1) A primary care provider loan repayment program is established to increase the number of health professionals practicing primary care in federally designated health professional shortage areas of the state. Under the program, loan repayment may be made to a recipient for educational expenses incurred while completing an accredited health education program directly related to obtaining credentials necessary to practice the recipient's health profession.

(2) The center for rural health and primary care shall adopt rules relating to the establishment and administration of the primary care provider loan repayment program. Rules adopted pursuant to this paragraph shall provide, at a minimum, for all of the following:

(a) Determination of eligibility requirements and qualifications of an applicant to receive loan repayment under the program, including but not limited to years of obligated service, clinical practice requirements, and residency requirements. One year of obligated service shall be provided by the applicant in exchange for each year of loan repayment, unless federal requirements otherwise require. Loan repayment under the program shall not be approved for a health provider whose license or certification is restricted by a medical regulatory authority of any jurisdiction of the United States, other nations, or territories.

(b) Identification of federally designated health professional shortage areas of the state and prioritization of such areas according to need.

(c) Determination of the amount and duration of the loan repayment an applicant may receive, giving consideration to the availability of funds under the program, and the applicant's outstanding educational loans and professional credentials.

(d) Determination of the conditions of loan repayment applicable to an applicant.

(e) Enforcement of the state's rights under a loan repayment program contract, including the commencement of any court action.

(f) Cancellation of a loan repayment program contract for reasonable cause.

(g) Participation in federal programs supporting repayment of loans of health care providers and acceptance of gifts, grants, and other aid or amounts from any person, association, foundation, trust, corporation, governmental agency, or other entity for the purposes of the program.

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

(i) Other rules as necessary.

(3) The center for rural health and primary care may enter into an agreement under chapter 28E with the college student aid commission for the administration of this program.

c. PRIMARY CARE PROVIDER COMMUNITY SCHOLARSHIP PROGRAM.

(1) A primary care provider community scholarship program is established to recruit and to provide scholarships to train primary health care practitioners in federally designated health professional shortage areas of the state. Under the program, scholarships may be awarded to a recipient for educational expenses incurred while completing an accredited health education program directly related to obtaining the credentials necessary to practice the recipient's health profession.

(2) The department shall adopt rules relating to the establishment and administration of the primary care provider community scholarship program. Rules adopted pursuant to this paragraph shall provide, at a minimum, for all of the following:

(a) Determination of eligibility requirements and qualifications of an applicant to receive scholarships under the program, including but not limited to years of obligated service, clinical practice requirements, and residency requirements. One year of obligated service shall be provided by the applicant in exchange for each year of scholarship receipt, unless federal requirements otherwise require.

(b) Identification of federally designated health professional shortage areas of the state and prioritization of such areas according to need.

(c) Determination of the amount of the scholarship an applicant may receive.

(d) Determination of the conditions of scholarship to be awarded to an applicant.

(e) Enforcement of the state's rights under a scholarship contract, including the commencement of any court action.

(f) Cancellation of a scholarship contract for reasonable cause.

(g) Participation in federal programs supporting scholarships for health care providers and acceptance of gifts, grants, and other aid or amounts from any person, association, foundation, trust, corporation, governmental agency, or other entity for the purposes of the program.

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

(i) Other rules as necessary.

(3) The center for rural health and primary care may enter into an agreement under chapter 28E with the college student aid commission for the administration of this program.

4. a. Eligibility under any of the programs established under the primary care provider recruitment and retention endeavor shall be based upon a community health services assessment completed under subsection 2, paragraph "a". A community or region, as applicable, shall submit a letter of intent to conduct a community health services assessment and to apply for assistance under this subsection. The letter shall be in a form and contain information as determined by the center. A letter of intent shall be submitted to the center by January 1 preceding the fiscal year for which an application for assistance is to be made.

b. Assistance under this subsection shall not be granted until such time as the community or region making application has completed the community health services assessment and adopted a long-term community health services assessment and developmental plan. In addition to any other requirements, a developmental plan shall include a clear commitment to informing high school students of the health care opportunities which may be available to such students.

c. The center for rural health and primary care shall seek additional assistance and resources from other state departments and agencies, federal agencies and grant programs, private organizations, and any other person, as appropriate. The center is authorized and directed to accept on behalf of the state any grant or contribution, federal or otherwise, made to assist in meeting the cost of carrying out the purpose of this subsection. All federal grants to and the federal receipts of the center are appropriated for the purpose set forth in such federal grants or receipts. Funds appropriated by the general assembly to the center for implementation of this subsection shall first be used for securing any available federal funds requiring a state match, with remaining funds being used for the community grant program.

d. The center for rural health and primary care may, to further the purposes of this subsection, provide financial assistance in the form of grants to support the effort of a community which is clearly part of the community's long-term community health services assessment and developmental plan. Efforts for which such grants may be awarded include but are not limited to the procurement of clinical equipment, clinical facilities, and telecommunications facilities, and the support of locum tenens arrangements and primary care provider mentor programs.

5. a. There is established an advisory committee to the center for rural health and primary care consisting of one representative, approved by the respective agency, of each of the following agencies: the department of agriculture and land stewardship, the Iowa department of public health, the department of inspections and appeals, the national institute for rural health policy, the rural health resource center, the institute of agricultural medicine and occupational health, and the Iowa state association of counties. The governor shall appoint two representatives of consumer groups active in rural health issues and a representative of each of two farm organizations active within the state, a representative of an agricultural business in the state, a practicing rural family physician, a practicing rural physician assistant, a practicing rural advanced registered nurse practitioner, and a rural health practitioner who is not a physician, physician assistant, or advanced registered nurse practitioner, as members of the advisory committee. The advisory committee shall also include as members two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house, and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate.

b. The advisory committee shall regularly meet with the administrative head of the center as well as the director of the center for agricultural health and safety established under section 262.78. The head of the center and the director of the center for agricultural health and safety shall consult with the advisory committee and provide the committee with relevant information regarding their agencies.

c. A simple majority of the membership of the advisory committee shall constitute a quorum. Action may be taken by the affirmative vote of a majority of the advisory committee membership.

Sec. 42. Section 135.141, subsection 2, paragraph j, Code 2009, is amended to read as follows:

j. Adopt rules pursuant to chapter 17A for the administration of this division of this chapter including rules adopted in cooperation with the Iowa pharmacy association and the Iowa hospital association for the development of a surveillance system to monitor supplies of drugs, antidotes, and vaccines to assist in detecting a potential public health disaster. Prior to adoption, the rules shall be approved by the state board of health and the administrator of the homeland security and emergency management division of the department of public defense.

~~Prior to adoption, the rules shall be approved by the state board of health and the administrator of the homeland security and emergency management division of the department of public defense.~~

Sec. 43. Section 135.157, unnumbered paragraph 1, Code 2009, is amended to read as follows:

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

Sec. 44. Section 135.159, subsection 3, paragraph i, Code 2009, is amended to read as follows:

i. For children, coordinate with and integrate guidelines, data, and information from existing newborn and child health programs and entities, including but not limited to the healthy opportunities for parents to experience success – healthy families Iowa program, the community empowerment program, the center for congenital and inherited disorders screening and health care programs, standards of care for pediatric health guidelines, the office of multicultural health established in section 135.12, the oral health bureau established in section 135.15, and other similar programs and services.

Sec. 45. Section 135B.7, Code 2009, is amended to read as follows:

135B.7 RULES AND ENFORCEMENT.

1. a. The department, with the advice and approval of the hospital licensing board and approval of the state board of health, shall adopt rules setting out the standards for the different types of hospitals to be licensed under this chapter. The department shall enforce the rules.

b. Rules or standards shall not be adopted or enforced which would have the effect of denying a license to a hospital or other institution required to be licensed, solely by reason of the school or system of practice employed or permitted to be employed by physicians in the hospital, if the school or system of practice is recognized by the laws of this state.

2. a. The rules shall state that a hospital shall not deny clinical privileges to physicians and surgeons, podiatric physicians, osteopathic physicians and surgeons, dentists, certified health service providers in psychology, physician assistants, or advanced registered nurse practitioners licensed under chapter 148, 148C, 149, 152, or 153, or section 154B.7, solely by reason of the license held by the practitioner or solely by reason of the school or institution in which the practitioner received medical schooling or postgraduate training if the medical schooling or postgraduate training was accredited by an organization recognized by the council on postsecondary accreditation or an accrediting group recognized by the United States department of education.

b. A hospital may establish procedures for interaction between a patient and a practitioner. The rules shall not prohibit a hospital from limiting, restricting, or revoking clinical privileges of a practitioner for violation of hospital rules, regulations, or procedures established under this paragraph, when applied in good faith and in a nondiscriminatory manner.

c. This ~~paragraph~~ subsection shall not require a hospital to expand the hospital's current scope of service delivery solely to offer the services of a class of providers not currently providing services at the hospital. This section shall not be construed to require a hospital to establish rules which are inconsistent with the scope of practice established for licensure of practitioners to whom this ~~paragraph~~ subsection applies.

d. This section shall not be construed to authorize the denial of clinical privileges to a practitioner or class of practitioners solely because a hospital has as employees of the hospital identically licensed practitioners providing the same or similar services.

3. The rules shall require that a hospital establish and implement written criteria for the granting of clinical privileges. The written criteria shall include but are not limited to consideration of all of the following:

a. The ability of an applicant for privileges to provide patient care services independently and appropriately in the hospital~~; the~~.

b. The license held by the applicant to practice~~;~~.

c. The training, experience, and competence of the applicant~~; and the~~.

d. The relationship between the applicant's request for the granting of privileges and the hospital's current scope of patient care services, as well as the hospital's determination of the necessity to grant privileges to a practitioner authorized to provide comprehensive, appropriate, and cost-effective services.

4. The department shall also adopt rules requiring hospitals to establish and implement protocols for responding to the needs of patients who are victims of domestic abuse, as defined in section 236.2.

Sec. 46. Section 135B.28, Code 2009, is amended to read as follows:

135B.28 HOSPITAL BILL.

1. The hospital bill shall properly include the charges for pathology and radiology services as long as the name of the doctor is stated and it fairly appears that the charge is for medical services.

2. The ~~said~~ hospital bill shall also contain a statement substantially in the following form:

"The pathology and radiology charges are for medical services rendered by or under the direction of the doctor listed above and are collected by the hospital on behalf of the doctor, from which charges an agreed sum will be retained by the hospital in accordance with an existing agreement to which retention you consented at the time of your admission to the hospital."

3. Upon the effective date of regulations which may be adopted by the United States department of health and human services prohibiting combined billing by hospitals and hospital-based physicians under Title XVIII of the federal Social Security Act, the charges for all pathology and radiology services in a hospital, may upon the mutual agreement of the hospital, physician and third-party payer, be billed separately, the hospital component of the charges being included in the hospital bill and the doctor component being billed by the doctor.

Sec. 47. Section 135C.16, subsection 2, Code 2009, is amended to read as follows:

2. a. The department shall prescribe by rule that any licensee or applicant for license desiring to make specific types of physical or functional alterations or additions to its facility or to construct new facilities shall, before commencing the alteration or additions or new construction, submit plans and specifications to the department for preliminary inspection and approval or recommendations with respect to compliance with the department's rules and standards.

b. When the plans and specifications have been properly approved by the department or other appropriate state agency, for a period of at least five years from completion of the construction or alteration, the facility or the portion of the facility constructed or altered in accord with the plans and specifications shall not ~~for a period of at least five years from completion of the construction or alteration~~ be considered deficient or ineligible for licensing by reason of failure to meet any rule or standard established subsequent to approval of the plans and specifications.

c. When construction or alteration of a facility or portion of a facility has been completed in accord with plans and specifications submitted as required by this subsection and properly approved by the department or other appropriate state agency, and it is discovered that the facility or portion of a facility is not in compliance with a requirement of this chapter or of the rules or standards adopted pursuant to it and in effect at the time the plans and specifications were submitted, and the deficiency was apparent from the plans and specifications submitted but was not noted or objected to by the department or other appropriate state agency, the department or agency responsible for the oversight shall either waive the requirement or reimburse the licensee or applicant for any costs which are necessary to bring the new or reconstructed facility or portion of a facility into compliance with the requirement and which the licensee or applicant would not have incurred if the facility or portion of the facility had been constructed in compliance with the requirements of this chapter or of the rules or standards adopted pursuant to it and in effect at the time the plans and specifications were submitted.

d. If within two years from the completion of the construction or alteration of the facility or portion thereof, a department or agency of the state orders that the new or reconstructed facility or portion thereof be brought into compliance with the requirements of this chapter or the rules or standards adopted pursuant to it and in effect at the time the plans and specifications were submitted, the state shall have a claim for damages to the extent of any reimbursement paid to the licensee or applicant against any person who designed the facility or portion thereof for negligence in the preparation of the plans and specifications therefor, subject to all defenses based upon the negligence of the state in reviewing and approving those plans and specifications, but not thereafter.

e. The provisions of this subsection shall not apply where the deficiency presents a clear and present danger to the safety of the residents of the facility.

Sec. 48. Section 136B.2, Code 2009, is amended to read as follows:

136B.2 RADON TESTING INFORMATION — DISCLOSURE.

1. a. A person certified or credentialed pursuant to section 136B.1 shall, within thirty days of the provision of any radon testing services or abatement measures or at the request of the department prior to testing or abatement, disclose to the department the address or location of the building, the name of the owner of the building where the services or measures were or will be provided, and the results of any tests or abatement measures performed.

b. A person shall not disclose to any other person, except to the department, the address or owner of a nonpublic building that the person tested for the presence of radon gas and radon progeny, unless the owner of the building waives, in writing, this right of confidentiality. Any test results disclosed shall be results of a test performed within the five years prior to the date of the disclosure.

2. a. Notwithstanding the requirements of this section, disclosure to any person of the results of a test performed on a nonpublic building for the presence of radon gas and radon progeny is not required if the results do not exceed the currently established United States environmental protection agency action guidelines.

b. A person who tests a nonpublic building which the person owns is not required to disclose to any person the results of a test for the presence of radon gas or progeny if the test is performed by the person who owns the nonpublic building.

~~2. A person certified or credentialed pursuant to section 136B.1 shall, within thirty days of the provision of any radon testing services or abatement measures or at the request of the department prior to testing or abatement, disclose to the department the address or location of the building, the name of the owner of the building where the services or measures were or will be provided, and the results of any tests or abatement measures performed.~~

Sec. 49. Section 139A.21, subsection 7, Code 2009, is amended to read as follows:

7. The department shall adopt rules specifying the requirements for the operation of an emergency information system operated by a registrant pursuant to section 206.12, subsection ~~2~~ 3, paragraph "c", which shall not exceed requirements adopted by a poison control center as defined in section 206.2. The rules shall specify the qualifications of individuals staffing an emergency information system and shall specify the maximum amount of time that a registrant may take to provide the information to a poison control center or an attending physician treating a patient exposed to the registrant's product.

Sec. 50. Section 147.8, Code 2009, is amended to read as follows:

147.8 RECORD OF LICENSES.

A board shall keep the following information available for public inspection for each person licensed by the board: ~~name, address~~

1. Name.

2. Address of record~~, the~~.

3. The number of the license~~, and the~~.

4. The date of issuance of the license.

Sec. 51. Section 147.11, subsection 1, Code 2009, is amended to read as follows:

1. A licensee who allows the license to become inactive or lapsed by failing to renew the license, as provided in section 147.10, may ~~be reactivated~~ reactivate the license upon payment of a reactivation fee and compliance with other terms established by board rule.

Sec. 52. Section 147.13, subsection 18, Code 2009, is amended to read as follows:

18. For respiratory care ~~therapy~~, the board of respiratory care.

Sec. 53. Section 147.87, Code 2009, is amended to read as follows:

147.87 ENFORCEMENT.

A board shall enforce the provisions of this chapter and ~~its~~ the board's enabling statute and for that purpose may request the department of inspections and appeals to make necessary

investigations. Every licensee and member of a board shall furnish the board or the department of inspections and appeals such evidence as the member or licensee may have relative to any alleged violation which is being investigated.

Sec. 54. Section 147.89, Code 2009, is amended to read as follows:

147.89 REPORT OF VIOLATORS.

Every licensee and member of a board shall report to ~~its respective~~ the board the name of any person, without the required license if the licensee or member of the board has reason to believe the person is practicing the profession without a license.

Sec. 55. Section 148.3, subsection 1, paragraph a, unnumbered paragraph 1, Code 2009, is amended to read as follows:

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

Sec. 56. Section 153.36, subsection 1, Code 2009, is amended to read as follows:

1. Sections 147.44 ~~to 147.71, except section 147.57~~, 147.48, 147.49, 147.53, and 147.55, and sections 147.87 ~~to~~ through 147.92 shall not apply to the practice of dentistry.

Sec. 57. Section 159.5, subsections 12 and 13, Code 2009, are amended to read as follows:

12. a. Establish a swine tuberculosis eradication program including~~,~~ but not limited to all of the following:

~~a.~~ (1) The inspection of swine herds in this state when the department finds that an animal from a swine herd has, or is believed to have, tuberculosis~~;~~.

~~b.~~ (2) Ear tagging or otherwise physically marking all swine reacting positively to tests for tuberculosis~~;~~.

~~c.~~ (3) Condemning any swine which has tuberculosis~~;~~.

~~d.~~ (4) Depopulating any swine herd where tuberculosis is found to be generally present~~;~~ ~~and~~.

~~e.~~ (5) Compensate the owners of condemned swine as provided under section 165.18, following the general procedures for filing claims and paying indemnities as provided in chapter 165.

b. If the department finds that the source of the tuberculosis in a swine herd is from another species of animal, except bovine, located on or near the premises on which the affected swine herd is located, the department may destroy those animals and indemnify the owners of the condemned animals as provided in chapter 163.

13. Establish and maintain a division of soil conservation. The division administrator shall be appointed by the secretary from a list of names of persons recommended by the soil conservation committee, pursuant to section 161A.4, subsection ~~2~~ 6, paragraph "c", and shall serve at the pleasure of the secretary.

Sec. 58. Section 159.20, subsection 2, Code 2009, is amended to read as follows:

2. As used in this subchapter~~, "agricultural~~:

a. "Agricultural commodity" means any unprocessed agricultural product, including animals, agricultural crops, and forestry products grown, raised, produced, or fed in Iowa for sale in commercial channels. ~~"Commercial~~

b. "Commercial channels" means the processes ~~of~~ for sale of an agricultural commodity or unprocessed product from the agricultural commodity to any person, public or private, who resells the agricultural commodity for breeding, processing, slaughter, or distribution.

Sec. 59. Section 161A.4, Code 2009, is amended to read as follows:

161A.4 SOIL CONSERVATION DIVISION — COMMITTEE.

1. The soil conservation division is established within the department to perform the functions conferred upon it in this chapter and chapters 161C, 161E, 161F, 207, and 208. The divi-

sion shall be administered in accordance with the policies of the state soil conservation committee, which shall advise the division and which shall approve administrative rules proposed by the division for the administration of this chapter and chapters 161C, 161E, 161F, 207, and 208 before the rules are adopted pursuant to section 17A.5. If a difference exists between the committee and secretary regarding the content of a proposed rule, the secretary shall notify the chairperson of the committee of the difference within thirty days from the committee's action on the rule. The secretary and the committee shall meet to resolve the difference within thirty days after the secretary provides the committee with notice of the difference.

~~The state soil conservation committee consists of a chairperson and eight other voting members. The following shall serve as ex officio nonvoting members of the committee: the director of the Iowa cooperative extension service in agriculture and home economics, or the director's designee; and the director of the department of natural resources or the director's designee. Nine voting members shall be appointed by the governor subject to confirmation by the senate. Six of the appointive members shall be persons engaged in actual farming operations, one of whom shall be a resident of each of six geographic regions in the state, including northwest, southwest, north central, south central, northeast, and southeast Iowa, and no more than one of whom shall be a resident of any one county. The boundaries of the geographic regions shall be established by rule. The seventh, eighth, and ninth appointive members shall be chosen by the governor from the state at large with one appointed to be a representative of cities, one appointed to be a representative of the mining industry, and one appointee who is a farmer actively engaged in tree farming. The committee may invite the secretary of agriculture of the United States to appoint one person to serve with the other members, and the president of the Iowa county engineers association may designate a member of the association to serve in the same manner, but these persons have no vote and shall serve in an advisory capacity only. The committee may perform acts, hold public hearings, and propose and approve rules pursuant to chapter 17A as necessary for the execution of its functions.~~

~~2. The committee shall recommend three persons to the secretary of agriculture who shall appoint from the persons recommended an administrative director to head the division who shall serve at the pleasure of the secretary. After reviewing the names submitted, the secretary may request the soil conservation committee to submit additional names for consideration. The committee shall recommend to the secretary each year a budget for the division. The secretary, at the earliest opportunity and prior to formulating a budget, shall meet with representatives of the committee to discuss the committee's recommendation. The committee or division may call upon the attorney general of the state for necessary legal services. The committee may delegate to its chairperson, to one or more of its members, or to one or more agents or employees, powers and duties as it deems proper. Upon request of the committee, for the purpose of carrying out any of the functions assigned the committee or the department by law, the supervising officer of any state agency, or of any state institution of learning shall, insofar as possible under available appropriations, and having due regard to the needs of the agency to which the request is directed, assign or detail the request to the staff or personnel of the agency or institution of learning, and make the special reports, surveys, or studies as the committee requests.~~

~~3. The committee shall designate its chairperson, and may change the designation. The members appointed by the governor shall serve for a period of six years. Members shall be appointed in each odd-numbered year to succeed members whose terms expire as provided by section 69.19. Appointments may be made at other times and for other periods as necessary to fill vacancies on the committee. Members shall not be appointed to serve more than two complete six-year terms. Members designated to represent the director of the department of natural resources and the director of the Iowa cooperative extension service in agriculture and home economics shall serve at the pleasure of the officer making the designation. A majority of the voting members of the committee constitutes a quorum, and the concurrence of a majority of the voting members of the committee in any matter within their duties is required for its determination. Members are entitled to actual expenses necessarily incurred in the discharge of their duties as members of the committee. The expenses paid to the committee members shall be paid from funds appropriated to the department. Each member of the committee may~~

~~also be eligible to receive compensation as provided in section 7E.6. The committee shall provide for the execution of surety bonds for all employees and officers who are entrusted with funds or property, shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions and orders issued or adopted, and shall provide for an annual audit of the accounts of receipts and disbursements.~~

~~4.~~ 2. In addition to other duties and powers conferred upon the division of soil conservation, the division has the following duties and powers:

a. To offer assistance as appropriate to the commissioners of soil and water conservation districts in carrying out any of their powers and programs.

b. To take notice of each district's long-range resource conservation plan established under section 161A.7, in order to keep the commissioners of each of the several districts informed of the activities and experience of all other districts, and to facilitate an interchange of advice and experience between such districts and cooperation between them.

c. To coordinate the programs of the soil and water conservation districts so far as this may be done by advice and consultation.

d. To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this state, in the work of such districts.

e. To disseminate information throughout the state concerning the activities and program of the soil and water conservation districts.

f. To render financial aid and assistance to soil and water conservation districts for the purpose of carrying out the policy stated in this chapter.

g. To assist each soil and water conservation district in developing a district soil and water resource conservation plan as provided under section 161A.7. The plan shall be developed according to rules adopted by the division to preserve and protect the public interest in the soil and water resources of this state for future generations and for this purpose to encourage, promote, facilitate, and where such public interest requires, to mandate the conservation and proper control of and use of the soil and water resources of this state, by measures including~~,~~ but not limited to~~,~~ the control of floods, the control of erosion by water or by wind, the preservation of the quality of water for its optimum use for agricultural, irrigation, recreational, industrial, and domestic purposes, all of which shall be presumed to be conducive to the public health, convenience, and welfare, both present and future.

h. To file the district soil and water resource conservation plans as part of a state soil and water resource conservation plan. The state plan shall contain on a statewide basis the information required for a district plan under this section.

i. To establish a position of state drainage coordinator for drainage districts and drainage and levee districts which will keep the management of those districts informed of the activities and experience of all other such districts and facilitate an interchange of advice, experience and cooperation among the districts, coordinate by advice and consultation the programs of the districts, secure the cooperation and assistance of the United States and its agencies and of the agencies of this state and other states in the work of the districts, disseminate information throughout the state concerning the activities and programs of the districts and provide other appropriate assistance to the districts.

~~5.~~ 3. The division, in consultation with the commissioners of the soil and water conservation districts, shall conduct a biennial review to survey the availability of private soil and water conservation control contractors in each district. A report containing the results of the review shall be prepared and posted on the department's internet site.

4. A state soil conservation committee is established within the department.

a. The nine voting members of the committee shall be appointed by the governor subject to confirmation by the senate pursuant to section 2.32, and shall include the following:

(1) Six of the members shall be persons engaged in actual farming operations, one of whom shall be a resident of each of six geographic regions in the state, including northwest, southwest, north central, south central, northeast, and southeast Iowa, and no more than one of whom shall be a resident of any one county. The boundaries of the geographic regions shall be established by rule.

(2) The seventh, eighth, and ninth appointive members shall be chosen by the governor from the state at large, with one appointed to be a representative of cities, one appointed to be a representative of the mining industry, and one appointee who is a farmer actively engaged in tree farming.

b. The committee may invite the secretary of agriculture of the United States to appoint one person to serve with the other members, and the president of the Iowa county engineers association may designate a member of the association to serve in the same manner, but these persons have no vote and shall serve in an advisory capacity only.

c. The following shall serve as ex officio nonvoting members of the committee:

(1) The director of the Iowa cooperative extension service in agriculture and home economics, or the director's designee.

(2) The director of the department of natural resources or the director's designee.

5. a. The committee shall designate its chairperson, and may change the designation. The members appointed by the governor shall serve for a period of six years. Members shall be appointed in each odd-numbered year to succeed members whose terms expire as provided by section 69.19. Appointments may be made at other times and for other periods as necessary to fill vacancies on the committee. Members shall not be appointed to serve more than two complete six-year terms. Members designated to represent the director of the department of natural resources and the director of the Iowa cooperative extension service in agriculture and home economics shall serve at the pleasure of the officer making the designation.

b. A majority of the voting members of the committee constitutes a quorum, and the concurrence of a majority of the voting members of the committee in any matter within their duties is required for its determination.

c. Members are entitled to actual expenses necessarily incurred in the discharge of their duties as members of the committee. The expenses paid to the committee members shall be paid from funds appropriated to the department. Each member of the committee may also be eligible to receive compensation as provided in section 7E.6. The committee shall provide for the execution of surety bonds for all employees and officers who are entrusted with funds or property, shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions and orders issued or adopted, and shall provide for an annual audit of the accounts of receipts and disbursements.

6. a. The committee may perform acts, hold public hearings, and propose and approve rules pursuant to chapter 17A as necessary for the execution of its functions.

b. The committee shall recommend to the secretary each year a budget for the division. The secretary, at the earliest opportunity and prior to formulating a budget, shall meet with representatives of the committee to discuss the committee's recommendation.

c. The committee shall recommend three persons to the secretary of agriculture who shall appoint from the persons recommended an administrative director to head the division and serve at the pleasure of the secretary. After reviewing the names submitted, the secretary may request that the soil conservation committee submit additional names for consideration.

7. The committee or division may call upon the attorney general of the state for necessary legal services. The committee may delegate to its chairperson, to one or more of its members, or to one or more agents or employees, powers and duties as it deems proper. Upon request of the committee, for the purpose of carrying out any of the functions assigned the committee or the department by law, the supervising officer of any state agency, or of any state institution of learning shall, insofar as possible under available appropriations, and having due regard to the needs of the agency to which the request is directed, assign or detail the request to the staff or personnel of the agency or institution of learning, and make the special reports, surveys, or studies as the committee requests.

Sec. 60. Section 161A.7, Code 2009, is amended to read as follows:

161A.7 POWERS OF DISTRICTS AND COMMISSIONERS.

1. A soil and water conservation district organized under this chapter has the following powers, in addition to others granted in other sections of this chapter:

~~1.~~ a. To conduct surveys, investigations, and research relating to the character of soil erosion and erosion, floodwater, and sediment damages, and the preventive and control measures needed, to publish the results of such surveys, investigations or research, and to disseminate information concerning such preventive and control measures; provided, however, that in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the Iowa agricultural experiment station located at Ames, Iowa, and pursuant to a cooperative agreement entered into between the Iowa agricultural experiment station and such district.

~~2.~~ b. To conduct demonstrational projects within the district on lands owned or controlled by this state or any of its agencies, with the consent and cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the owner or occupier of such lands or the necessary rights or interests in such lands, in order to demonstrate by example the means, methods, and measures by which soil and soil resources may be conserved, and soil erosion in the form of soil blowing and soil washing may be prevented and controlled; provided, however, that in order to avoid duplication of agricultural extension activities, no district shall initiate any demonstrational projects, except in cooperation with the Iowa agricultural extension service whose offices are located at Ames, Iowa, and pursuant to a cooperative agreement entered into between the Iowa agricultural extension service and such district.

~~3.~~ c. To carry out preventive and control measures within the district, including~~,~~ but not limited to~~,~~ crop rotations, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and the measures listed in section 161A.2, on lands owned or controlled by this state or any of its agencies, with the consent and cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district, upon obtaining the consent of the owner or occupier of such lands or the necessary rights or interests in such lands. Any approval or permits from the council required under other provisions of law shall be obtained by the district prior to initiation of any construction activity.

~~4.~~ d. To cooperate, or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any owner or occupier of lands within the district, in the carrying on of erosion-control and watershed protection and flood prevention operations within the district, subject to such conditions as the commissioners may deem necessary to advance the purposes of this chapter.

~~5.~~ e. To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this chapter; and to sell, lease or otherwise dispose of any of its property or interests therein in furtherance of the purposes and provisions of this chapter.

~~6.~~ f. To make available on such terms as it shall prescribe, to landowners or occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, lime, and such other material or equipment as will assist such landowners or occupiers to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion and for the prevention of erosion, floodwater, and sediment damages.

~~7.~~ g. To construct, improve, and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this chapter. Any approval or permits from the council required under other provisions of law shall be obtained by the district prior to initiation of any construction activity.

~~8.~~ h. To develop comprehensive plans for the conservation of soil resources and for the control and prevention of soil erosion and for the prevention of erosion, floodwater, and sediment damages within the district, which plans shall specify in such detail as may be possible, the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use

of land; and to publish such plans and information and bring them to the attention of owners and occupiers of lands within the district.

~~9.~~ i. To sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to make, and from time to time amend and repeal, rules not inconsistent with this chapter, to carry into effect its purposes and powers.

~~10.~~ j. To accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, or from this state or any of its agencies, and to use or expend such moneys, services, materials, or other contributions in carrying on its operations.

~~11. As a condition to the extending of any benefits under this chapter to, or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, the commissioners may require contributions in money, services, materials, or otherwise to any operations conferring such benefits, and may require landowners or occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon.~~

~~12. No provisions with respect to the acquisition, operation, or disposition of property by other public bodies shall be applicable to a district organized hereunder unless the legislature shall specifically so state.~~

~~13. After the formation of any district under the provisions of this chapter, all participation hereunder shall be purely voluntary, except as specifically stated herein.~~

~~14.~~ k. Subject to the approval of the state soil conservation committee, to change the name of the soil and water conservation district.

~~15.~~ l. To provide for the restoration of permanent soil and water conservation practices which are damaged or destroyed because of a disaster emergency as provided in section 161A.75.

~~16. The commissioners shall, as a condition for the receipt of any state cost-sharing funds for permanent soil conservation practices, require the owner of the land on which the practices are to be established to covenant and file, in the office of the soil and water conservation district of the county in which the land is located, an agreement identifying the particular lands upon which the practices for which state cost-sharing funds are to be received will be established, and providing that the project will not be removed, altered, or modified so as to lessen its effectiveness without the consent of the commissioners, obtained in advance and based on guidelines drawn up by the state soil conservation committee, for a period of twenty years after the date of receiving payment. The commissioners shall assist the division in the enforcement of this subsection. The agreement does not create a lien on the land, but is a charge personally against the owner of the land at the time of removal, alteration, or modification if an administrative order is made under section 161A.61, subsection 3.~~

~~17.~~ m. To encourage local school districts to provide instruction in the importance of and in some of the basic methods of soil conservation, as a part of course work relating to conservation of natural resources and environmental awareness required in rules adopted by the state board of education pursuant to section 256.11, subsections 3 and 4, and to offer technical assistance to schools in developing such instructional programs.

~~18.~~ n. To develop a soil and water resource conservation plan for the district.

~~a.~~ (1) The district plan shall contain a comprehensive long-range assessment of soil and surface water resources in the district consistent with rules approved by the committee under section 161A.4. In developing the plan the district may receive technical support from the United States department of agriculture natural resources conservation service and the county board of supervisors in the county where the district is located. The division and the Iowa cooperative extension service in agriculture and home economics may provide technical support to the district. The support may include~~,~~ but is not limited to~~,~~ the following: ~~assessing~~

(a) Assessing the condition of soil and surface water in the district, including an evaluation

of the type, amount, and quality of soil and water, the threat of soil erosion and erosion, floodwater, and sediment damages, and necessary preventative and control measures~~; developing.~~

(b) Developing methods to maintain or improve soil and water condition~~; and cooperating.~~

(c) Cooperating with other state and federal agencies to carry out this support.

~~b.~~ (2) The title page of the district plan and a notification stating where the plan may be reviewed shall be recorded with the recorder in the county in which the district is located, and updated as necessary, after the committee approves and the administrator of the division signs the district plan. The commissioners shall provide notice of the recording and may provide a copy of the approved district plan to the county board of supervisors in the county where the district is located. The district plan shall be filed with the division as part of the state soil and water resource conservation plan provided in section 161A.4.

~~19.~~ o. To enter into agreements pursuant to chapter 161C with the owner or occupier of land within the district or cooperating districts, or any other private entity or public agency, in carrying out water protection practices, including district and multidistrict projects to protect this state's groundwater and surface water from point and nonpoint sources of contamination, including but not limited to agricultural drainage wells, sinkholes, sedimentation, and chemical pollutants.

2. As a condition to the extending of any benefits under this chapter to, or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, the commissioners may require contributions in money, services, materials, or otherwise to any operations conferring such benefits, and may require landowners or occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon.

3. The commissioners shall, as a condition for the receipt of any state cost-sharing funds for permanent soil conservation practices, require the owner of the land on which the practices are to be established to covenant and file, in the office of the soil and water conservation district of the county in which the land is located, an agreement identifying the particular lands upon which the practices for which state cost-sharing funds are to be received will be established, and providing that the project will not be removed, altered, or modified so as to lessen its effectiveness without the consent of the commissioners, obtained in advance and based on guidelines drawn up by the state soil conservation committee, for a period of twenty years after the date of receiving payment. The commissioners shall assist the division in the enforcement of this subsection. The agreement does not create a lien on the land, but is a charge personally against the owner of the land at the time of removal, alteration, or modification if an administrative order is made under section 161A.61, subsection 3.

4. No provisions with respect to the acquisition, operation, or disposition of property by other public bodies shall be applicable to a district organized hereunder unless the general assembly shall specifically so state.

5. After the formation of any district under the provisions of this chapter, all participation hereunder shall be purely voluntary, except as specifically stated herein.

Sec. 61. Section 161A.61, subsection 3, Code 2009, is amended to read as follows:

3. The commissioners may also cause an inspection of land within the district on which they have reasonable grounds to believe that a permanent soil and water conservation practice established with public cost-sharing funds is not being properly maintained or is being altered in violation of section 161A.7, subsection ~~16~~ 3. If the commissioners find that the practices are not being maintained or have been altered in violation of section 161A.7, subsection ~~16~~ 3, the commissioners shall issue an administrative order to the landowner who made the unauthorized removal, alteration or modification to maintain, repair, or reconstruct the permanent soil and water conservation practices. The requirement for maintenance and repair is for the length of life as defined in section 161A.7, subsection ~~16~~ 3. Public cost-sharing funds are not available for the work under this order. If the landowner fails to comply with the administrative order, the commissioners may petition the district court for an order compelling compli-

ance with the order. Upon receiving satisfactory proof, the court shall issue an order directing compliance with the administrative order and may modify the administrative order. The provisions of section 161A.50 relating to notice, appeals and contempt of court shall apply to proceedings under this subsection.

Sec. 62. Section 161C.4, Code 2009, is amended to read as follows:

161C.4 WATER PROTECTION FUND.

1. A water protection fund is created within the division. The fund is composed of money appropriated by the general assembly for that purpose, and moneys available to and obtained or accepted by the state soil conservation committee from the United States or private sources for placement in the fund. The fund shall be a revolving fund from which moneys may be used for loans, grants, administrative costs, and cost-sharing.

2. The fund shall be divided into two accounts, the water quality protection projects account and the water protection practices account. The first account shall be used to carry out water quality protection projects to protect the state's surface and groundwater from point and nonpoint sources of contamination. The second account shall be used to establish water protection practices with individual landowners including but not limited to woodland establishment and protection, establishment of native grasses and forbs, sinkhole management, agricultural drainage well management, streambank stabilization, grass waterway establishment, stream buffer strip establishment, and erosion control structure construction. Twenty-five percent of funds appropriated to the water protection practices account shall be used for woodland establishment and protection, and establishment of native grasses and forbs. Soil and water conservation district commissioners shall give priority to applications for practices that implement their soil and water resource conservation plan. ~~The fund shall be a revolving fund from which moneys may be used for loans, grants, administrative costs, and cost-sharing.~~

3. In administering the fund the division may:

~~1.~~ a. Contract, sue and be sued, and adopt rules necessary to carry out the provisions of this section, but the division or committee shall not in any manner directly or indirectly pledge the credit of this state.

~~2.~~ b. Authorize payment from the water protection fund and from fees for costs, commissions, and other reasonable expenses.

Sec. 63. Section 169.8, Code 2009, is amended to read as follows:

169.8 QUALIFICATIONS.

1. a. Any person desiring a license to practice veterinary medicine in this state shall make written application to the board on a form approved by the board. The application shall show that the applicant is a graduate of an accredited or approved college of veterinary medicine or the holder of an ECFVG certificate. The application shall also show such other information and proof as the board may require by rule. The application shall be accompanied by a fee in the amount established and published by the board.

b. If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination, or if the applicant is eligible for license without examination under section 169.10, the board may grant a license to the applicant.

c. If an applicant is found not qualified to take the examination or for a license without examination, the secretary of the board shall immediately notify the applicant in writing of such finding and the grounds therefor. An applicant found unqualified may request a hearing on the question of the applicant's qualification under the procedure set forth in section 169.14. Any applicant who is found not qualified shall be allowed the return of the application fee.

d. Based upon an applicant's education, experience, and training, the board may grant a limited license to an applicant to perform a restricted range of activities within the practice of veterinary medicine, as specified by the board.

~~Every individual licensed under this chapter shall keep the license displayed in the place at which an office is maintained.~~

2. a. The name, location, number of years of practice of the person to whom a license is issued, the number of the certificate, and the date of registration thereof shall be entered in a book kept in the office of the department of agriculture and land stewardship, to be known as the "registry book", and the same shall be open to public inspection.

b. When any person licensed to practice under this chapter changes residence, the board shall be notified within thirty days and such change shall be noted in the registry book.

3. Every individual licensed under this chapter shall keep the license displayed in the place at which an office is maintained.

Sec. 64. Section 169.13, Code 2009, is amended to read as follows:

169.13 DISCIPLINE OF LICENSEES.

1. The board of veterinary medicine, after due notice and hearing, may revoke or suspend a license to practice veterinary medicine if it determines that a veterinarian licensed to practice veterinary medicine is guilty of any of the following acts or offenses:

~~1.~~ a. Knowingly making misleading, deceptive, untrue, or fraudulent representation in the practice of the profession.

~~2.~~ b. Being convicted of a felony in the courts of this state or another state, territory, or country. Conviction as used in this paragraph includes a conviction of an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding in which a finding or verdict of guilt is made or returned, but the adjudication or guilt is either withheld or not entered. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another state is conclusive evidence.

~~3.~~ c. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either felony or misdemeanor, which statute or law relates to the practice of veterinary medicine.

~~4.~~ d. Having the person's license to practice veterinary medicine revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence.

~~5.~~ e. Knowingly aiding, assisting, procuring, or advising a person to unlawfully practice veterinary medicine.

~~6.~~ f. Being adjudged mentally incompetent by a court of competent jurisdiction. The adjudication shall automatically suspend a license for the duration of the license unless the board orders otherwise.

~~7.~~ g. Being guilty of a willful or repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of veterinary medicine as defined in rules adopted by the board, in which proceeding actual injury to an animal need not be established; or the committing by a veterinarian of an act contrary to honesty, justice, or good morals, whether the act is committed in the course of the practice or otherwise, and whether committed within or without this state.

~~8.~~ h. Inability to practice veterinary medicine with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or other type of material or as a result of a mental or physical condition. ~~The board, upon probable cause, may compel a veterinarian to submit to a mental or physical examination by designated physicians. Failure of a veterinarian to submit to an examination constitutes an admission to the allegations made against that veterinarian and the finding of fact and decision of the board may be entered without the taking of testimony or presentation of evidence. At reasonable intervals, a veterinarian shall be afforded an opportunity to demonstrate that the veterinarian can resume the competent practice of veterinary medicine with reasonable skill and safety to animals.~~

~~A person licensed to practice veterinary medicine who makes application for the renewal of the person's license as required by section 169.12 gives consent to submit to a mental or physical examination as provided by this paragraph when directed in writing by the board. All objections shall be waived as to the admissibility of the examining physician's testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against a veterinarian in another~~

~~proceeding and are confidential except for other actions filed against a veterinarian to revoke or suspend that person's license.~~

~~9.~~ i. Willful or repeated violation of lawful rules adopted by the board or violation of a lawful order of the board, previously entered by the board in a disciplinary hearing.

2. a. The board, upon probable cause, may compel a veterinarian to submit to a mental or physical examination by designated physicians. Failure of a veterinarian to submit to an examination constitutes an admission to the allegations made against that veterinarian and the finding of fact and decision of the board may be entered without the taking of testimony or presentation of evidence. At reasonable intervals, a veterinarian shall be afforded an opportunity to demonstrate that the veterinarian can resume the competent practice of veterinary medicine with reasonable skill and safety to animals.

b. A person licensed to practice veterinary medicine who makes application for the renewal of the person's license as required by section 169.12 gives consent to submit to a mental or physical examination as provided by this paragraph when directed in writing by the board. All objections shall be waived as to the admissibility of the examining physician's testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against a veterinarian in another proceeding and are confidential except for other actions filed against a veterinarian to revoke or suspend that person's license.

Sec. 65. Section 172A.4, Code 2009, is amended to read as follows:

172A.4 PROOF OF FINANCIAL RESPONSIBILITY REQUIRED.

1. ~~No~~ A license shall not be issued by the secretary to a dealer or broker until the applicant has furnished proof of financial responsibility as provided in this section. The proof may be in the following forms:

~~1.~~ a. (1) A bond of a surety company authorized to do business in the state of Iowa in the form prescribed by and to the satisfaction of the secretary, conditioned for the payment of a judgment against the applicant furnishing the bond because of nonpayment of obligations in connection with the purchase of animals.

~~a.~~ (a) The amount of bond for an established dealer or broker who does not maintain a business location in this state shall be not less than the nearest multiple of five thousand dollars above twice the average daily value of purchases of livestock originating in this state, handled by such applicant during the preceding twelve months or such parts thereof as the applicant was purchasing livestock. The bond of a person who does not maintain a business location in this state shall be conditioned for the payment only of those claims which arise from purchases of livestock originating in this state.

~~b.~~ (b) The amount of bond for an established dealer or broker who maintains one or more business locations in this state shall be not less than the nearest multiple of five thousand dollars above twice the average daily value of purchases of livestock originating in this state handled by the applicant during the preceding twelve months or such parts thereof as the applicant was purchasing livestock. The bond of a person who maintains one or more business locations in this state shall be conditioned for the payment only of those claims which arise from purchases of livestock originating in this state.

~~c.~~ (c) If a new dealer or broker not previously covered by this chapter applies for a license, the amount of bond shall be based on twice the estimated average daily value of purchases of livestock originating in this state.

~~d.~~ (d) For the purpose of computing average daily value, two hundred sixty is deemed the number of business days in a year.

~~e.~~ (e) Whenever a dealer or broker's weekly purchases exceed one hundred fifty percent of the dealer's or broker's average weekly volume, the department shall require additional bond in an amount determined by the department.

~~f.~~ (2) The licensee and surety of the bond shall be held and firmly bound unto the secretary as trustee for all persons who may be damaged because of nonpayment of obligations in connection with the purchase of animals originating in this state. Any person damaged because

of such nonpayment may maintain suit in the person's own behalf to recover on the bond, even though not named as a party to the bond.

~~g.~~ (3) For purposes of ~~subsection 1~~ this paragraph "a", "purchases of livestock originating in this state" shall not include purchases by dealers or brokers from their subsidiaries.

~~2.~~ b. A bond equivalent may be filed in lieu of a bond. The bond equivalent shall be in the form of a trust agreement and the fund of the trust shall be in the form of fully negotiable obligations of the United States or certificates of deposit insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(1) The trust agreement shall be in the form prescribed by the secretary and executed to the satisfaction of the secretary. The trustee of the trust agreement shall be an institution located in this state in which the funds are invested or deposited.

(2) The trust agreement shall provide as beneficiary, the secretary for the benefit of those persons damaged because of nonpayment of obligations in connection with the purchase of animals originating in this state. The fund in trust shall be an amount calculated in the exact manner as provided in ~~subsection 1~~ paragraph "a". The fund in trust shall not be subject to attachment for any other claim, or to levy of execution upon a judgment based on any other claim.

~~3. Any person damaged by nonpayment of obligations or by any misrepresentation or fraud on the part of a broker or dealer may maintain an action against the broker or dealer, and the sureties on the bonds or the trustee of a trust fund. The aggregate liability of the sureties or the trust for all such damage shall not exceed the amount of the bond or trust. In the event that the aggregate claims exceed the total amount of the bond or trust, the amount payable on account of any claim shall be in the same proportion to the amount of the bond or trust as the individual claim bears to the aggregate claims.~~

~~Unless the person damaged files claim with the dealer or broker, and with the sureties or trustee, and with the department within ninety days after the date of the transaction on which the claim is based, the claimant shall be barred from maintaining an action on the bond or trust and from receiving any proceeds from the bond or trust.~~

~~4. Whenever the secretary determines that the business volume of the applicant or licensee is such as to render the bond or trust inadequate, the amount of the bond or trust shall be, upon notice, adjusted.~~

~~5. All bonds and trust agreements shall contain a provision requiring that at least thirty days' prior notice in writing be given to the secretary by the party terminating the bond or trust agreement as a condition precedent to termination.~~

~~Whenever a bond or a trust agreement is to be terminated by a cancellation by the surety or trustee, the secretary shall cause to be published notices of the proposed cancellation not less than ten days prior to the date the cancellation is effective. The notices shall be published as follows:~~

~~a. In the Iowa administrative code.~~

~~b. In a newspaper of general circulation in the county in which the licensee maintains a business location, or if the licensee maintains no business location in this state, then in the county where the licensee transacts a substantial part of the licensee's business.~~

~~c. By general news release to all news media. Failure by the secretary to cause the publication of notice as required by this paragraph shall not be deemed to prevent or delay the cancellation.~~

~~The termination of a bond or a trust agreement shall not release the parties from any liability arising out of the facts or transactions occurring prior to the termination date.~~

~~Trust funds shall not be withdrawn from trust by a licensee until the expiration of ninety days after the date of termination of the trust, and then only if no claims secured by the agreement have been filed with the secretary. If any claims have been filed with the secretary, the withdrawal of funds by the licensee shall not be permitted until the claims have been satisfied or released and evidence of the satisfaction or release filed with the secretary.~~

~~6.~~ c. A person who is not a resident of this state and who either maintains no business location in this state or maintains one or more business locations in this state, and a person who is a resident of this state and who maintains more than one business location in this state, may

submit a consolidated proof of financial responsibility. The consolidated proof of financial responsibility shall consist of a bond or a trust agreement meeting all of the requirements of this section, except that the calculation of the amount of the bond or the amount of the trust fund shall be based on the average daily value of all purchases of livestock originating in this state. A person who submits consolidated proof of financial responsibility shall maintain separate records for each business location, and shall maintain such other records respecting purchases of livestock as the secretary by rule shall prescribe.

2. a. Any person damaged by nonpayment of obligations or by any misrepresentation or fraud on the part of a broker or dealer may maintain an action against the broker or dealer, and the sureties on the bonds or the trustee of a trust fund. The aggregate liability of the sureties or the trust for all such damage shall not exceed the amount of the bond or trust. In the event that the aggregate claims exceed the total amount of the bond or trust, the amount payable on account of any claim shall be in the same proportion to the amount of the bond or trust as the individual claim bears to the aggregate claims.

b. Unless the person damaged files claim with the dealer or broker, and with the sureties or trustee, and with the department within ninety days after the date of the transaction on which the claim is based, the claimant shall be barred from maintaining an action on the bond or trust and from receiving any proceeds from the bond or trust.

3. Whenever the secretary determines that the business volume of the applicant or licensee is such as to render the bond or trust inadequate, the amount of the bond or trust shall be, upon notice, adjusted.

4. All bonds and trust agreements shall contain a provision requiring that at least thirty days' prior notice in writing be given to the secretary by the party terminating the bond or trust agreement as a condition precedent to termination.

5. a. Whenever a bond or a trust agreement is to be terminated by a cancellation by the surety or trustee, the secretary shall cause to be published notices of the proposed cancellation not less than ten days prior to the date the cancellation is effective. The notices shall be published as follows:

(1) In the Iowa administrative code.

(2) In a newspaper of general circulation in the county in which the licensee maintains a business location, or if the licensee maintains no business location in this state, then in the county where the licensee transacts a substantial part of the licensee's business.

(3) By general news release to all news media. Failure by the secretary to cause the publication of notice as required by this subparagraph shall not be deemed to prevent or delay the cancellation.

b. The termination of a bond or a trust agreement shall not release the parties from any liability arising out of the facts or transactions occurring prior to the termination date.

c. Trust funds shall not be withdrawn from trust by a licensee until the expiration of ninety days after the date of termination of the trust, and then only if no claims secured by the agreement have been filed with the secretary. If any claims have been filed with the secretary, the withdrawal of funds by the licensee shall not be permitted until the claims have been satisfied or released and evidence of the satisfaction or release filed with the secretary.

Sec. 66. Section 175.28, Code 2009, is amended to read as follows:

175.28 TRUST ASSETS.

The authority shall make application to and receive from the secretary of agriculture of the United States, or any other proper federal official, pursuant and subject to the provisions of Pub. L. No. ~~499~~ 81-499, 64 Stat. 152 (1950), ~~(formerly~~ formerly codified at 40 U.S.C. § 440 et seq. ~~(1976))~~ (1976), all of the trust assets held by the United States in trust for the Iowa rural rehabilitation corporation now dissolved.

Sec. 67. Section 175.29, Code 2009, is amended to read as follows:

175.29 AGREEMENTS.

The authority may enter into agreements with the secretary of agriculture of the United

States pursuant to Pub. L. No. ~~499 s.~~ 81-499 § 2(f) (1950) upon terms and conditions and for periods of time as mutually agreeable, authorizing the authority to accept, administer, expend and use in the state of Iowa all or any part of the trust assets or other funds in the state of Iowa which have been appropriated for use in carrying out the purposes of the Bankhead-Jones Farm Tenant Act and to do any and all things necessary to effectuate and carry out the purposes of said agreements.

Sec. 68. Section 175.30, Code 2009, is amended to read as follows:

175.30 USE OF ASSETS — INSURED OR GUARANTEED LOANS TO BEGINNING OR DISPLACED FARMERS.

1. As used in this section:

a. "Beginning farmer" includes an individual or partnership with a low or moderate net worth that became engaged in farming on or after January 1, 1982.

b. "Displaced farmer" means a person who discontinued farming on or after January 1, 1982, due to foreclosure or voluntary liquidation for financial reasons, and who was actively engaged in farming for at least one year prior to discontinuing farming.

2. The trust assets received under the application made pursuant to section 175.28 other than cash shall be taken on proper transfer or assignment from the department of human services to the authority and administered as provided in this chapter. These funds may be used for any of the purposes of this chapter, including but not limited to costs of administration and insuring or guaranteeing payment of all or a portion of loans made pursuant to this chapter.

3. a. Beginning August 11, 1983, the authority shall establish an insurance or guarantee loan program with those funds received pursuant to section 175.28 to the extent those funds were not committed under a program authorized by this chapter on August 11, 1983. This program shall provide for the insuring or guaranteeing of seventy-five percent of the amount of an agricultural loan, not in excess of twenty-five thousand dollars, made to a beginning or displaced farmer to provide operating moneys for farming purposes in this state.

b. The authority shall insure or guarantee only one such loan for each beginning or displaced farmer. The authority shall insure or guarantee a loan for only one year but with the option to extend the insurance or guarantee once for an additional year. The authority shall not insure or guarantee a loan where the ratio of the beginning or displaced farmer's liabilities, excluding the amount of the loan, to assets is greater than three to one.

c. Provision shall be made in the insuring or guaranteeing of a loan that only those funds set aside for this program as provided in this ~~paragraph~~ subsection shall be used for the payment of all or a portion of the loan insured or guaranteed. Provision shall also be made that the authority shall pay under its insurance or guarantee seventy-five percent of the actual amount of the default.

d. A mortgage lender which seeks to have a loan of the lender insured or guaranteed under this program shall apply to the authority for the insurance or guarantee pursuant to rules established by the authority for this purpose. This program shall not obligate the state, authority, or other agency except to the extent provided in this ~~paragraph~~ subsection.

e. The authority shall define by rule what constitutes a loan made to provide operating moneys which definition shall not include a loan made for acquisition of agricultural land or agricultural improvements, or the refinancing of an existing loan even if made for operating purposes. ~~As used in this section, "displaced farmer" means a person who discontinued farming on or after January 1, 1982 due to foreclosure or voluntary liquidation for financial reasons, and who was actively engaged in farming for at least one year prior to discontinuing farming. For the purposes of this section, "beginning farmer" includes an individual or partnership with a low or moderate net worth that became engaged in farming on or after January 1, 1982.~~

Sec. 69. Section 176A.3, Code 2009, is amended to read as follows:

176A.3 DEFINITION OF TERMS.

Whenever used or referred to in this chapter, unless a different meaning clearly appears from the context ~~(1) "county:~~

1. "County agricultural extension council" hereinafter referred to as "extension council" means the agency created and constituted as provided in section 176A.5.

2. "County agricultural extension district" hereinafter referred to as "extension district" means a governmental subdivision of this state, and a public body corporate organized in accordance with the provisions of this chapter for the purposes, with the powers, and subject to the restrictions ~~hereinafter~~ set forth~~; (2) "county agricultural extension council" hereinafter referred to as "extension council" means the agency created and constituted as provided in section 176A.5; (3)~~ in this chapter.

3. "Director of extension" means the "director of Iowa state university of science and technology extension service", and shall hereinafter be referred to as "director of extension".

4. "Extension service" means the "cooperative extension service in agriculture and home economics of Iowa state university", and shall hereinafter be referred to as "extension service".

5. "Iowa state university" means the "Iowa state university of science and technology", and shall hereinafter be referred to as "Iowa state university"~~; (4) "extension service" means the "co-operative extension service in agriculture and home economics of Iowa state university", and shall hereinafter be referred to as "extension service"; (5) "director of extension" means the "director of Iowa state university of science and technology extension service", and shall hereinafter be referred to as "director of extension"~~.

Sec. 70. Section 176A.8, subsection 3, Code 2009, is amended to read as follows:

3. a. To and shall, at least ninety days prior to the date fixed for the election of council members, appoint a nominating committee consisting of four persons who are not council members and designate the chairperson. The membership of the nominating committee shall be gender balanced. The nominating committee shall consider the geographic distribution of potential nominees in nominating one or more resident registered voters of the extension district as candidates for election to each office to be filled at the election. To qualify for the election ballot, each nominee shall file a nominating petition signed by at least twenty-five eligible electors of the district with the county commissioner of elections at least sixty-nine days before the date of election.

b. ~~The council~~ To and shall also provide for the nomination by petition of candidates for election to membership on the extension council. A nominating petition shall be signed by at least twenty-five eligible electors of the extension district and shall be filed with the county commissioner of elections at least sixty-nine days before the date of the election.

Sec. 71. Section 177.2, subsection 4, Code 2009, is amended to read as follows:

4. Conduct, in cooperation with Iowa state university college of agriculture and life sciences, testing and ~~disseminating~~ disseminate information regarding the adaptation and performance of crop cultivars.

Sec. 72. Section 177.3, subsection 2, paragraph b, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The following persons representing the college of agriculture and life sciences at Iowa state university:

Sec. 73. Section 177A.6, Code 2009, is amended to read as follows:

177A.6 RULES.

1. The state entomologist shall, from time to time, ~~make~~ adopt rules for carrying out the provisions and requirements of this chapter, including rules under which the inspectors and other employees shall:

~~1.~~ a. Inspect places, plants and plant products, and things and substances used or connected therewith,

~~2.~~ b. Investigate, control, eradicate and prevent the dissemination of insect pests and diseases, and

~~3.~~ c. Supervise or cause the treatment, cutting and destruction of plants and plant products infested or infected therewith.

2. The state entomologist, the entomologist's inspectors, employees, or other authorized agents shall have authority to enforce these rules which shall be published in the same manner as are the other rules of the department.

3. ~~No~~ A nursery stock dealer shall not sell, offer for sale, or distribute nursery products by any method, or under any circumstances or condition, which ~~have~~ has the capacity and tendency or effect of deceiving purchasers or prospective customers as to quantity, size, grade, kind, species, age, maturity, viability, condition, vigor, hardiness, number of times transplanted, growth ability, growth characteristics, rate of growth or time required before flowering or fruiting, price, origin or place where grown, or in any other material respect.

4. When under the provisions of this section it becomes necessary for the state entomologist to verify sizes and grades of nursery stock, or either of them, the entomologist shall use as a guide the "American Standard for Nursery Stock" as revised and approved by the American standards association, inc.

Sec. 74. Section 186.1, Code 2009, is amended to read as follows:

186.1 MEETINGS AND ORGANIZATION OF SOCIETY.

The Iowa state ~~horticultural~~ horticulture society shall hold meetings each year, at times as it may fix, for the transaction of business. The officers and board of directors of the society shall be chosen as provided for in the constitution of the society, for the period and in the manner prescribed therein, but the secretary of agriculture or the secretary's designee shall be a member of the board of directors and of the executive committee. Any vacancy in the offices filled by the society may be filled by the executive committee for the unexpired portion of the term.

Sec. 75. Section 186.5, Code 2009, is amended to read as follows:

186.5 APPROPRIATIONS.

All money appropriated by the state for the use of the Iowa state ~~horticultural~~ horticulture society shall be paid on the warrant of the director of the department of administrative services, upon the order of the president and secretary of said society, in such sums and at such times as may be for the interests of said society. All expenditures from state funds for the use of the Iowa state ~~horticultural~~ horticulture society are to be approved by the secretary of agriculture.

Sec. 76. Section 190A.3, subsection 1, Code 2009, is amended to read as follows:

1. The farm-to-school program ~~seeks~~ shall seek to link elementary and secondary public and nonpublic schools in this state with Iowa farms to provide schools with fresh and minimally processed food for inclusion in school meals and snacks, encourage children to develop healthy eating habits, and provide Iowa farmers access to consumer markets.

Sec. 77. Section 190C.5, subsection 1, Code 2009, is amended to read as follows:

1. ~~a.~~ The department acting as a state certifying agent shall establish a schedule of fees by rule. ~~The fees shall be charged to persons who are certified under this chapter, including production operations and handling operations, in a manner that is consistent with the national organic program.~~

a. The department shall establish the rate of fees based on an estimate of the amount of revenues from the fees required by the department to administer and enforce this chapter.

b. The department shall annually review the estimate and may change the rate of fees. The fees must be adjusted in order to comply with this subsection.

c. The fees shall be charged to persons who are certified under this chapter, including production operations and handling operations, in a manner that is consistent with the national organic program.

Sec. 78. Section 198.4, Code 2009, is amended to read as follows:

198.4 LICENSES.

1. This section shall apply to any person:

a. Who manufactures a commercial feed within the state.

b. Who distributes a commercial feed in or into the state.

c. Whose name appears on the label of a commercial feed as guarantor.

2. ~~The~~ A person shall obtain a license, for each facility which distributes in or into the state, authorizing the person to manufacture or distribute commercial feed before the person engages in such activity. Any person who makes only retail sales of commercial feed which bears labeling or other approved indication that the commercial feed is from a licensed manufacturer, guarantor, or distributor who has assumed full responsibility for the tonnage inspection fee due under section 198.9 is not required to obtain a license.

3. A broker shall not distribute a commercial feed in this state without first obtaining a license from the secretary issued on forms provided by the secretary. The forms must identify the broker's name and place of business.

~~2.~~ 4. A person obtaining a license under this section shall pay to the secretary a license fee of ten dollars. Fees relating to the issuance of licenses shall be paid by July 1 of each year.

Sec. 79. Section 202B.201, subsection 1, paragraph b, subparagraph (1), Code 2009, is amended to read as follows:

(1) (a) (i) Directly or indirectly own, control, or operate a swine operation in this state.

~~(b)~~ (ii) Finance a swine operation in this state or finance a person who directly or indirectly contracts for the care and feeding of swine in this state.

~~For purposes of subparagraph subdivision (a) and this subparagraph subdivision, all of the following apply:~~

~~(i) "Finance" means an action by a processor to directly or indirectly loan money or to guarantee or otherwise act as a surety.~~

~~(ii) "Finance" or "control" does not include executing a contract for the purchase of swine by a processor, including but not limited to a contract that contains an unsecured ledger balance or other price risk sharing arrangement. "Finance" also does not include providing an unsecured open account or an unsecured loan, if the unsecured open account or unsecured loan is used for the purchase of feed for the swine and the outstanding amount due by the debtor does not exceed five hundred thousand dollars. However, the outstanding amount due to support a single swine operation shall not exceed two hundred fifty thousand dollars.~~

~~(c)~~ (iii) Obtain a benefit of production associated with feeding or otherwise maintaining swine, by directly or indirectly assuming a morbidity or mortality production risk, if the swine are fed or otherwise maintained as part of a swine operation in this state or by a person who contracts for the care and feeding of swine in this state.

~~(d)~~ (iv) Directly or indirectly receive the net revenue derived from a swine operation in this state or from a person who contracts for the care and feeding of swine in this state.

(b) For purposes of subparagraph division (a), subparagraph subdivisions (i) and (ii), both of the following apply:

(i) "Finance" means an action by a processor to directly or indirectly loan money or to guarantee or otherwise act as a surety.

(ii) "Finance" or "control" does not include executing a contract for the purchase of swine by a processor, including but not limited to a contract that contains an unsecured ledger balance or other price risk sharing arrangement. "Finance" also does not include providing an unsecured open account or an unsecured loan, if the unsecured open account or unsecured loan is used for the purchase of feed for the swine and the outstanding amount due by the debtor does not exceed five hundred thousand dollars. However, the outstanding amount due to support a single swine operation shall not exceed two hundred fifty thousand dollars.

Sec. 80. Section 203.15, subsection 4, paragraph c, Code 2009, is amended to read as follows:

c. (1) A grain dealer must meet at least either of the following conditions:

~~(1)~~ (a) The grain dealer's last financial statement required to be submitted to the department pursuant to section 203.3 is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state.

~~(2)~~ (b) The grain dealer files a bond with the department in the amount of one hundred thousand dollars payable to the department.

(2) (a) The bond filed with the department under this paragraph shall be used to indemnify sellers for losses resulting from a breach of a credit-sale contract as provided by rules adopted by the department. The rules shall include, but are not limited to, procedures and criteria for providing notice, filing claims, valuing losses, and paying claims. The bond provided in this paragraph shall be in addition to any other bond required in this chapter.

(b) ~~A~~ The bond ~~filed with the department under this paragraph~~ shall not be canceled by the issuer on less than ninety days notice by certified mail to the department and the principal. However, if an adequate replacement bond is filed with the department, the department may authorize the cancellation of the original bond before the end of the ninety-day period.

(c) If an adequate replacement bond is not received by the department within sixty days of the issuance of the notice of cancellation, the department shall automatically suspend the grain dealer's license. The department shall cause an inspection of the licensed grain dealer immediately at the end of the sixty-day period. If a replacement bond is not filed within another thirty days following the suspension, the grain dealer license shall be automatically revoked.

(3) When a license is revoked, the department shall provide notice of the revocation by ordinary mail to the last known address of each holder of an outstanding credit-sale contract and all known sellers.

Sec. 81. Section 203D.1, subsection 4, Code 2009, is amended to read as follows:

4. "First point of sale" means the initial transfer of title to grain from a person who has produced the grain or caused the grain to be produced ~~the grain~~ to the first purchaser of the grain for consideration, conditional or otherwise, in any manner or by any means.

Sec. 82. Section 203D.6, subsection 1, Code 2009, is amended to read as follows:

1. PERSONS WHO MAY FILE CLAIMS — TIME OF FILING.

a. A depositor or seller may file a claim with the department for indemnification of a loss from the grain depositors and sellers indemnity fund. A claim shall be filed in the manner prescribed by the board.

b. (1) A claim shall not be filed prior to the incurrence date, which is the earlier of the following:

~~a.~~ (a) The revocation, termination, or cancellation of the license of the grain dealer or warehouse operator.

~~b.~~ (b) The filing of a petition in bankruptcy by a licensed grain dealer or licensed warehouse operator.

(2) To be timely, a claim shall be filed within one hundred twenty days of the incurrence date.[1]

Sec. 83. Section 206.5, subsections 2, 3, and 7, Code 2009, are amended to read as follows:

~~2. The secretary shall adopt, by rule, requirements for the examination, reexamination, and certification of applicants.~~

~~3.~~ 2. a. A commercial applicator shall choose between a one-year certification for which the applicator shall pay a thirty dollar fee or a three-year certification for which the applicator shall pay a seventy-five dollar fee. A public applicator shall choose between a one-year certification for which the applicator shall pay a ten dollar fee or a three-year certification for which the applicator shall pay a fifteen dollar fee. A private applicator shall pay a fifteen dollar fee for a three-year certification.

b. To be initially certified as a commercial, public, or private applicator, a person must complete an educational program which shall consist of an examination required to be passed by the person. After initial certification the commercial, public, or private applicator must renew the certification by completing the educational program which shall consist of either an exami-

[1] See chapter 179, §51 herein

nation or continuing instructional courses. The commercial, public, or private applicator must pass the examination each third year following initial certification or may elect to attend two hours of continuing instructional courses each year.

~~The department shall adopt rules providing for the program requirements which shall at least include the safe handling, application, and storage of pesticides, the correct calibration of equipment used for the application of pesticides, and the effects of pesticides upon the groundwater. The department shall adopt by rule criteria for allowing a person required to be certified to complete either a written or oral examination. The department shall administer the instructional courses, by either teaching the courses or selecting persons to teach the courses, according to criteria as provided by rules adopted by the department. The department shall, to the extent possible, select persons to teach the courses in each county. The department is not required to compensate persons selected to teach the courses. In selecting persons, the department shall rely upon organizations interested in the application of pesticides, including associations representing pesticide applicators and associations representing agricultural producers. The Iowa cooperative extension service in agriculture and home economics of Iowa state university of science and technology shall cooperate with the department in administering the instructional courses. The Iowa cooperative extension service may teach courses, train persons selected to teach courses, or distribute informational materials to persons teaching the courses.~~

~~c.~~ 3. A commercial, public, or private applicator is not required to be certified to apply pesticides for a period of twenty-one days from the date of initial employment if the commercial, public, or private applicator is under the direct supervision of a certified applicator. For the purposes of this section, "under the direct supervision of" means that the application of a pesticide is made by a competent person acting under the instructions and control of a certified applicator who is physically present, by being in sight or hearing distance of the supervised person.

7. a. The secretary shall adopt, by rule, requirements for the examination, reexamination, and certification of applicants.

b. The department shall adopt rules providing for the program requirements which shall at least include the safe handling, application, and storage of pesticides, the correct calibration of equipment used for the application of pesticides, and the effects of pesticides upon the groundwater.

(1) The department shall adopt by rule criteria for allowing a person required to be certified to complete either a written or oral examination.

(2) The department shall administer the instructional courses, by either teaching the courses or selecting persons to teach the courses, according to criteria as provided by rules adopted by the department. The department shall, to the extent possible, select persons to teach the courses in each county. The department is not required to compensate persons selected to teach the courses. In selecting persons, the department shall rely upon organizations interested in the application of pesticides, including associations representing pesticide applicators and associations representing agricultural producers.

(3) The Iowa cooperative extension service in agriculture and home economics of Iowa state university of science and technology shall cooperate with the department in administering the instructional courses. The Iowa cooperative extension service may teach courses, train persons selected to teach courses, or distribute informational materials to persons teaching the courses.

c. The secretary may adopt rules to provide for license and certification adjustments, including fees, which may be necessary to provide for an equitable transition for licenses and certifications issued prior to January 1, 1989. The rules shall also include a provision for renewal of certification and for a thirty-day renewal grace period.

d. The secretary shall also adopt rules which allow for an exemption from certification for a person who uses certain services and is not solely a pesticide applicator, but who uses the services as an incidental part of the person's duties.

Sec. 84. Section 206.8, subsections 2 through 4, Code 2009, are amended to read as follows:

2. A pesticide dealer shall pay by June 30 of each year to the department an annual license fee based on the gross retail sales of all pesticides sold for use in this state by the dealer in the previous year. The license fee shall be set as follows:

a. (1) A pesticide dealer with less than one hundred thousand dollars in gross retail pesticide sales shall have the option to pay a license fee based on one-tenth of one percent of the gross retail pesticide sales in the previous year or to pay a license fee according to the following:

~~(1)~~ (a) Twenty-five dollars, if the annual gross retail pesticide sales are less than twenty-five thousand dollars.

~~(2)~~ (b) Fifty dollars, if the annual gross retail pesticide sales are twenty-five thousand dollars or more but less than fifty thousand dollars.

~~(3)~~ (c) Seventy-five dollars, if the annual gross retail pesticide sales are fifty thousand dollars or more but less than seventy-five thousand dollars.

~~(4)~~ (d) One hundred dollars, if the annual gross retail pesticide sales are seventy-five thousand dollars or more but less than one hundred thousand dollars.

(2) The secretary shall provide for a three-month grace period for licensure and shall impose a late fee of ten dollars upon the licensure of a dealer applying for licensure during the month of October, a late fee of fifteen dollars upon the licensure of a dealer applying for licensure during the month of November, a late fee of twenty-five dollars upon the licensure of a dealer applying for licensure during the month of December, and a late fee of twenty-five dollars upon the licensure of a dealer applying for licensure for each month after the month of December.

b. (1) A pesticide dealer with one hundred thousand dollars or more in gross retail pesticide sales shall pay a license fee based on one-tenth of one percent of the gross retail pesticide sales in the previous year.

(2) The secretary shall provide for a three-month grace period for licensure and shall impose a late fee of two percent of the license fee upon the licensure of a dealer applying for licensure during the month of October, a late fee of four percent of the license fee upon the licensure of a dealer applying for licensure during the month of November, a late fee of five percent of the license fee upon the licensure of a dealer applying for licensure during the month of December, and a late fee of five percent upon the licensure of a dealer applying for licensure for each month after the month of December.

3. Up to twenty-five dollars of each annual license fee shall be retained by the department for administration of the program, and the remaining moneys collected shall be deposited in the agriculture management account of the groundwater protection fund.

~~3. This section shall not apply to either of the following:~~

~~a. A pesticide applicator who applies pesticides which are owned and furnished to the pesticide applicator by another person, if the pesticide applicator does not charge for the sale of the pesticides.~~

~~b. A federal, state, county, or municipal governmental entity which provides pesticides only for its own programs.~~

4. Application for a license required for manufacturers and distributors who are not engaged in the retail sale of pesticides shall be accompanied by a twenty-five dollar fee for each business location within the state required to be licensed, and shall be on a form prescribed by the secretary.

5. This section does not apply to either of the following:

a. A pesticide applicator who applies pesticides which are owned and furnished to the pesticide applicator by another person, if the pesticide applicator does not charge for the sale of the pesticides.

b. A federal, state, county, or municipal governmental entity which provides pesticides only for its own programs.

Sec. 85. Section 206.12, subsections 2 through 7, Code 2009, are amended to read as follows:

2. The registrant shall file with the department a statement containing:

a. The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant.

b. The name of the pesticide.

c. An ingredient statement in which the accepted common name and percentage by weight of each active ingredient is listed as well as the percentage of inert ingredients in the pesticides. A separate inert ingredient statement containing the common name of each inert ingredient listed in rank order according to weight of each inert ingredient in the pesticide shall also be submitted to the secretary. Except as required by subsection 4 5, the registrant is not required to state the percentage composition or specific weight of any inert ingredient within a pesticide. The information required by this paragraph shall be submitted in a manner and according to procedures specified by the secretary.

~~Upon written request by the director of the department of natural resources, the secretary shall provide a copy of the ingredient statement and inert ingredient statement to the department. Upon written request by the director of the center for health effects of environmental contamination, the secretary shall provide a copy of the ingredient statement and inert ingredient statement to the center.~~

~~From on and after July 1, 1990, to December 31, 1991, the identity of an inert ingredient in a specific pesticide shall be treated as a confidential trade secret which is not subject to release under chapter 22.~~

~~On and after January 1, 1992, the identity of an inert ingredient in a specific pesticide shall be treated as a confidential trade secret if the following two conditions are met: the registrant states, at the time of registration, that the inert ingredient is a confidential trade secret; and the registrant certifies one of the following:~~

~~(1) The registrant has provided to any database system used by a poison control center operating in this state the information required by an attending physician to treat a patient for exposure or adverse reaction to the registrant's product, including the identification of all ingredients which are toxic to humans.~~

~~(2) The registrant operates an emergency information system as provided in section 139A.21 that is available to poison control centers twenty-four hours a day every day of the year. The emergency information system must provide information to medical professionals required for the sole purpose of treating a specific patient for exposure or adverse reaction to the registrant's product, including the identification of all ingredients which are toxic to humans, and toxicological and medical management information.~~

~~Poison control centers may share the information provided by the registrant with an attending physician for the purpose of treating a specific patient exposed to the registrant's product. The secretary, the director of the department of natural resources, and the director of the center for health effects of environmental contamination shall treat the presence of any inert ingredient in a particular pesticide that meets the two conditions as a confidential trade secret which is not subject to release under chapter 22. This section does not prohibit research or monitoring of any aspect of any inert ingredient. This section does not prohibit the public disclosure of research, monitoring, published or summary data relative to any inert ingredient so long as such disclosure does not link an inert ingredient to a particular brand of pesticide registered in this state.~~

~~This section shall not be construed to prohibit the release of information independently obtained from a source other than registrations filed under this chapter which links an inert ingredient to a pesticide registered in this state.~~

d. A complete copy of the labeling accompanying the pesticide and a statement of all claims made and to be made for it including directions for use.

e. A full description of the tests made and results thereof upon which the claims are based, if requested by the secretary. In the case of renewal or reregistration, a statement may be re-

quired only with respect to information which is different from that furnished when the pesticide was registered or last reregistered.

3. a. Upon written request by the director of the department of natural resources, the secretary shall provide a copy of the ingredient statement and inert ingredient statement to the department. Upon written request by the director of the center for health effects of environmental contamination, the secretary shall provide a copy of the ingredient statement and inert ingredient statement to the center.

b. From on and after July 1, 1990, to December 31, 1991, the identity of an inert ingredient in a specific pesticide shall be treated as a confidential trade secret which is not subject to release under chapter 22.

c. On and after January 1, 1992, the identity of an inert ingredient in a specific pesticide shall be treated as a confidential trade secret if the following two conditions are met: the registrant states, at the time of registration, that the inert ingredient is a confidential trade secret; and the registrant certifies one of the following:

(1) The registrant has provided to any database system used by a poison control center operating in this state the information required by an attending physician to treat a patient for exposure or adverse reaction to the registrant's product, including the identification of all ingredients which are toxic to humans.

(2) The registrant operates an emergency information system as provided in section 139A.21 that is available to poison control centers twenty-four hours a day every day of the year. The emergency information system must provide information to medical professionals required for the sole purpose of treating a specific patient for exposure or adverse reaction to the registrant's product, including the identification of all ingredients which are toxic to humans, and toxicological and medical management information.

d. Poison control centers may share the information provided by the registrant with an attending physician for the purpose of treating a specific patient exposed to the registrant's product. The secretary, the director of the department of natural resources, and the director of the center for health effects of environmental contamination shall treat the presence of any inert ingredient in a particular pesticide that meets the two conditions as a confidential trade secret which is not subject to release under chapter 22. This section does not prohibit research or monitoring of any aspect of any inert ingredient.

e. This section does not prohibit the public disclosure of research, monitoring, published or summary data relative to any inert ingredient so long as such disclosure does not link an inert ingredient to a particular brand of pesticide registered in this state.

f. This section shall not be construed to prohibit the release of information independently obtained from a source other than registrations filed under this chapter which links an inert ingredient to a pesticide registered in this state.

~~3.~~ 4. The registrant, before selling or offering for sale any pesticide for use in this state, shall register each brand and grade of such pesticide with the secretary upon forms furnished by the secretary, and the secretary shall set the registration fee annually at one-fifth of one percent of gross sales within this state with a minimum fee of two hundred fifty dollars and a maximum fee of three thousand dollars for each and every brand and grade to be offered for sale in this state except as otherwise provided. The annual registration fee for products with gross annual sales in this state of less than one million five hundred thousand dollars shall be the greater of two hundred fifty dollars or one-fifth of one percent of the gross annual sales as established by affidavit of the registrant. The secretary shall adopt by rule exemptions to the minimum fee. Fifty dollars of each fee collected shall be deposited in the general fund of the state, shall be subject to the requirements of section 8.60, and shall be used only for the purpose of enforcing the provisions of this chapter and the remainder of each fee collected shall be placed in the agriculture management account of the groundwater protection fund.

~~4.~~ 5. The secretary, whenever the secretary deems it necessary in the administration of this chapter, may require the submission of the complete formula of any pesticide. If it appears to the secretary that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of this chapter, the secretary shall register the article.

~~5.~~ 6. If it does not appear to the secretary that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of this chapter, the secretary shall notify the registrant of the manner in which the article, labeling, or other material required to be submitted fail to comply with this chapter so as to afford the registrant an opportunity to make the necessary corrections.

~~6.~~ 7. Notwithstanding any other provisions of this chapter, registration is not required in the case of a pesticide shipped from one plant within this state to another plant within this state operated by the same person.

~~7.~~ 8. a. Each licensee under section 206.8 shall file an annual report at the time of application for licensure with the secretary of agriculture in a form specified by the secretary of agriculture and which includes the following information:

(1) The gross retail sales of all pesticides sold at retail for use in this state by a licensee with one hundred thousand dollars or more in gross retail sales of the pesticides sold for use in this state.

(2) The individual label name and dollar amount of each pesticide sold at retail for which gross retail sales of the individual pesticide are three thousand dollars or more.

b. A person who is subject to the household hazardous materials permit requirements, and whose gross annual retail sales of pesticides are less than ten thousand dollars for each business location owned or operated by the person, shall report annually, the individual label name of an individual pesticide for which annual gross retail sales are three thousand dollars or more. The information shall be submitted on a form provided to household hazardous materials permittees by the department of natural resources, and the department of natural resources shall remit the forms to the department of agriculture and land stewardship.

c. Notwithstanding the reporting requirements of this section, the secretary of agriculture may, upon recommendation of the advisory committee created pursuant to section 206.23, and if the committee declares a pesticide to be a pesticide of special concern, require the reporting of annual gross retail sales of a pesticide.

d. A person who sells feed which contains a pesticide as an integral part of the feed mixture, shall not be subject to the reporting requirements of this section. However, a person who manufactures feed which contains a pesticide as an integral part of the feed mixture shall be subject to the licensing requirements of section 206.8.

e. The information collected and included in the report required under this section shall remain confidential. Public reporting concerning the information collected shall be performed in a manner which does not identify a specific brand name in the report.

Sec. 86. Section 216.8, Code 2009, is amended to read as follows:

216.8 UNFAIR OR DISCRIMINATORY PRACTICES — HOUSING.

1. It shall be an unfair or discriminatory practice for any person, owner, or person acting for an owner, of rights to housing or real property, with or without compensation, including but not limited to persons licensed as real estate brokers or salespersons, attorneys, auctioneers, agents or representatives by power of attorney or appointment, or any person acting under court order, deed of trust, or will:

~~1.~~ a. To refuse to sell, rent, lease, assign, sublease, refuse to negotiate, or to otherwise make unavailable, or deny any real property or housing accommodation or part, portion, or interest therein, to any person because of the race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status of such person.

~~2.~~ b. To discriminate against any person because of the person's race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status, in the terms, conditions, or privileges of the sale, rental, lease assignment, or sublease of any real property or housing accommodation or any part, portion, or interest in the real property or housing accommodation or in the provision of services or facilities in connection with the real property or housing accommodation.

~~For purposes of this section, "person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock~~

~~companies, trusts, unincorporated organizations, trustees, trustees in cases under Title eleven of the United States Code, receivers, and fiduciaries.~~

~~3.~~ c. To directly or indirectly advertise, or in any other manner indicate or publicize that the purchase, rental, lease, assignment, or sublease of any real property or housing accommodation or any part, portion, or interest therein, by persons of any particular race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status is unwelcome, objectionable, not acceptable, or not solicited.

~~4.~~ d. To discriminate against the lessee or purchaser of any real property or housing accommodation or part, portion, or interest of the real property or housing accommodation, or against any prospective lessee or purchaser of the property or accommodation, because of the race, color, creed, religion, sex, sexual orientation, gender identity, disability, age, or national origin of persons who may from time to time be present in or on the lessee's or owner's premises for lawful purposes at the invitation of the lessee or owner as friends, guests, visitors, relatives, or in any similar capacity.

2. For purposes of this section, "person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title eleven of the United States Code, receivers, and fiduciaries.

Sec. 87. Section 216E.7, Code 2009, is amended to read as follows:

216E.7 EXEMPTIONS.

This chapter does not apply to a hearing aid sold, leased, or transferred to a consumer by an audiologist licensed under chapter ~~147~~ 154F, or a hearing aid dispenser licensed under chapter 154A, if the audiologist or dispenser provides either an express warranty for the hearing aid or provides for service and replacement of the hearing aid.

Sec. 88. Section 225C.19, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. The services system shall be available twenty-four hours per day, seven days per week to any individual who is in or is determined by ~~self or~~ others to be in a crisis situation, regardless of whether the individual has been diagnosed with a mental illness or a co-occurring mental illness and substance abuse disorder~~, and~~. The system shall address all ages, income levels, and health coverage statuses.

Sec. 89. Section 225C.35, unnumbered paragraph 1, Code 2009, is amended to read as follows:

For purposes of this ~~division~~ subchapter, unless the context otherwise requires:

Sec. 90. Section 225C.36, Code 2009, is amended to read as follows:

225C.36 FAMILY SUPPORT SUBSIDY PROGRAM.

A family support subsidy program is created as specified in this ~~division~~ subchapter. The purpose of the family support subsidy program is to keep families together by defraying some of the special costs of caring for a family member at home. The department shall adopt rules to implement the purposes of this section and sections 225C.37 through 225C.42 which assure that families retain the greatest possible flexibility in determining appropriate use of the subsidy.

Sec. 91. Section 225C.51, unnumbered paragraph 1, Code 2009, is amended to read as follows:

For the purposes of this ~~division~~ subchapter:

Sec. 92. Section 225C.51, subsection 2, Code 2009, is amended to read as follows:

2. "Children's system" or "mental health services system for children and youth" means the mental health services system for children and youth implemented pursuant to this ~~division~~ subchapter.

Sec. 93. Section 231.42, Code 2009, is amended to read as follows:

231.42 LONG-TERM CARE RESIDENT'S ADVOCATE — DUTIES.

1. The Iowa commission of elder affairs, in accordance with section 712 of the federal Act, as codified at 42 U.S.C. § 3058g, shall establish the office of long-term care resident's advocate within the department.

2. a. The long-term care resident's advocate shall:

~~1.~~ (1) Investigate and resolve complaints about administrative actions that may adversely affect the health, safety, welfare, or rights of residents in long-term care facilities, excluding facilities licensed primarily to serve persons with mental retardation or mental illness.

~~2.~~ (2) Monitor the development and implementation of federal, state, and local laws, regulations, and policies that relate to long-term care facilities in Iowa.

~~3.~~ (3) Provide information to other agencies and to the public about the problems of residents in long-term care facilities, excluding facilities licensed primarily to serve persons with mental retardation or mental illness.

~~4.~~ (4) Train volunteers and assist in the development of citizens' organizations to participate in the long-term care resident's advocate program.

~~5.~~ (5) Carry out other activities consistent with the state long-term care ombudsman program provisions of the federal Act.

~~6.~~ (6) Administer the resident advocate committee program.

~~7.~~ (7) Report annually to the general assembly on the activities of the resident's advocate office.

b. The long-term care resident's advocate shall have access to long-term care facilities, private access to residents, access to residents' personal and medical records, and access to other records maintained by the facilities or governmental agencies pertaining only to the person on whose behalf a complaint is being investigated.

Sec. 94. Section 232.44, subsection 1, Code 2009, is amended to read as follows:

1. a. A hearing shall be held within forty-eight hours, excluding Saturdays, Sundays, and legal holidays, of the time of the child's admission to a shelter care facility, and within twenty-four hours, excluding Saturdays, Sundays, and legal holidays, of the time of a child's admission to a detention facility. If the hearing is not held within the time specified in this paragraph, the child shall be released from shelter care or detention.

b. Prior to the hearing a petition shall be filed, except where the child is already under the supervision of a juvenile court under a prior judgment.

c. If the child is placed in a detention facility in a county other than the county in which the child resides or in which the delinquent act allegedly occurred but which is within the same judicial district, the hearing may take place in the county in which the detention facility is located.

d. The child shall appear in person at the hearing required by this subsection.

Sec. 95. Section 235B.2, subsection 5, paragraph a, subparagraph (3), Code 2009, is amended to read as follows:

(3) Sexual exploitation of a dependent adult by a caretaker.

~~"Sexual exploitation" means any consensual or nonconsensual sexual conduct with a dependent adult for the purpose of arousing or satisfying the sexual desires of the caretaker or dependent adult, which includes but is not limited to kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or a sex act, as defined in section 702.17. Sexual exploitation does not include touching which is part of a necessary examination, treatment, or care by a caretaker acting within the scope of the practice or employment of the caretaker; the exchange of a brief touch or hug between the dependent adult and a caretaker for the purpose of reassurance, comfort, or casual friendship; or touching between spouses.~~[2]

Sec. 96. Section 235B.2, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 13A. "Sexual exploitation" means any consensual or nonconsensual

[2] See chapter 179, §52 herein repealing this amendment due to enactment of chapter 107, §1 herein

sexual conduct with a dependent adult for the purpose of arousing or satisfying the sexual desires of the caretaker or dependent adult, which includes but is not limited to kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or a sex act, as defined in section 702.17. "Sexual exploitation" does not include touching which is part of a necessary examination, treatment, or care by a caretaker acting within the scope of the practice or employment of the caretaker; the exchange of a brief touch or hug between the dependent adult and a caretaker for the purpose of reassurance, comfort, or casual friendship; or touching between spouses.[3]

Sec. 97. Section 235E.4, Code 2009, is amended to read as follows:

235E.4 CHAPTER 235B APPLICATION.

Sections 235B.4 through 235B.20, when not inconsistent with this chapter, shall apply to this chapter.

Sec. 98. Section 237.18, unnumbered paragraph 2, Code 2009, is amended to read as follows:

9. ~~The state board shall make~~ Make recommendations to the general assembly, the department, to child-placing agencies, the governor, the supreme court, the chief judge of each judicial district, and to the judicial branch. The recommendations shall include, but are not limited to, identification of systemic problems in the foster care and the juvenile justice systems, specific proposals for improvements that assist the systems in being more cost-effective and better able to protect the best interests of children, and necessary changes relating to the data collected and the annual report made under subsection 2, paragraph "b".

Sec. 99. Section 237A.5, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. Unless a record check has already been conducted in accordance with paragraph "b", the department shall conduct a criminal and child abuse record check in this state for a person who is subject to a record check and may conduct such a check in other states. In addition, the department may conduct a dependent adult abuse, sex offender registry, or other public or civil offense record check in this state or in other states for a person who is subject to a record check. If a record check performed pursuant to this paragraph identifies an individual as a person subject to an evaluation, an evaluation shall be performed to determine whether prohibition of the person's involvement with child care is warranted. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department. Prior to performing an evaluation, the department shall notify the affected person, licensee, registrant, or child care home applying for or receiving public funding for providing child care, that an evaluation will be conducted to determine whether prohibition of the person's involvement with child care is warranted.

~~Prior to performing an evaluation, the department shall notify the affected person, licensee, registrant, or child care home applying for or receiving public funding for providing child care, that an evaluation will be conducted to determine whether prohibition of the person's involvement with child care is warranted.~~

Sec. 100. Section 257.6, subsection 6, paragraph b, Code 2009, is amended to read as follows:

b. Continues enrollment in the district to take courses either provided by the district~~,~~ or offered by community colleges under the provisions of section 257.11, or to take courses under the provisions of section 261E.6.

Sec. 101. Section 260C.11, subsection 1, Code 2009, is amended to read as follows:

1. The governing board of a merged area is a board of directors composed of one member elected from each director district in the area by the electors of the respective district. Members of the board shall be residents of the district from which elected. Successors shall be cho-

[3] See chapter 179, §52 herein repealing this amendment due to enactment of chapter 107, §1 herein

sen at the regular school elections for members whose terms expire. The term of a member of the board of directors is four years and commences at the ~~organization~~ organizational meeting. Vacancies on the board shall be filled at the next regular meeting of the board by appointment by the remaining members of the board. A member so chosen shall be a resident of the district in which the vacancy occurred and shall serve until a member is elected pursuant to section 69.12 to fill the vacancy for the balance of the unexpired term. A vacancy is defined in section 277.29. A member shall not serve on the board of directors who is a member of a board of directors of a local school district or a member of an area education agency board.

Sec. 102. Section 260C.29, subsection 6, Code 2009, is amended to read as follows:

6. For purposes of this section, "minority person" means a person who is ~~Black~~ African American, Hispanic, Asian, or a Pacific Islander, American Indian, or an Alaskan Native American.

Sec. 103. Section 261.102, subsection 5, Code 2009, is amended to read as follows:

5. "Minority person" means an individual who is ~~black~~ African American, Hispanic, Asian, or a Pacific islander, American Indian, or an Alaskan Native American.

Sec. 104. Section 261D.3, subsection 3, Code 2009, is amended to read as follows:

3. Nonlegislative members shall serve two-year terms except as otherwise provided under the terms of the compact. Legislative members shall serve two-year terms as provided in section 69.16B. Nonlegislative members shall serve without compensation, but shall receive their actual and necessary expenses and travel. Legislative members shall receive actual and necessary expenses pursuant to sections 2.10 and 2.12. Vacancies on the commission shall be filled for the unexpired portion of the term in the same manner as the original appointments. If a legislative member ceases to be a member of the general assembly, the legislative member shall no longer serve as a member of the commission.

Sec. 105. Section 261E.7, subsection 2, Code 2009, is amended to read as follows:

2. A student participating in the postsecondary enrollment options ~~act~~ program is not eligible to enroll on a full-time basis in an eligible postsecondary institution. A student enrolled on such a full-time basis shall not receive any payments under this section.

Sec. 106. Section 261F.1, subsection 5, paragraph n, Code 2009, is amended to read as follows:

n. Other services as identified and approved by the attorney general through a public announcement, such as a notice on the attorney general's ~~website~~ internet site.

Sec. 107. Section 272D.1, subsection 1, Code 2009, is amended to read as follows:

1. "Certificate of noncompliance" means a document provided by the unit certifying that the named person has outstanding liability placed with the unit and has not entered into an approved payment plan to pay the liability.

Sec. 108. Section 273.8, subsection 4, Code 2009, is amended to read as follows:

4. ORGANIZATION.

a. The board of directors of each area education agency shall meet and organize at the first regular meeting in October following the regular school election at a suitable place designated by the president. Directors whose terms commence at the ~~organization~~ organizational meeting shall qualify by taking the oath of office required by section 277.28 at or before the ~~organization~~ organizational meeting.

b. The provisions of section 260C.12 relating to organization, officers, appointment of secretary and treasurer, and meetings of the merged area board apply to the area education agency board.

Sec. 109. Section 285.1, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. Children attending prekindergarten programs offered or sponsored by the district or nonpublic school and approved by the department of education or department of human services or children participating in preschool in an approved local program under chapter 256C may be provided transportation services. However, transportation services provided to nonpublic school children are not eligible for reimbursement under this chapter.

Sec. 110. Section 297.11, Code 2009, is amended to read as follows:

297.11 USE FORBIDDEN.

If the voters of such district at a regular election forbid ~~such~~ the use of any ~~such~~ schoolhouse or grounds, the board shall not permit ~~such~~ that use until the action of ~~such~~ the voters is rescinded by the voters at an election held on a date specified in section 39.2, subsection 4, paragraph "c".

Sec. 111. Section 314.14, subsection 1, paragraph c, unnumbered paragraph 1, Code 2009, is amended to read as follows:

"Socially and economically disadvantaged individuals" means those individuals who are citizens of the United States or who are lawfully admitted permanent residents and who are ~~Black~~ African Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Asian-Indian Americans, or any other minority or individuals found to be disadvantaged by the United States small business administration. However, the department may also determine, on a case-by-case basis, that an individual who is not a member of one of the enumerated groups is socially and economically disadvantaged. A rebuttable presumption exists that individuals in the following groups are socially and economically disadvantaged:

Sec. 112. Section 314.14, subsection 1, paragraph c, subparagraph (1), Code 2009, is amended to read as follows:

(1) ~~"Black~~ "African Americans" which includes persons having origins in any of the black racial groups of Africa.

Sec. 113. Section 321.24, subsection 11, Code 2009, is amended to read as follows:

11. If the county treasurer or department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, or a junking certificate has been issued for the vehicle but a certificate of title will not be reissued under section 321.52, subsection 3, and the vehicle qualifies as an antique vehicle under section 321.115, subsection 1, the county treasurer or department may register the vehicle but shall, as a condition of issuing a certificate of title and registration receipt, require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, and either accompanied by the deposit of cash with the department or also executed by a person authorized to conduct a surety business in this state. The owner of a vehicle subject to the bond requirements of this subsection shall apply for a certificate of title and registration for the vehicle at the county treasurer's office within thirty days of issuance of written authorization from the department. The bond shall be in an amount equal to one and one-half times the current value of the vehicle as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney fees, by reason of the issuance of the certificate of title ~~of~~ for the vehicle or on account of any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of three years or earlier if the vehicle is no longer registered in this state and the currently valid certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond. The

department may authorize issuance of a certificate of title as provided in this subsection for a vehicle with an unreleased security interest upon presentation of satisfactory evidence that the security interest has been extinguished or that the holder of the security interest cannot be located to release the security interest as provided in section 321.50.

Sec. 114. Section 321.52, subsection 3, Code 2009, is amended to read as follows:

3. a. When a vehicle for which a certificate of title is issued is junked or dismantled by the owner, the owner shall detach the registration plates and surrender the plates to the county treasurer, unless the plates are properly assigned to another vehicle. The owner shall also surrender the certificate of title to the county treasurer.

b. Upon ~~surrendering~~ the surrender of the certificate of title and application for junking certificate, the county treasurer shall issue to the person, without fee, a junking certificate, which shall authorize the holder to possess, transport, or transfer ownership of the junked vehicle by endorsement of the junking certificate. The county treasurer shall hold the surrendered certificate of title, registration receipt, application for junking certificate, and, if applicable, the registration plates for a period of fourteen days following the issuance of a junking certificate under this subsection.

c. Within the fourteen-day period the person who was issued the junking certificate and to whom the vehicle was titled or assigned may surrender to the county treasurer the junking certificate, and upon the person's payment of appropriate fees and taxes and payment of any credit for annual registration fees received by the person for the vehicle under section 321.46, subsection 3, the county treasurer shall issue to the person a certificate of title for the vehicle. After the expiration of the fourteen-day period, a county treasurer shall not issue a certificate of title for a junked vehicle for which a junking certificate is issued. The county treasurer shall cancel the record of the vehicle and forward the certificate of title to the department.

d. However, upon application ~~the department upon~~ and a showing of good cause, the department may issue a certificate of title to a person after the fourteen-day period for a junked vehicle for which a junking certificate has been issued. For purposes of this subsection, "good cause" means that the junking certificate was obtained by mistake or inadvertence. If a person's application to the department is denied, the person may make application for a certificate of title under the bonding procedure as provided in section 321.24, if the vehicle qualifies as an antique vehicle under section 321.115, subsection 1, or the person may seek judicial review as provided under sections 17A.19 and 17A.20.

Sec. 115. Section 321.236, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Local authorities shall have no power to enact, enforce, or maintain any ordinance, rule or regulation in any way in conflict with, contrary to or inconsistent with the provisions of this chapter, and no such ordinance, rule or regulation of said local authorities heretofore or hereafter enacted shall have any force or effect~~, however~~. However, the provisions of this chapter shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from doing any of the following:

Sec. 116. Section 321.292, Code 2009, is amended to read as follows:

321.292 CIVIL ACTION UNAFFECTED.

The ~~foregoing~~ provisions of section 321.285 shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence upon the part of the defendant as the proximate cause of an accident.

Sec. 117. Section 321.356, Code 2009, is amended to read as follows:

321.356 OFFICERS AUTHORIZED TO REMOVE.

Whenever any peace officer finds a vehicle standing upon a highway in violation of any of the ~~foregoing~~ provisions of sections 321.354 and 321.355 such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

Sec. 118. Section 321L.2, subsections 1 and 5, Code 2009, are amended to read as follows:

1. ~~a.~~ A resident of the state with a disability desiring a persons with disabilities parking permit shall apply to the department upon an application form furnished by the department providing the applicant's full legal name, address, date of birth, and social security number or Iowa driver's license number or Iowa nonoperator's identification card number, and shall also provide a statement from a physician licensed under chapter 148 or 149, a physician assistant licensed under chapter 148C, an advanced registered nurse practitioner licensed under chapter 152, or a chiropractor licensed under chapter 151, or a physician, physician assistant, nurse practitioner, or chiropractor licensed to practice in a contiguous state, written on the physician's, physician assistant's, nurse practitioner's, or chiropractor's stationery, stating the nature of the applicant's disability and such additional information as required by rules adopted by the department under section 321L.8. If the person is applying for a temporary persons with disabilities parking permit, the physician's, physician assistant's, nurse practitioner's, or chiropractor's statement shall state the period of time during which the person is expected to be disabled and the period of time for which the permit should be issued, not to exceed six months.

a. A person with a disability may apply for one of the following persons with disabilities parking permits:

(1) Persons with disabilities registration plates. An applicant may order persons with disabilities registration plates pursuant to section 321.34. An applicant may order a persons with disabilities registration plate for a trailer used to transport a wheelchair pursuant to section 321.34 in addition to persons with disabilities registration plates ordered by the applicant for a motor vehicle used to tow such a trailer pursuant to section 321.34.

(2) Persons with disabilities parking sticker. An applicant who owns a motor vehicle for which the applicant has been issued registration plates under section 321.34 or registration plates as a seriously disabled veteran under section 321.105 may apply to the department for a persons with disabilities parking sticker to be affixed to the plates. The persons with disabilities parking stickers shall bear the international symbol of accessibility.

(3) Removable windshield placard. A person with a disability may apply for a temporary removable windshield placard which shall be valid for a period of up to six months or a nonexpiring removable windshield placard, as determined by the physician's, physician assistant's, nurse practitioner's, or chiropractor's statement under this subsection. A temporary removable windshield placard shall be renewed within thirty days of the date of expiration. Persons seeking temporary removable windshield placards shall be required to furnish evidence upon initial application that they have a temporary disability and, in addition, furnish evidence at subsequent intervals that they remain temporarily disabled. Temporary removable windshield placards shall be of a distinctively different color from nonexpiring removable windshield placards. A nonexpiring removable windshield placard shall state on the face of the placard that it is a nonexpiring placard. The department shall issue one additional removable windshield placard upon the request of a person with a disability.

b. The department may issue expiring removable windshield placards to the following:

(1) An organization which has a program for transporting persons with disabilities or elderly persons.

(2) A person in the business of transporting persons with disabilities or elderly persons.

c. One expiring removable windshield placard may be issued for each vehicle used by the organization or person for transporting persons with disabilities or elderly persons. A placard issued under this paragraph shall be renewed every four years from the date of issuance and shall be surrendered to the department if the organization or person is no longer providing the service for which the placard was issued. Notwithstanding section 321L.4, a person transporting persons with disabilities or elderly persons in a motor vehicle for which a placard has been issued under this paragraph may display the placard in the motor vehicle and may use a persons with disabilities parking space while the motor vehicle is displaying the placard. A placard issued under this paragraph shall be of a distinctively different color from a placard issued under paragraph "a".

~~c.~~ d. A new removable windshield placard can be issued if the previously issued placard is reported lost, stolen, or damaged. The placard reported as being lost or stolen shall be invalidated by the department. A placard which is damaged shall be returned to the department and exchanged for a new placard in accordance with rules adopted by the department.

5. A seriously disabled veteran who has been provided with an automobile or other vehicle by the United States government under the provisions of 38 U.S.C. § 1901 et seq. (1970) is not required to apply for a persons with disabilities parking permit under this section unless the veteran has been issued special registration plates or personalized plates for the vehicle. The regular registration plates issued for the disabled veteran's vehicle without fee pursuant to section 321.105 entitle the disabled veteran to all of the rights and privileges associated with persons with disabilities parking permits under this chapter.

Sec. 119. Section 321L.5, subsection 3, paragraph d, Code 2009, is amended to read as follows:

d. A new nonresidential facility in which construction has been completed on or after July 1, 1991, providing parking to the general public shall provide persons with disabilities parking spaces as stipulated below:

Total Parking Spaces in Lot			Required Minimum Number of Persons with Disabilities Parking Spaces	
10	to	25	1	
26	to	50	2	
51	to	75	3	
76	to	100	4	
101	to	150	5	
151	to	200	6	
201	to	300	7	
301	to	400	8	
401	to	500	9	
501	to	1000	*	2 Percent of Total
1001	and	over	**	20 Spaces Plus 1 for Each 100 Over 1000

~~* 2 Percent of Total~~

~~** 20 Spaces Plus 1 for Each 100 Over 1000~~

Sec. 120. Section 331.382, subsection 8, Code 2009, is amended to read as follows:

8. a. The board is subject to chapter 161F, chapters 357 through 358, or chapter 468, subchapters I through III, subchapter IV, parts 1 and 2, or subchapter V, as applicable, in acting relative to a special district authorized under any of those chapters.

b. However, the board may assume and exercise the powers and duties of a governing body under chapter 357, 357A, 357B, 358 or chapter 468, subchapter III, if a governing body established under one of those chapters has insufficient membership to perform its powers and duties, and the board, upon petition of the number of property owners within a proposed district and filing of a bond as provided in section 357A.2, may establish a service district within the unincorporated area of the county and exercise within the district the powers and duties granted in ~~chapter~~ chapters 357, 357A, 357B, 357C, 357I, 358, 359, chapter 384, division IV, or chapter 468, subchapter III.

Sec. 121. Section 358.9, Code 2009, is amended to read as follows:

358.9 SELECTION OF TRUSTEES — TERM OF OFFICE.

1. a. At the election provided for in section 358.7, the names of candidates for trustee of the district shall be written by the voters on blank ballots without formal nomination, and the

board of supervisors which had jurisdiction of the proceedings for establishment of the sanitary district, together with the board of supervisors of any other county in which any part of the district is located, shall appoint three trustees from among the five persons receiving the greatest number of votes as trustees of the district. One of the trustees shall be designated to serve a term expiring on the first day of January which is not a Sunday or legal holiday following the next general election, one to serve a term expiring on the first day of January which is not a Sunday or legal holiday two years later, and one to serve a term expiring on the first day of January which is not a Sunday or legal holiday four years later. Thereafter, each term shall be for a term of years established by the board of supervisors, not less than three years or more than six years. Successors to trustees shall be elected by special election or at a special meeting of the board of trustees called for that purpose. For each special election called after the initial election, a candidate for office of trustee shall be nominated by a personal affidavit of the candidate or by petition of at least ten eligible electors of the district and the candidate's personal affidavit, which shall be filed with the county commissioner of elections at least twenty-five days before the date of the election. The form of the candidate's affidavit shall be substantially the same as provided in section 45.3.

~~Vacancies in the office of trustee of a sanitary district shall be filled by the remaining members of the board for the period until a successor is chosen in the manner prescribed by this section or by section 69.12, whichever is applicable.~~

b. In lieu of a special election, successors to trustees shall be elected at a special meeting of the board of trustees called for that purpose. Upon its own motion, the board of trustees may, or upon petition of landowners owning more than fifty percent of the total land in the district, shall, call a special meeting of the residents of the district to elect successors to trustees of the board. Notice of the meeting shall be given at least ten days before the date of the meeting by publication of the notice in a newspaper of general circulation in the district. The notice shall state the date, times, and location of the meeting and that the meeting is called for the purpose of electing one or more trustees to the board.

2. If the petition to establish a sanitary district requests a board of trustees of five members, the board of supervisors shall select five trustees from among the seven persons receiving the highest number of votes at the initial election. Two trustees shall be designated to serve a term expiring on the first day of January which is not a Sunday or legal holiday following the next general election, two trustees to serve a term expiring on the first day of January which is not a Sunday or legal holiday two years later, and one to serve a term expiring on the first day of January which is not a Sunday or holiday four years later. Thereafter, each term shall be for a term of years established by the board of supervisors, not less than three years or more than six years. Successors to a five-member board selected under this ~~paragraph~~ subsection shall be chosen by election and after the initial election, a candidate for office of trustee shall be nominated by a personal affidavit of the candidate or by petition of at least ten eligible electors of the district and the candidate's personal affidavit, which shall be filed with the commissioner of county elections at least sixty-nine days before the date of the general election. The form of the candidate's affidavit shall be substantially as provided in section 45.3.

3. Upon request of a three-member board of trustees or petition of the number of eligible electors of the district equal to at least five percent of the residents of the district filed at least ninety days before the next general election, the board of supervisors shall provide for the election of a five-member board of trustees with staggered terms of office of not more than six years. The five-member board of trustees shall become effective on the first day of January which is not a Sunday or legal holiday after that general election. The board of trustees or a petition of the number of eligible electors of the district equal to at least five percent of the residents of the district may also request the board of supervisors to implement a plan to reduce the number of trustees from five to three. The board of supervisors shall allow incumbent trustees to serve their unexpired terms of office.

4. Vacancies in the office of trustee of a sanitary district shall be filled by the remaining members of the board for the period until a successor is chosen in the manner prescribed by this section or by section 69.12, whichever is applicable.

Sec. 122. Section 411.8, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. (1) On the basis of the actuarial methods and assumptions, rate of interest, and of the mortality, interest and other tables adopted by the system, the actuary engaged by the system to make each valuation required by this chapter pursuant to the requirements of section 411.5, shall immediately after making such valuation, determine the "normal contribution rate". Except as otherwise provided in this lettered paragraph, the normal contribution rate shall be the rate percent of the earnable compensation of all members equal to the rate required by the system to discharge its liabilities, stated as a percentage of the earnable compensation of all members, and reduced by the employee contribution rate provided in paragraph "f" of this subsection and the contribution rate representing the state appropriation made as provided in section 411.20. However, the normal ~~rate of~~ contribution rate shall not be less than seventeen percent.

(2) The normal ~~rate of~~ contribution rate shall be determined by the actuary after each valuation.

Sec. 123. Section 421B.6, Code 2009, is amended to read as follows:

421B.6 SALES EXCEPTIONS.

The provisions of this chapter shall not apply to a sale at wholesale or a sale at retail made ~~(1) in~~ as follows:

1. In an isolated transaction~~; (2) where~~.

2. Where cigarettes are offered for sale, or sold in a bona fide clearance sale for the purpose of discontinuing trade in such cigarettes and said offer to sell, or sale shall state the reason therefor and the quantity of such cigarettes offered for sale, or to be sold~~; (3) where~~.

3. Where cigarettes are offered for sale~~,~~ or are sold as imperfect or damaged, and ~~said~~ the offer to sell, or sale shall state the reason therefor and the quantity of such cigarettes offered for sale~~,~~ or to be sold.

Sec. 124. Section 422.11V, Code 2009, is amended to read as follows:

422.11V REDEVELOPMENT TAX CREDIT.

The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by a redevelopment tax credit allowed under chapter 15, subchapter II, part 9.

Sec. 125. Section 422.33, subsection 26, Code 2009, is amended to read as follows:

26. The taxes imposed under this division shall be reduced by a redevelopment tax credit allowed under chapter 15, subchapter II, part 9.

Sec. 126. Section 422.60, subsection 14, Code 2009, is amended to read as follows:

14. The taxes imposed under this division shall be reduced by a redevelopment tax credit allowed under chapter 15, subchapter II, part 9.

Sec. 127. Section 424.16, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. The board shall notify each person who has previously filed an environmental protection charge return, and any other person known to the board who will owe the charge at any address obtainable for that person, at least thirty days in advance of the start of any calendar quarter during which ~~the following will occur:~~

~~An~~ an administrative change in the cost factor, pursuant to section 424.3, subsection 5, becomes effective.

Sec. 128. Section 427B.20, Code 2009, is amended to read as follows:

427B.20 LOCAL OPTION REMEDIAL ACTION PROPERTY TAX CREDIT — PUBLIC HEARING.

1. As used in this division:

a. "Actual portion of the costs paid by the owner or operator of an underground storage tank in connection with a remedial action for which the Iowa comprehensive petroleum under-

ground storage tank fund shares in the cost of corrective action" means the amount determined by the fund's board, or the board's designee, as the administrator of the Iowa comprehensive petroleum underground storage tank fund, and for which the owner or operator was not reimbursed from any other source.

b. "Small business" means a business with gross receipts of less than five hundred thousand dollars per year.

~~1.~~ 2. In order to further the public interests of protecting the drinking water supply, preserving business and industry within a community, preserving convenient access to gas stations within a community, or other public purposes, a city council or county board of supervisors may provide by ordinance for partial or total property tax credits to owners of small businesses that own or operate an underground storage tank to reduce the amount of property taxes paid over the permitted period in amounts not to exceed the actual portion of costs paid by the business owner in connection with a remedial action for which the Iowa comprehensive petroleum underground storage tank fund shares in the cost of corrective action, and for which the small business owner was not reimbursed from any other source. A county board of supervisors may grant credits only for property located outside of the corporate limits of a city, and a city council may grant credits only for property located within the corporate limits of the city. The credit shall be taken on the property where the underground storage tank is situated. The credit granted by the council or board shall not exceed the amount of taxes generated by the property for the respective city or county. The credit shall apply to property taxes payable in the fiscal year following the calendar year in which a cost of remedial action was paid by the small business owner.

~~As used in this division, "actual portion of the costs paid by the owner or operator of an underground storage tank in connection with a remedial action for which the Iowa comprehensive petroleum underground storage tank fund shares in the cost of corrective action" means the amount determined by the fund's board, or the board's designee, as the administrator of the Iowa comprehensive petroleum underground storage tank fund, and for which the owner or operator was not reimbursed from any other source.~~

~~As used in this division, "small business" means a business with gross receipts of less than five hundred thousand dollars per year.~~

~~2.~~ 3. The ordinance may be enacted not less than thirty days after a public hearing is held in accordance with section 335.6 in the case of a county, or section 362.3 in the case of a city. The ordinance shall designate the length of time the partial or total credit shall be available, and shall include a credit schedule and description of the terms and conditions of the credit.

~~3.~~ 4. A property tax credit provided under this section shall be paid for out of any available funds budgeted for that purpose by the city council or county board of supervisors. A city council may certify a tax for the general fund levy and a county board of supervisors may certify a tax for the rural county service fund levy for property tax credits authorized by this section.

~~4.~~ 5. The maximum permitted period of a tax credit granted under this section is ten years.

Sec. 129. Section 432.12L, Code 2009, is amended to read as follows:

432.12L REDEVELOPMENT TAX CREDIT.

The taxes imposed under this chapter shall be reduced by a redevelopment tax credit allowed under chapter 15, subchapter II, part 9.

Sec. 130. Section 441.47, Code 2009, is amended to read as follows:

441.47 ADJUSTED VALUATIONS.

The director of revenue on or about August 15, 1977, and every two years thereafter shall order the equalization of the levels of assessment of each class of property in the several assessing jurisdictions by adding to or deducting from the valuation of each class of property such percentage in each case as may be necessary to bring the same to its taxable value as fixed in this chapter and chapters 427 to 443. The director shall adjust to actual value the valuation of any class of property as set out in the abstract of assessment when the valuation is at least five percent above or below actual value as determined by the director. For purposes of such

value adjustments and before such equalization the director shall adopt, in the manner prescribed by chapter 17A, such rules as may be necessary to determine the level of assessment for each class of property in each county. The rules shall cover: ~~(1)~~

1. The proposed use of the assessment-sales ratio study set out in section 421.17, subsection 6~~; (2) the~~.

2. The proposed use of any statewide income capitalization studies~~; (3) the~~.

3. The proposed use of other methods that would assist the director in arriving at the accurate level of assessment of each class of property in each assessing jurisdiction.

Sec. 131. Section 455B.151, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The compliance advisory panel created in section 455B.150 shall review and report on the effectiveness of the small business stationary source technical and environmental compliance assistance program as provided in section 455B.133A. The compliance advisory panel shall do all of the following:

Sec. 132. Section 455B.171, subsection 27, Code 2009, is amended to read as follows:

27. "Semipublic sewage disposal system" means a system for the treatment or disposal of domestic sewage which is not a private sewage disposal system and which is not owned by a city, a sanitary district, or a designated and approved management agency under § 1288 of the federal Water Pollution Control Act ~~(33~~, codified at 33 U.S.C. § ~~1288)~~ 1288.

Sec. 133. Section 455B.176, subsections 1 through 9, Code 2009, are amended to read as follows:

1. The protection of the public health~~;~~.

2. The size, depth, surface area covered, volume, direction and rate of flow, stream gradient, and temperature of the affected water of the state~~;~~.

3. The character and uses of the land area bordering the affected water of the state~~;~~.

4. The uses which have been made, are being made, or may be made of the affected water of the state for public, private, or domestic water supplies, irrigation; livestock watering; propagation of wildlife, fish, and other aquatic life; bathing, swimming, boating, or other recreational activity; transportation; and disposal of sewage and wastes~~;~~.

5. The extent of contamination resulting from natural causes including the mineral and chemical characteristics~~;~~.

6. The extent to which floatable or settleable solids may be permitted~~;~~.

7. The extent to which suspended solids, colloids, or a combination of solids with other suspended substances may be permitted~~;~~.

8. The extent to which bacteria and other biological organisms may be permitted~~;~~.

9. The amount of dissolved oxygen that is to be present and the extent of the oxygen demanding substances which may be permitted~~;~~.

Sec. 134. Section 455D.19, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. "Intentional introduction" means an act of deliberately utilizing a regulated metal in the formulation of a package or packaging component where its continued presence is desired in the final package or packaging component to provide a specific characteristic, appearance, or quality. Intentional introduction does not include the use of a regulated metal as a processing agent or intermediate to impart certain chemical or physical changes during manufacturing, if the incidental presence of a residue of the metal in the final package or packaging component is neither desired nor deliberate, and if the final package or packaging component is in compliance with subsection 4, paragraph "c". Intentional introduction also does not include the use of recycled materials as feedstock for the manufacture of new packaging materials, if the recycled materials contain amounts of a regulated metal and if the new package or packaging component is in compliance with subsection 4, paragraph "c".

~~"Regulated metal" means any metal regulated under this section.~~

Sec. 135. Section 455D.19, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. ga. "Regulated metal" means any metal regulated under this section.

Sec. 136. Section 455E.11, subsection 2, paragraph b, unnumbered paragraph 1, Code 2009, is amended to read as follows:

An agriculture management account. Moneys collected from the groundwater protection fee levied pursuant to section 200.8, subsection 4, the portion of the fees collected pursuant to sections 206.8, subsection 2, and 206.12, subsection ~~3~~ 4, and other moneys designated for the purpose of agriculture management shall be deposited in the agriculture management account. The agriculture management account shall be used for the following purposes:

Sec. 137. Section 459.312, subsection 10, paragraph a, subparagraph (2), subparagraph division (c), Code 2009, is amended to read as follows:

(c) Regardless of the development of the state comprehensive nutrient management strategy as provided in subparagraph ~~subdivision~~ division (b), the department shall adopt rules required to establish a phosphorus index. The department shall cooperate with the United States department of agriculture natural resource conservation service technical committee for Iowa to refine and calibrate the phosphorus index in adopting the rules. Rules adopted by the department pursuant to this subparagraph (2) shall become effective on July 1, 2003.

Sec. 138. Section 459.312, subsection 10, paragraph a, unnumbered paragraph 2, Code 2009, is amended to read as follows:

Subparagraph ~~subdivisions~~ divisions (b) through (e) and this paragraph are repealed on the date that any person who has submitted an original manure management plan prior to April 1, 2002, is required to submit a manure management plan update which includes a phosphorus index as provided in subparagraph ~~subdivision~~ division (e), subparagraph subdivision ~~part~~ (i). The department shall publish a notice in the Iowa administrative bulletin published immediately prior to that date, and the director of the department shall deliver a copy of the notice to the Iowa Code editor.

Sec. 139. Section 466B.3, subsection 4, paragraph f, Code 2009, is amended to read as follows:

f. The dean of the college of agriculture and life sciences at Iowa state university or the dean's designee.

Sec. 140. Section 468.119, Code 2009, is amended to read as follows:

468.119 ANNEXATION OF ADDITIONAL LANDS.

1. After the establishment of a levee or drainage district, if the board becomes convinced that additional lands contiguous to the district, and without regard to county boundaries, are benefited by the improvement or that the same are then receiving benefit or will be benefited by a repair or improvement to said district as contemplated in section 468.126, it may adopt, with or without a petition from owners of the proposed annexed lands, a resolution of necessity for the annexation of such additional land and appoint an engineer with the qualifications provided in this subchapter, parts 1 through 5, to examine such additional lands, to make a survey and plat thereof showing their relation, elevation, and condition of drainage with reference to such established district, and to make and file with the auditor a report as in this subchapter, parts 1 through 5, provided for the original establishment of such district, said report to specify the character of the benefits received.

2. In the event the additional lands are a part of an existing drainage district, as an alternative procedure to that established by ~~the foregoing provisions of this section~~ subsection 1, the lands may be annexed in either of the following methods:

~~1.~~ a. (1) A petition, proposing that the lands be included in a contiguous drainage district and signed by at least twenty percent of the landowners of those lands to be annexed, shall be filed with the governing board of each affected district.

(2) The board of the district in which the lands are presently included may, at its next regular meeting or at a special meeting called for that purpose, adopt a resolution approving and consenting to the annexation~~; or.~~

~~2.~~ b. Whenever the owners of all of the land proposed to be annexed file a petition with the governing boards of the affected districts, the consent of the board in which the lands are then located shall not be required to consent to the annexation, and the board of the annexing district may proceed as provided in this section.

3. If either method of annexation provided for in ~~subsections 1 and~~ subsection 2 ~~of this section~~ is completed, the board of the district to which the lands are to be annexed may adopt a resolution of necessity for the annexation of the additional lands, as provided in this section.

4. The right of remonstrance, as provided under section 468.28, does not apply to the owners of lands being involuntarily annexed to an established district.

Sec. 141. Section 469.6, subsection 1, unnumbered paragraph 2,[4] is amended by striking the unnumbered paragraph.

Sec. 142. Section 469.6, subsection 3, Code 2009, is amended to read as follows:

3. The members of the board shall be reimbursed for actual and necessary travel and related expenses incurred in the discharge of official duties. Each member of the board may also be eligible to receive compensation as provided in section 7E.6. A legislative member is eligible for per diem and expenses as provided in section 2.10.

Sec. 143. Section 483A.25, Code 2009, is amended to read as follows:

483A.25 PHEASANT AND QUAIL RESTORATION PROGRAM — APPROPRIATIONS.

The revenue received from the resident hunting license fee increase in 2002 Acts, chapter 1141, for each fiscal year of the fiscal period beginning July 1, 2002, and ending June 30, 2007, is appropriated to the department. Of the amount appropriated to the department pursuant to this section, at least sixty percent shall be used to fund a pheasant and quail restoration program. The department shall submit a report annually on the pheasant and quail restoration program to the chairpersons of the house ~~committee~~ and senate committees on natural resources ~~and the senate committee on natural resources and environment~~ not later than January 1, 2004, and not later than January 1 of each subsequent year.

Sec. 144. Section 489.302, subsection 5, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Subject to subsection 3, a grant of authority not pertaining to a transfer of real property and contained in an effective statement of authority is conclusive in favor of a person that gives value in reliance on the grant, except to the extent that when the person gives value, ~~and~~ any of the following applies:

Sec. 145. Section 489.302, subsection 6, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Subject to subsection 3, an effective statement of authority that grants authority to transfer real property held in the name of the limited liability company and that is recorded by certified copy in the office for recording transfers of the real property is conclusive in favor of a person that gives value in reliance on the grant without knowledge to the contrary, except to the extent that when the person gives value, ~~and~~ any of the following applies:

Sec. 146. Section 489.401, subsection 4, paragraph d, unnumbered paragraph 1, Code 2009, is amended to read as follows:

If, within ninety consecutive days after the company ceases to have any members, ~~and~~ all of the following occur:

Sec. 147. Section 490.1112, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. The domestic corporation must notify each shareholder of the domestic corporation,

[4] According to enrolled Act; the phrase "paragraph 2, Code 2009," probably intended

whether or not entitled to vote, of the meeting of shareholders at which the plan is to be submitted for approval. The notice must state that the purpose, or one of the purposes, of the meeting is to consider the plan of conversion and must contain or be accompanied by a copy or summary of the plan of conversion. The notice shall include or be accompanied by a copy of the ~~organic~~ organizational documents as they will be in effect immediately after the conversion.

Sec. 148. Section 508.36, subsection 4, paragraph b, subparagraph (1), subparagraph division (c), Code 2009, is amended to read as follows:

(c) A modification of the tables identified in subparagraph ~~subdivisions~~ divisions (a) and (b) approved by the commissioner.

Sec. 149. Section 508.36, subsection 4, paragraph c, subparagraph (1), subparagraph division (c), Code 2009, is amended to read as follows:

(c) A modification of the tables identified in subparagraph ~~subdivisions~~ divisions (a) and (b) approved by the commissioner.

Sec. 150. Section 508.36, subsection 4, paragraph e, subparagraph (1), subparagraph division (c), Code 2009, is amended to read as follows:

(c) A modification of the tables identified in subparagraph ~~subdivisions~~ divisions (a) and (b) approved by the commissioner.

Sec. 151. Section 508.36, subsection 5, paragraph b, subparagraph (1), subparagraph divisions (c), (d), and (e), Code 2009, are amended to read as follows:

(c) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on an issue-year basis, except as stated in subparagraph ~~subdivision~~ division (b), the formula for life insurance stated in subparagraph ~~subdivision~~ division (a) applies to annuities and guaranteed interest contracts with guarantee durations in excess of ten years, and the formula for single premium immediate annuities stated in subparagraph ~~subdivision~~ division (b) applies to annuities and guaranteed interest contracts with guarantee durations of ten years or less.

(d) For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the formula for single premium immediate annuities stated in subparagraph ~~subdivision~~ division (b) applies.

(e) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change-in-fund basis, the formula for single premium immediate annuities stated in subparagraph ~~subdivision~~ division (b) applies.

Sec. 152. Section 508.36, subsection 5, paragraph b, subparagraph (2), Code 2009, is amended to read as follows:

(2) However, if the calendar year statutory valuation interest rate for any life insurance policies issued in any calendar year determined under subparagraph (1), subparagraph ~~subdivision~~ division (a) without reference to this sentence differs from the corresponding actual rate for similar policies issued in the immediately preceding calendar year by less than one-half of one percent, the calendar year statutory valuation interest rate for the life insurance policies is equal to the corresponding actual rate for the immediately preceding calendar year. For purposes of applying the immediately preceding sentence, the calendar year statutory valuation interest rate for life insurance policies issued in a calendar year shall be determined for 1980, using the reference interest rate defined in 1979, and shall be determined for each subsequent calendar year regardless of the operative date of section 508.37, subsection 5, paragraph "c".

Sec. 153. Section 508.36, subsection 5, paragraph c, subparagraph (1), subparagraph division (c), unnumbered paragraph 1, Code 2009, is amended to read as follows:

Weighting factors for other annuities and for guaranteed interest contracts, except as stated in subparagraph ~~subdivision~~ division (b), shall be as specified in subparagraph ~~subdivision~~

~~parts~~ subdivisions (i), (ii), and (iii) of this subparagraph ~~subdivision~~ division, according to the rules and definitions in subparagraph ~~subdivision parts~~ subdivisions (iv), (v), and (vi) of this subparagraph ~~subdivision~~ division:

Sec. 154. Section 508.36, subsection 5, paragraph c, subparagraph (1), subparagraph division (c), subparagraph subdivision (ii), unnumbered paragraph 1, Code 2009, is amended to read as follows:

For annuities and guaranteed interest contracts valued on a change-in-fund basis, the factors shown in subparagraph subdivision ~~part~~ (i) of this subparagraph ~~subdivision~~ division increased by:

Sec. 155. Section 508.36, subsection 5, paragraph c, subparagraph (1), subparagraph division (c), subparagraph subdivision (iii), unnumbered paragraph 1, Code 2009, is amended to read as follows:

For annuities and guaranteed interest contracts valued on an issue-year basis, other than those with no cash settlement options, which do not guarantee interest on considerations received more than one year after issue or purchase and for annuities and guaranteed interest contracts valued on a change-in-fund basis which do not guarantee interest rates on considerations received more than twelve months beyond the valuation date, the factors shown in subparagraph subdivision ~~part~~ (i) of this subparagraph ~~subdivision~~ division or derived in subparagraph subdivision ~~part~~ (ii) of this subparagraph ~~subdivision~~ division increased by:

Sec. 156. Section 508.36, subsection 5, paragraph c, subparagraph (1), subparagraph division (c), subparagraph subdivision (v), unnumbered paragraph 1, Code 2009, is amended to read as follows:

"Plan type", as used in subparagraph ~~subdivision parts~~ subdivisions (i), (ii), and (iii) of this subparagraph ~~subdivision~~ division, is defined as follows:

Sec. 157. Section 508C.8, subsection 8, paragraph a, subparagraph (2), subparagraph division (b), subparagraph subdivision (ii), Code 2009, is amended to read as follows:

(ii) However, the association shall not in any event be obligated to cover more than an aggregate of three hundred fifty thousand dollars in benefits with respect to any one life under subparagraph ~~subdivision~~ division (a) and this subparagraph ~~subdivision~~ division (b), or more than five million dollars in benefits to one owner of multiple nongroup policies of life insurance regardless of whether the policy owner is an individual, firm, corporation, or other person, and whether the persons insured are officers, managers, employees, or other persons, and regardless of the number of policies and contracts held by the owner.

Sec. 158. Section 508C.8, subsection 8, paragraph a, subparagraph (2), subparagraph division (c), Code 2009, is amended to read as follows:

(c) With respect to a plan sponsor whose plan owns, directly or in trust, one or more unallocated annuity contracts not included under subparagraph ~~subdivision~~ division (b), not more than five million dollars in benefits, regardless of the number of contracts held by the plan sponsor. However, where one or more such unallocated annuity contracts are covered contracts under this chapter and are owned by a trust or other entity for the benefit of two or more plan sponsors, the association shall provide coverage if the largest interest in the trust or entity owning the contract is held by a plan sponsor whose principal place of business is in the state but in no event shall the association be obligated to cover more than five million dollars in benefits in the aggregate with respect to all such unallocated contracts.

Sec. 159. Section 515.35, subsection 3, paragraph a, subparagraph (2), subparagraph division (c), subparagraph subdivision (ii), Code 2009, is amended to read as follows:

(ii) If the loan is fully collateralized by cash or cash equivalents, the cash or cash equivalent collateral may be reinvested by the company as provided in subparagraph ~~subdivision~~ division (b).

Sec. 160. Section 515.35, subsection 3, paragraph a, subparagraph (5), Code 2009, is amended to read as follows:

(5) Transfers of ownership of investments held as described in paragraph "a", subparagraph (1), subparagraph ~~subdivision~~ division (c), and subparagraphs (3) and (4) may be evidenced by bookkeeping entry on the books of the issuer of the investment, its transfer or recording agent, or the clearing corporation without physical delivery of certificate, if any, evidencing the company's investment.

Sec. 161. Section 515.35, subsection 4, paragraph h, subparagraph (1), unnumbered paragraph 2, Code 2009, is amended to read as follows:

All real estate specified in ~~subdivisions~~ subparagraph divisions (a), (b), and (c) ~~of this subparagraph~~ shall be sold and disposed of within three years after the company acquires title to it, or within three years after the real estate ceases to be necessary for the accommodation of the company's business, and the company shall not hold any of those properties for a longer period unless the company elects to hold the property under another paragraph of this section, or unless the company procures a certificate from the commissioner of insurance that its interest will suffer materially by the forced sale of those properties and that the time for the sale is extended to the time the commissioner directs in the certificate.

Sec. 162. Section 554.2709, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

When the buyer fails to pay the price as it becomes due the seller may recover, together with any incidental damages under ~~the next~~ section 554.2710, the price:

Sec. 163. Section 554.11101, Code 2009, is amended to read as follows:

554.11101 EFFECTIVE DATE.

Division 2 of ~~this Act [65GA~~ 1974 Iowa Acts, chapter ~~1249]~~ 1249, sections 9 to 72, the Iowa amendments to the Uniform Commercial Code pertaining primarily to security interests, and related amendments, shall become effective at 12:01 a.m. on January 1, 1975.

Sec. 164. Section 554.11102, Code 2009, is amended to read as follows:

554.11102 PRESERVATION OF OLD TRANSITION PROVISION.

The provisions of Article 10 of this chapter, sections 554.10101 ~~to~~, 554.10103, and 554.10105, shall continue to apply to this chapter as amended and for this purpose this chapter prior to amendment and this chapter as amended shall be considered one continuous statute.

Sec. 165. Section 602.4201, subsection 3, paragraph d, Code 2009, is amended to read as follows:

d. Rules of appellate procedure ~~6.1~~ 6.101 through ~~6.9~~ 6.105, 6.601 through 6.603, and 6.907.

Sec. 166. Section 714F.1, subsection 4, paragraphs a and b, Code 2009, are amended to read as follows:

a. The transfer of title to real property by a foreclosed homeowner during a foreclosure ~~proceeding~~, forfeiture ~~proceeding~~, or tax sale ~~proceeding~~, either by transfer of interest from the foreclosed homeowner or by creation of a mortgage or other lien or encumbrance during the process that allows the acquirer to obtain title to the property by redeeming the property as a junior lienholder.

b. The subsequent conveyance, or promise of a subsequent conveyance, of an interest back to the ~~affected~~ foreclosed homeowner by the acquirer or a person acting in participation with the acquirer that allows the foreclosed homeowner to possess either the affected residence or other real property, which interest includes but is not limited to an interest in a contract for deed, purchase agreement, option to purchase, or lease.

Sec. 167. Section 714F.4, subsection 2, Code 2009, is amended to read as follows:

2. Cancellation occurs when the foreclosed homeowner delivers, by any means, written no-

tice of cancellation, provided that, at a minimum, the contract and the notice of cancellation contains a physical address to which notice of cancellation may be mailed or otherwise delivered. A post office box does not constitute a physical address. A post office box may be designated for delivery by mail only if it is accompanied by a physical address at which the notice could be delivered by a method other than mail. An ~~electronically mailed~~ electronic mail address may be provided in addition to the physical address. If cancellation is mailed, delivery is effective upon mailing. If electronically mailed, cancellation is effective upon transmission.

Sec. 168. Section 714F.8, subsection 3, paragraph b, subparagraph (2), subparagraph division (c), Code 2009, is amended to read as follows:

(c) "Consideration" means any payment or thing of value provided to the foreclosed homeowner, including payment of unpaid rent or contract for deed payments owed by the foreclosed homeowner prior to the date of eviction or voluntary relinquishment of the property, reasonable costs paid to third parties necessary to complete the foreclosure reconveyance transaction, payment of money to satisfy a debt or legal obligation of the foreclosed homeowner that creates a lien against the affected residence, or the payment of reasonable cost of repairs for damage to the dwelling caused by the foreclosed homeowner; or a payment of a penalty imposed by a court for the filing of a frivolous claim under section 714F.9, subsection 6, but "consideration" shall not include amounts imputed as a down payment or fee to the foreclosure purchaser, or a person acting in participation with the foreclosure purchaser, incident to a contract for deed, lease, or option to purchase entered into as part of the foreclosure reconveyance, except for reasonable costs paid to third parties necessary to complete the foreclosure reconveyance.

Sec. 169. Section 716.5, Code 2009, is amended to read as follows:

716.5 CRIMINAL MISCHIEF IN THE THIRD DEGREE.

1. Criminal mischief is criminal mischief in the third degree if ~~the~~ any of the following apply:

a. The cost of replacing, repairing, or restoring the property ~~so~~ that is damaged, defaced, altered, or destroyed exceeds five hundred dollars, but does not exceed one thousand dollars~~, or if the~~.

b. The property is a deed, will, commercial paper or any civil or criminal process or other instrument having legal effect~~, or if the~~.

c. The act consists of rendering substantially less effective than before any light, signal, obstruction, barricade, or guard which has been placed or erected for the purpose of enclosing any unsafe or dangerous place or of alerting persons to an unsafe or dangerous condition. ~~Criminal mischief in the third degree is an aggravated misdemeanor.~~

~~A person commits criminal mischief in the third degree who does either of the following:~~

~~1.~~ d. ~~Intentionally~~ The person intentionally disinters human remains from a burial site without lawful authority.

~~2.~~ e. ~~Intentionally~~ The person intentionally disinters human remains that have state and national significance from an historical or scientific standpoint for the inspiration and benefit of the United States without the permission of the state archaeologist.

2. Criminal mischief in the third degree is an aggravated misdemeanor.

Sec. 170. 2008 Iowa Acts, chapter 1088, section 44, subsection 1, is amended to read as follows:

1. Persons who publicly profess to be physicians and surgeons~~,~~ or osteopathic physicians and surgeons, or who publicly profess to assume the duties incident to the practice of medicine and surgery or osteopathic medicine and surgery.

Sec. 171. 2008 Iowa Acts, chapter 1088, is amended by adding the following new section:

SEC. __. Section 152B.13, subsection 1, paragraph a, Code 2007, is amended to read as follows:

1. A state board for respiratory care is established to administer this chapter. Membership of the board shall be established pursuant to section 147.14~~, subsection 15~~.

Sec. 172. 2008 Iowa Acts, chapter 1181, section 5, subsection 3, paragraph c, is amended to read as follows:

c. For the entrepreneurs with disabilities program pursuant to section 259.4, subsection 9, if enacted by 2008 Iowa Acts, ~~House~~ Senate File ~~2214~~ 2101:[5]

..... $ 200,000

Sec. 173. Section 261E.12, subsection 1, paragraph d, as enacted by 2008 Iowa Acts, chapter 1181, section 63, is amended to read as follows:

d. For the fiscal year beginning July 1, 2008, and succeeding fiscal years, an amount up to five hundred thousand dollars to the department to provide advanced placement course examination fee remittance pursuant to section 261E.4A. If the funds appropriated for purposes of section ~~261E.5~~ 261E.4A are insufficient to distribute the amounts set out in section ~~261E.5~~ 261E.4A, subsection 3, to school districts, the department shall prorate the amount distributed to school districts based on the amount appropriated.

Sec. 174. 2008 Iowa Acts, chapter 1187, section 9, subsection 22, is amended to read as follows:

22. Of the funds appropriated in this section, $250,000 shall be used to implement the provisions in 2007 Iowa Acts, chapter 218, section ~~124~~ 126, as amended by the Eighty-second General Assembly, 2008 Session, relating to eligibility for certain persons with disabilities under the medical assistance program.

Sec. 175. 2008 Iowa Acts, chapter 1191, is amended by adding the following new section:

SEC. __. EFFECTIVE DATE. The section of this Act amending section 100C.6, subsection 3, as enacted by 2008 Iowa Acts, House File 2646,[6] section 1, takes effect August 1, 2009.

DIVISION II
CODE SECTION RENUMBERING

Sec. 176. Section 103A.9, Code 2009, is amended to read as follows:

103A.9 FACTORY-BUILT STRUCTURES.

1. The state building code shall contain provisions relating to the manufacture and installation of factory-built structures.

~~1.~~ a. Factory-built structures manufactured in Iowa, after the effective date of the code, shall be manufactured in accordance with the code, unless the commissioner determines the structure is manufactured for installation outside the state.

~~2.~~ b. Factory-built structures manufactured outside the state of Iowa, after the effective date of the code, and brought into Iowa for installation must, prior to installation, comply with the code.

~~3.~~ c. Factory-built structures manufactured prior to the effective date of the code, which prior to that date have never been installed, must comply with the code prior to installation.

~~4. a.~~ d. (1) All factory-built structures, without regard to manufacture date, shall be installed in accordance with the code in the governmental subdivisions which have adopted the state building code or any other building code. However, a governmental subdivision shall not require that a factory-built structure, that was manufactured in accordance with federally mandated standards, be renovated in accordance with the state building code or any other building code which the governmental subdivision has adopted when the factory-built structure is being moved from one lawful location to another unless such required renovation is in conformity with those specifications for the factory-built structure which existed when it was manufactured or the factory-built structure is being rented for occupancy.

~~b.~~ (2) Existing factory-built structures not constructed to be in compliance with federally mandated standards may be moved from one established manufactured home community or mobile home park to another and shall not be required to be renovated to comply with the state

[5] 2008 Iowa Acts, chapter 1007

[6] 2008 Iowa Acts, chapter 1094

building code or any other building code which the governmental subdivision has adopted unless the factory-built structure is being rented for occupancy or has been declared a public nuisance according to standards generally applied to housing.

~~5.~~ e. Factory-built structures required to comply with the code provisions on manufacture, shall not be modified in any way prior to or during installation, unless prior approval is obtained from the commissioner.

~~6.~~ 2. The commissioner shall establish an insignia of approval and provide that factory-built structures required to comply with code provisions on manufacture bear an insignia of approval prior to installation. The insignia may be issued for other factory-built structures which meet code standards and which were manufactured prior to the effective date of the state building code.

~~7.~~ 3. The commissioner may contract with local government agencies for enforcement of the code relating to manufacture of factory-built structures. Code provisions relating to installation of factory-built structures shall be enforced by the local building departments only in those governmental subdivisions which have adopted the state building code or any other building code.

Sec. 177. Section 123.127, Code 2009, is amended to read as follows:

123.127 CLASS "A" AND SPECIAL CLASS "A" APPLICATION.

1. A class "A" permit shall be issued by the administrator to any person who:

~~1.~~ a. Submits a written application for such permit, which application shall state under oath:

~~a.~~ (1) The name and place of residence of the applicant and the length of time the applicant has lived at such place of residence.

~~b.~~ (2) That the applicant is a citizen of the state of Iowa.

~~c.~~ (3) That the applicant is a person of good moral character as defined by this chapter.

~~d.~~ (4) The location of the premises where the applicant intends to operate.

~~e.~~ (5) The name of the owner of the premises and if such owner is not the applicant, that such applicant is the actual lessee of the premises.

~~2.~~ b. Establishes:

~~a.~~ (1) That the applicant is a person of good moral character as defined by this chapter.

~~b.~~ (2) That the premises where the applicant intends to operate conform to all laws and health and fire regulations applicable thereto.

~~3.~~ c. Furnishes a bond in the form prescribed and to be furnished by the division, with good and sufficient sureties to be approved by the administrator conditioned upon the faithful observance of this chapter, in the penal sum of five thousand dollars, payable to the state.

~~4.~~ d. Gives consent to a person, pursuant to section 123.30, subsection 1, to enter upon the premises without a warrant during the business hours of the permittee to inspect for violations of the provisions of this chapter or ordinances and regulations that local authorities may adopt.

2. An applicant for a special class "A" permit shall comply with the requirements for a class "A" permit and shall also state on the application that the applicant holds or has applied for a class "C" liquor control license or class "B" beer permit.

Sec. 178. Section 123.128, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. All the information required of a class "A" applicant by section 123.127, subsection 1, paragraph "a".

Sec. 179. Section 123.128, subsection 2, Code 2009, is amended to read as follows:

2. Fulfills the requirements of section 123.127, subsection ~~2~~ 1, paragraph "b", relating to class "A" applicants.

Sec. 180. Section 123.129, subsection 1, Code 2009, is amended to read as follows:

1. Submits a written application for such permit, which application shall state under oath

all the information required of a class "A" applicant by section 123.127, subsection 1, paragraph "a".

Sec. 181. Section 124.401D, Code 2009, is amended to read as follows:

124.401D CONSPIRACY TO MANUFACTURE FOR DELIVERY OR DELIVERY OR INTENT OR CONSPIRACY TO DELIVER AMPHETAMINE OR METHAMPHETAMINE TO A MINOR.

1. a. It is unlawful for a person eighteen years of age or older to act with, or enter into a common scheme or design with, or conspire with one or more persons to manufacture for delivery to a person under eighteen years of age a material, compound, mixture, preparation, or substance that contains any detectable amount of amphetamine, its salts, isomers, or salts of its isomers, or methamphetamine, its salts, isomers, or salts of its isomers.

b. A violation of this subsection is a felony punishable under section 902.9, subsection 1.

c. A second or subsequent violation of this subsection is a class "A" felony.

2. a. It is unlawful for a person eighteen years of age or older to deliver, or possess with the intent to deliver to a person under eighteen years of age, a material, compound, mixture, preparation, or substance that contains any detectable amount of amphetamine, its salts, isomers, or salts of its isomers, or methamphetamine, its salts, isomers, or salts of its isomers, or to act with, or enter into a common scheme or design with, or conspire with one or more persons to deliver or possess with the intent to deliver to a person under eighteen years of age a material, compound, mixture, preparation, or substance that contains any detectable amount of amphetamine, its salts, isomers, or salts of its isomers, or methamphetamine, its salts, isomers, or salts of its isomers.

b. A violation of this subsection is a felony punishable under section 902.9, subsection 1.

c. A second or subsequent violation of this subsection is a class "A" felony.

Sec. 182. Section 124.413, Code 2009, is amended to read as follows:

124.413 MANDATORY MINIMUM SENTENCE.

1. A person sentenced pursuant to section 124.401, subsection 1, paragraph "a", "b", "c", "e", or "f", shall not be eligible for parole until the person has served a minimum period of confinement of one-third of the maximum indeterminate sentence prescribed by law.

2. This section shall not apply if:

~~1.~~ a. The offense is found to be an accommodation pursuant to section 124.410; or

~~2.~~ b. The controlled substance is marijuana.

Sec. 183. Section 124.502, subsection 1, paragraphs b through d, Code 2009, are amended to read as follows:

b. A warrant shall issue only upon sworn testimony of an officer or employee of the board duly designated and having knowledge of the facts alleged, before the judicial officer, establishing the grounds for issuing the warrant. If the judicial officer is satisfied that grounds for the application exist or that there is probable cause to believe they exist, the officer shall issue a warrant identifying the area, premises, building, or conveyance to be inspected, the purpose of the inspection, and, if appropriate, the type of property to be inspected, if any.

c. The warrant shall:

(1) State the grounds for its issuance and the name of each person whose testimony has been taken in support thereof.

(2) Be directed to a person authorized by section 124.501 to execute it.

(3) Command the person to whom it is directed to inspect the area, premises, building, or conveyance identified for the purpose specified and, if appropriate, direct the seizure of the property specified.

(4) Identify the item or types of property to be seized, if any.

(5) Direct that it be served during normal business hours, if appropriate, and designate the judge to whom it shall be returned.

~~c.~~ d. A warrant issued pursuant to this section must be executed and returned within ten

days after its date unless, upon a showing of a need for additional time, the court so instructs otherwise in the warrant. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom the property is seized, or the person in charge of the premises from which the property is seized, a copy of the warrant and a receipt for the property seized or shall leave the copy and receipt at the place from which the property is seized. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property seized. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was seized, if they are present, or in the presence of at least one credible person other than the person executing the warrant. A copy of the inventory shall be delivered to the person from whom or from whose premises the property was seized and to the applicant for the warrant.

~~d.~~ e. The judicial officer who has issued a warrant under this section shall require that there be attached to the warrant a copy of the return, and of all papers filed in connection with the return, and shall file them with the clerk of the district court for the county in which the inspection was made.

Sec. 184. Section 124C.2, Code 2009, is amended to read as follows:

124C.2 POWERS AND DUTIES OF THE COMMISSIONER.

1. The commissioner or the commissioner's designee may use funds appropriated or otherwise available to the department for the following purposes:

a. Administrative services for the identification, assessment, and cleanup of clandestine laboratory sites.

b. Payments to other government agencies or private contractors for services consistent with the management and cleanup of a clandestine laboratory site.

c. Emergency response activities involving clandestine laboratory sites, including surveillance, entry, security, cleanup, and disposal.

2. The commissioner may request the assistance of other state, federal, and local agencies as necessary.

~~2.~~ 3. The commissioner shall proceed, pursuant to this section, to collect all costs incurred in cleanup of a clandestine laboratory site from the person having control over a clandestine laboratory site.

~~3.~~ 4. The commissioner shall make all reasonable efforts to recover the full amount of moneys expended, through litigation or otherwise. Moneys recovered shall be deposited with the treasurer of state and credited to the department of public safety.

Sec. 185. Section 124C.4, subsection 4, Code 2009, is amended to read as follows:

4. Upon payment of a charge for which the commissioner has filed a notice of lien with a county, the commissioner shall immediately file with the county a satisfaction of the charge and the satisfaction of the charge shall be indicated on the index.

5. The attorney general, upon the request of the commissioner, shall bring an action at law or in equity, without bond, to enforce payment of any charges or penalties, and in such action the attorney general shall have the assistance of the county attorney of the county in which the action is pending.

6. The remedies available to the state in this chapter shall be cumulative and no action taken by the commissioner or attorney general shall be construed to be an election on the part of the state to pursue any remedy to the exclusion of any other remedy provided by law.

Sec. 186. Section 125.59, subsections 1 and 2, Code 2009, are amended to read as follows:

1. a. Of these funds, notwithstanding section 125.13, subsection 1, one-half of the transferred amount shall be used for grants to counties operating a substance abuse program involving only education, prevention, referral or posttreatment services, either with the counties' own employees or by contract with a nonprofit corporation. The grants shall not annually exceed ten thousand dollars to any one county, subject to the following conditions:

~~a.~~ (1) The money shall be paid to the county after expenditure by the county and submis-

sion of the requirements in ~~paragraph "b"~~ subparagraph (2) on the basis of one dollar for each three dollars spent by the county. The county may submit a quarterly claim for reimbursement.

~~b.~~ (2) The county shall submit an accounting of the expenditures and shall submit an annual financial report, a description of the program, and the results obtained within sixty days after the end of the fiscal year in which the money is granted.

b. If the transferred amount for this subsection exceeds grant requests funded to the ten thousand dollar maximum, the Iowa department of public health may use the remainder to increase grants pursuant to subsection 2.

2. a. Of these funds, one-half of the transferred amount shall be used for prevention programs in addition to the amount budgeted for prevention programs by the department in the same fiscal year. The department shall use this additional prevention program money for grants to a county, person, or nonprofit agency operating a prevention program. A grant to a county, person, or nonprofit agency is subject to the following conditions:

~~a.~~ (1) The money shall be paid to the county, person, or nonprofit agency after submission of the requirements in ~~paragraph "b"~~ subparagraph (2) on the basis of two dollars for each dollar designated for prevention by the county, person, or nonprofit agency.

~~b.~~ (2) The county, person, or nonprofit agency shall submit a description of the program.

~~c.~~ (3) The county, person, or nonprofit agency shall submit an annual financial report and the results obtained before June 10 of the same fiscal year in which the money is granted.

b. The department may consider in-kind contributions received by a county, person, or nonprofit agency for matching purposes required in paragraph "a", subparagraph (1).

Sec. 187. Section 125.81, Code 2009, is amended to read as follows:

125.81 IMMEDIATE CUSTODY.

1. If a person filing an application requests that a respondent be taken into immediate custody, and the court upon reviewing the application and accompanying documentation, finds probable cause to believe that the respondent is a chronic substance abuser who is likely to injure the person or other persons if allowed to remain at liberty, the court may enter a written order directing that the respondent be taken into immediate custody by the sheriff, and be detained until the commitment hearing, which shall be held no more than five days after the date of the order, except that if the fifth day after the date of the order is a Saturday, Sunday, or a holiday, the hearing may be held on the next business day. The court may order the respondent detained for the period of time until the hearing is held, and no longer except as provided in section 125.88, in accordance with subsection ~~1~~ 2, paragraph "a", if possible, and if not, then in accordance with subsection 2, paragraph "b", or, only if neither of these alternatives is available in accordance with subsection ~~3~~ 2, paragraph "c".

2. Detention may be:

~~1.~~ a. In the custody of a relative, friend, or other suitable person who is willing and able to accept responsibility for supervision of the respondent, with reasonable restrictions as the court may order including but not limited to restrictions on or a prohibition of any expenditure, encumbrance, or disposition of the respondent's funds or property.

~~2.~~ b. In a suitable hospital, the chief medical officer of which shall be informed of the reasons why immediate custody has been ordered. The hospital may provide treatment which is necessary to preserve the respondent's life, or to appropriately control the respondent's behavior which is likely to result in physical injury to the person or to others if allowed to continue, and other treatment as deemed appropriate by the chief medical officer.

~~3.~~ c. In the nearest facility which is licensed to care for persons with mental illness or substance abuse, provided that detention in a jail or other facility intended for confinement of those accused or convicted of a crime shall not be ordered.

3. The respondent's attorney may be allowed by the court to present evidence and arguments before the court's determination under this section. If such an opportunity is not provided at that time, respondent's attorney shall be allowed to present evidence and arguments after the issuance of the court's order of confinement and while the respondent is confined.

Sec. 188. Section 125.91, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. A peace officer who has reasonable grounds to believe that the circumstances described in subsection 1 are applicable, may, without a warrant, take or cause that person to be taken to the nearest available facility referred to in section 125.81, subsection 2 ~~or 3~~, paragraph "b" or "c". Such an intoxicated or incapacitated person may also be delivered to a facility by someone other than a peace officer upon a showing of reasonable grounds. Upon delivery of the person to a facility under this section, the examining physician may order treatment of the person, but only to the extent necessary to preserve the person's life or to appropriately control the person's behavior if the behavior is likely to result in physical injury to the person or others if allowed to continue. The peace officer or other person who delivered the person to the facility shall describe the circumstances of the matter to the examining physician. If the person is a peace officer, the peace officer may do so either in person or by written report. If the examining physician has reasonable grounds to believe that the circumstances in subsection 1 are applicable, the examining physician shall at once communicate with the nearest available magistrate as defined in section 801.4, subsection 10. The magistrate shall, based upon the circumstances described by the examining physician, give the examining physician oral instructions either directing that the person be released forthwith, or authorizing the person's detention in an appropriate facility. The magistrate may also give oral instructions and order that the detained person be transported to an appropriate facility.

Sec. 189. Section 126.10, Code 2009, is amended to read as follows:

126.10 DRUGS AND DEVICES — MISBRANDING — LABELING.

1. A drug or device is misbranded under any of the following circumstances:

~~1.~~ a. If its labeling is false or misleading in any particular.

~~2.~~ b. (1) If in a package form unless it bears a label containing both of the following:

~~a.~~ (a) The name and place of business of the manufacturer, packer, or distributor.

~~b.~~ (b) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count.

(2) However, under ~~paragraph "a"~~ subparagraph (1), subparagraph division (a), reasonable variations shall be permitted, and exemptions as to small packages shall be allowed, in accordance with rules adopted by the board.

~~3.~~ c. If any word, statement, or other information required by or under the authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs, or devices, in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

~~4.~~ d. If it is for use by humans and contains any quantity of the narcotic or hypnotic substance alpha-eucaine, barbituric acid, beta-eucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marijuana, morphine, opium, paraldehyde, peyote, or sulphonmethane; or any chemical derivative of such a substance, which derivative, after investigation, has been designated as habit forming, by rules adopted by the board under this chapter or by regulations adopted by the secretary pursuant to section 502(d) of the federal Act; unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning — May Be Habit Forming."

~~5. a.~~ e. (1) If it is a drug, unless both of the following apply:

~~(1)~~ (a) Its label bears, to the exclusion of any other nonproprietary name except the applicable systematic chemical name or the chemical formula:

~~(a)~~ (i) The established name of the drug, as specified in ~~paragraph "c"~~ subparagraph (3), if such exists; and

~~(b)~~ (ii) If the drug is fabricated from two or more ingredients, the established name and quantity of each active ingredient, including the quantity, kind, and proportion of any alcohol, and also including, whether active or not, the established name and quantity or proportion of any bromides, ether, chloroform, acetanilide, acetophenetidin, amidopyrine, antipyrine,

atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein. However, the requirement for stating the quantity of the active ingredients, other than the quantity of those specifically named in this subparagraph subdivision, applies only to prescription drugs.

~~(2)~~ (b) For a prescription drug, the established name of the prescription drug or of an ingredient is printed, on the label and on any labeling on which a name for the prescription drug or an ingredient is used, prominently and in type at least half as large as that used thereon for any proprietary name or designation for the prescription drug or ingredient. However, to the extent that compliance with ~~subparagraph (1),~~ subparagraph ~~subdivision (b)~~ division (a), subparagraph subdivision (ii), or this subparagraph division is impracticable, exemptions shall be allowed under rules or regulations adopted by the board or the secretary under the federal Act.

~~b.~~ (2) If it is a device and it has an established name, unless its label bears, to the exclusion of any other nonproprietary name, its established name, as defined in ~~paragraph "d"~~ subparagraph (4), prominently printed in type at least half as large as that used thereon for any proprietary name or designation for the device, except that to the extent compliance with this ~~paragraph~~ subparagraph is impracticable, exemptions shall be allowed under rules or regulations adopted by the board or the secretary under the federal Act.

~~c.~~ (3) As used in ~~paragraph "a"~~ subparagraph (1), the term "established name", with respect to a drug or ingredient thereof, means one of the following:

~~(1)~~ (a) The applicable official name designated pursuant to section 508 of the federal Act.

~~(2)~~ (b) If no such official name exists and the drug or ingredient is an article recognized in an official compendium, then its official title in the compendium.

~~(3)~~ (c) If neither subparagraph ~~(1)~~ division (a) nor ~~(2)~~ (b) applies, then the common or usual name, if any, of the drug or ingredient. However, if subparagraph ~~(2)~~ division (b) applies to an article recognized in the United States Pharmacopoeia National Formulary and in the Homeopathic Pharmacopoeia of the United States under different official titles, the official title used in the United States Pharmacopoeia National Formulary applies unless it is labeled and offered for sale as a homeopathic drug, in which case the official title used in the Homeopathic Pharmacopoeia of the United States applies.

~~d.~~ (4) As used in ~~paragraph "b"~~ subparagraph (2), the term "established name" with respect to a device means one of the following:

~~(1)~~ (a) The applicable official name of the device pursuant to section 508 of the federal Act.

~~(2)~~ (b) If no such official name exists and the device is an article recognized in an official compendium, then its official title in the compendium.

~~(3)~~ (c) If neither subparagraph ~~(1)~~ division (a) nor ~~(2)~~ (b) applies, then any common or usual name of the device.

~~6.~~ f. (1) Unless its labeling bears both of the following:

~~a.~~ (a) Adequate directions for use.

~~b.~~ (b) Adequate warnings against use in those pathological conditions, or by children, where its use may be dangerous to health, or against unsafe dosage or methods or durations of administration or application, in the manner and form necessary for the protection of users.

(2) However, if a requirement of ~~paragraph "a"~~ subparagraph (1), subparagraph division (a), as applied to a drug or device, is not necessary for the protection of the public health, the board or the secretary shall adopt rules or regulations exempting the drug or device from that requirement.

~~7.~~ g. If it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed in the official compendium. However, the method of packing may be modified with the consent of the board or the secretary. If a drug is recognized in both the United States Pharmacopoeia National Formulary and the Homeopathic Pharmacopoeia of the United States, it is subject to the requirements of the United States Pharmacopoeia National Formulary with respect to packaging and labeling unless it is labeled and offered for sale as a homeopathic drug, in which case it is subject to the Homeo-

pathic Pharmacopoeia of the United States, and not to the United States Pharmacopoeia National Formulary. However, if an inconsistency exists between this ~~subsection~~ paragraph and ~~subsection 5~~ paragraph "e" as to the name by which the drug or its ingredients shall be designated, ~~subsection 5~~ paragraph "e" prevails.

~~8.~~ h. If it has been found by the board or the secretary to be a drug liable to deterioration, unless it is packaged in the form and manner, and its label bears a statement of the precautions that the board or the secretary by rule or regulation requires as necessary for the protection of public health. Such a rule or regulation shall not be established for a drug recognized in an official compendium until the board or the secretary has informed the appropriate body charged with the revision of the official compendium of the need for such packaging or labeling requirements and that body has failed within a reasonable time to prescribe such requirements.

~~9. a.~~ i. (1) If it is a drug and its container is so made, formed, or filled as to be misleading.

~~b.~~ (2) If it is an imitation of another drug.

~~c.~~ (3) If it is offered for sale under the name of another drug.

~~10.~~ j. If it is dangerous to health when used in the dosage or manner, or with the frequency or duration prescribed, recommended, or suggested in its labeling.

~~11.~~ k. If it is, or purports to be, or is represented as a drug composed wholly or partly of insulin, unless both of the following apply:

~~a.~~ (1) It is from a batch with respect to which a certificate or release has been issued pursuant to section 506 of the federal Act.

~~b.~~ (2) The certificate or release is in effect with respect to the drug.

~~12.~~ l. (1) If it is, or purports to be, or is represented as a drug, composed wholly or partly of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, bacitracin, or any other antibiotic drug, or any derivative thereof, unless both of the following apply:

~~a.~~ (a) It is from a batch with respect to which a certificate or release has been issued pursuant to section 507 of the federal Act.

~~b.~~ (b) The certificate or release is in effect with respect to the drug.

(2) However, this ~~subsection~~ paragraph "l" does not apply to any drug or class of drugs exempted by regulations adopted under section 507(c) or 507(d) of the federal Act.

~~13.~~ m. If it is a color additive, the intended use of which is for the purpose of coloring only, unless its packaging and labeling are in conformity with the packaging and labeling requirements applicable to that color additive, as contained in regulations adopted under section 706 of the federal Act.

~~14.~~ n. If it is a prescription drug distributed or offered for sale in this state, unless the manufacturer, packer, or distributor includes in all advertising and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to the prescription drug a true statement of all of the following:

~~a.~~ (1) The established name as defined in ~~subsection 5~~ paragraph "e", printed prominently and in type at least half as large as that used for any trade or brand name thereof.

~~b.~~ (2) The formula showing quantitatively each ingredient of the prescription drug to the extent required for labels under ~~subsection 5~~ paragraph "e".

~~c.~~ (3) Other information in brief summary relating to side effects, contraindications, and effectiveness as required in regulations adopted pursuant to section 701(e) of the federal Act.

~~15.~~ o. If it was manufactured, prepared, propagated, compounded, or processed in an establishment in this state not duly registered under section 510 of the federal Act, if it was not included on a list required by section 510(j) of the federal Act, if a notice or other information respecting it was not provided as required by that section or section 510(k) of the federal Act, or if it does not bear the symbols from the uniform system for identification of devices prescribed under section 510(e) of the federal Act that are required by regulation.

~~16.~~ p. If it is a drug and its packaging or labeling is in violation of an applicable regulation adopted pursuant to section 3 or 4 of the federal Poison Prevention Packaging Act of 1970, 15 U.S.C. § 1471 et seq.

~~17.~~ q. If a trademark, trade name, or other identifying mark, imprint, or device of another

trademark, trade name, mark, or imprint or any likeness of the foregoing has been placed thereon or upon its container with intent to defraud.

~~18.~~ r. In the case of a restricted device distributed or offered for sale in this state, if either of the following applies:

~~a.~~ (1) Its advertising is false or misleading in any particular.

~~b.~~ (2) It is sold, distributed, or used in violation of regulations adopted pursuant to section 520(e) of the federal Act.

~~19.~~ s. In the case of a restricted device distributed or offered for sale in this state, unless the manufacturer, packer, or distributor includes in all advertising and other descriptive printed matter issued by the manufacturer, packer, or distributor with respect to the device both of the following:

~~a.~~ (1) A true statement of the device's established name as defined in ~~subsection 5~~ paragraph "e", printed prominently and in type at least half as large as that used for any trade or brand name thereof.

~~b.~~ (2) A brief statement of the intended uses of the device and relevant warnings, precautions, side effects, and contraindications; and in the case of a specific device made subject to regulations adopted pursuant to the federal Act, a full description of the components of the device or the formula showing quantitatively each ingredient of the device to the extent required in regulations under the federal Act.

~~20.~~ t. If it is a device subject to a performance standard established under section 514 of the federal Act, unless it bears labeling as prescribed in that performance standard.

~~21.~~ u. If it is a device and there was a failure or refusal to comply with any requirement prescribed under section 518 of the federal Act respecting the device, or to furnish material required by or under section 519 of the federal Act respecting the device.

2. If an article is alleged to be misbranded because the labeling or advertising is misleading, then in determining whether the labeling or advertising is misleading, there shall be taken into account, among other things, not only representations made or suggested by statement, word, design, device, or any combination thereof, but also the extent to which the labeling or advertising fails to reveal facts material in the light of such representations, or material with respect to consequences which may result from the use of the article to which the labeling or advertising relates, under the conditions of use prescribed in the labeling or advertising or under customary or usual conditions of use.

3. The representation of a drug, in its labeling, as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

Sec. 190. Section 126.11, subsection 3, paragraphs a through c, Code 2009, are amended to read as follows:

a. (1) This ~~lettered~~ paragraph "a" applies to a drug intended for use by humans which is any of the following:

~~(1)~~ (a) Is a habit-forming drug to which section 126.10, subsection 4 1, paragraph "d" applies.

~~(2)~~ (b) Because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to administer the drug.

~~(3)~~ (c) Is limited by an approved application under section 505 of the federal Act to use under the professional supervision of a practitioner licensed by law to administer the drug.

(2) Such a drug shall be dispensed only upon a written, electronic, or facsimile prescription of a practitioner licensed by law to administer the drug, or upon an oral prescription of such a practitioner which is reduced promptly to writing and filed by the pharmacist, or by refilling any such written, electronic, facsimile, or oral prescription if the refilling is authorized by the prescriber either in the original written, electronic, or facsimile prescription or by oral order

which is reduced promptly to writing and filed by the pharmacist. The act of dispensing a drug contrary to this paragraph "a" while the drug is held for sale results in the drug being misbranded.

b. A drug dispensed by filling or refilling a written, electronic, facsimile, or oral prescription of a practitioner licensed by law to administer the drug is exempt from section 126.10, except subsection 1, ~~subsection 9, paragraphs "b" and "c"~~ paragraph "a" and paragraph "i", subparagraphs (2) and (3), and ~~subsections 11~~ subsection 1, paragraphs "k" and ~~12~~ "l", and the packaging requirements of ~~subsections 7, 8,~~ subsection 1, paragraphs "g", "h", and ~~16~~ "p", if the drug bears a label containing the name and address of the dispenser, the date of the prescription or of its filling, the name of the prescriber, and, if stated in the prescription, the name of the patient, and the directions for use and cautionary statements, if any, contained in the prescription. This exemption does not apply to a drug dispensed in the course of the conduct of the business of dispensing drugs pursuant to diagnosis by mail, or to a drug dispensed in violation of paragraph "a" of this subsection.

c. The board may, by rule, remove a drug subject to section 126.10, subsection 4 1, paragraph "d", and section 505 of the federal Act from the requirements of paragraph "a" of this subsection when such requirements are not necessary for the protection of the public health.

Sec. 191. Section 135.67, Code 2009, is amended to read as follows:

135.67 SUMMARY REVIEW PROCEDURE.

1. The department may waive the letter of intent procedures prescribed by section 135.65 and substitute a summary review procedure, which shall be established by rules of the department, when it accepts an application for a certificate of need for a project which meets any of the criteria in ~~subsections 1~~ paragraphs "a" through ~~5~~ "e":

~~1.~~ a. A project which is limited to repair or replacement of a facility or equipment damaged or destroyed by a disaster, and which will not expand the facility nor increase the services provided beyond the level existing prior to the disaster.

~~2.~~ b. A project necessary to enable the facility or service to achieve or maintain compliance with federal, state or other appropriate licensing, certification or safety requirements.

~~3.~~ c. A project which will not change the existing bed capacity of the applicant's facility or service, as determined by the department, by more than ten percent or ten beds, whichever is less, over a two-year period.

~~4.~~ d. A project the total cost of which will not exceed one hundred fifty thousand dollars.

~~5.~~ e. Any other project for which the applicant proposes and the department agrees to summary review.

2. The department's decision to disallow a summary review shall be binding upon the applicant.

Sec. 192. Section 135B.33, Code 2009, is amended to read as follows:

135B.33 TECHNICAL ASSISTANCE — PLAN — GRANTS.

1. Subject to availability of funds, the Iowa department of public health shall provide technical planning assistance to local boards of health and hospital governing boards to ensure access to hospital services in rural areas. The department shall encourage the local boards of health and hospital governing boards to adopt a long-term community health services and developmental plan including the following:

~~1.~~ a. An analysis of demographic trends in the health facility services area, affecting health facility and health-facility-related health care utilizations.

~~2.~~ b. A review of inpatient services currently provided, by type of service and the frequency of provision of that service, and the cost-effectiveness of that service.

~~3.~~ c. An analysis of resources available in proximate health facilities and services that might be provided through alternative arrangements with such health facilities.

~~4.~~ d. An analysis of cooperative arrangements that could be developed with other health facilities in the area that could assist those health facilities in the provision of services.

~~5.~~ e. An analysis of community health needs, including long-term care, nursing facility care, pediatric and maternity services, and the health facilities' potential role in facilitating the provision of services to meet these needs.

~~6.~~ f. An analysis of alternative uses for existing health facility space and real property, including use for community health-related and human service-related purposes.

~~7.~~ g. An analysis of mechanisms to meet indigent patient care needs and the responsibilities for the care of indigent patients.

~~8.~~ h. An analysis of the existing tax levying of the health facilities for patient care, on a per capita basis and per hospital patient basis, and projections on future needs for tax levying to continue for the provision of care.

2. Providers may cooperatively coordinate to develop one long-term community health services and developmental plan for a geographic area, provided the plan addresses the issues enumerated in this section.

3. The health facilities may seek technical assistance or apply for matching grant funds for the plan development. The department shall require compliance with ~~subsections~~ subsection 1, paragraphs "a" through ~~8~~ "h" when the facility applies for matching grant funds.

Sec. 193. Section 144.17, Code 2009, is amended to read as follows:

144.17 PETITION TO ESTABLISH CERTIFICATE.

1. If a delayed certificate of birth is rejected under the provisions of section 144.15, a petition may be filed with the district court for an order establishing a record of the date and place of the birth and the parentage of the person whose birth is to be registered.

2. a. The petition shall be made on a form prescribed and furnished by the state registrar and shall allege:

~~1.~~ (1) That the person for whom a delayed certificate of birth is sought was born in this state.

~~2.~~ (2) That no record of birth of that person can be found in the office of the state or county custodian of birth records.

~~3.~~ (3) That diligent efforts by the petitioner have failed to obtain the evidence required in accordance with section 144.15.

~~4.~~ (4) That the state registrar has refused to register a delayed certificate of birth.

~~5.~~ (5) Such other allegations as may be required.

b. The petition shall be accompanied by a statement of the registration official made in accordance with section 144.15 and all documentary evidence which was submitted to the registration official in support of such registration. The petition shall be verified by the petitioner.

Sec. 194. Section 144.43, Code 2009, is amended to read as follows:

144.43 VITAL RECORDS CLOSED TO INSPECTION — EXCEPTIONS.

1. To protect the integrity of vital statistics records, to ensure their proper use, and to ensure the efficient and proper administration of the vital statistics system kept by the state registrar, access to vital statistics records kept by the state registrar shall be limited to the state registrar and the state registrar's employees, and then only for administrative purposes.

2. a. It shall be unlawful for the state registrar to permit inspection of, or to disclose information contained in vital statistics records, or to copy or permit to be copied all or part of any such record except as authorized by regulation.

b. However, the following vital statistics records may be inspected and copied as of right under chapter 22 when they are in the custody of a county registrar or when they are in the custody of the state archivist and are at least seventy-five years old:

~~1.~~ (1) A record of birth.

~~2.~~ (2) A record of marriage.

~~3.~~ (3) A record of divorce, dissolution of marriage, or annulment of marriage.

~~4.~~ (4) A record of death if that death was not a fetal death.

3. A public record shall not be withheld from the public because it is combined with data processing software. The state registrar shall not implement any electronic data processing

system for the storage, manipulation, or retrieval of vital records that would impair a county registrar's ability to permit the examination of a public record and the copying of a public record, as established by rule. If it is necessary to separate a public record from data processing software in order to permit the examination of the public record, the county registrar shall periodically generate a written log available for public inspection which contains the public record.

Sec. 195. Section 155A.13, subsection 4, Code 2009, is amended to read as follows:

4. a. The board shall adopt rules for the issuance of a hospital pharmacy license to a hospital which provides pharmacy services for its own use. The rules shall:

~~a.~~ (1) Recognize the special needs and circumstances of hospital pharmacies.

~~b.~~ (2) Give due consideration to the scope of pharmacy services that the hospital's medical staff and governing board elect to provide for the hospital's own use.

~~c.~~ (3) Consider the size, location, personnel, and financial needs of the hospital.

~~d.~~ (4) Give recognition to the standards of the joint commission on the accreditation of health care organizations and the American osteopathic association and to the conditions of participation under Medicare.

b. To the maximum extent possible, the board shall coordinate the rules with the standards and conditions described in paragraph ~~"d"~~ "a", subparagraph (4), and shall coordinate its inspections of hospital pharmacies with the Medicare surveys of the department of inspections and appeals and with the board's inspections with respect to controlled substances conducted under contract with the federal government.

c. A hospital which provides pharmacy services by contracting with a licensed pharmacy is not required to obtain a hospital pharmacy license or a general pharmacy license.

Sec. 196. Section 155A.23, Code 2009, is amended to read as follows:

155A.23 PROHIBITED ACTS.

1. A person shall not perform or cause the performance of or aid and abet any of the following acts:

~~1.~~ a. Obtaining or attempting to obtain a prescription drug or device or procuring or attempting to procure the administration of a prescription drug or device by:

~~a.~~ (1) Engaging in fraud, deceit, misrepresentation, or subterfuge.

~~b.~~ (2) Forging or altering a written, electronic, or facsimile prescription or any written, electronic, or facsimile order.

~~c.~~ (3) Concealing a material fact.

~~d.~~ (4) Using a false name or giving a false address.

~~2.~~ b. Willfully making a false statement in any prescription, report, or record required by this chapter.

~~3.~~ c. For the purpose of obtaining a prescription drug or device, falsely assuming the title of or claiming to be a manufacturer, wholesaler, pharmacist, pharmacy owner, physician, dentist, podiatric physician, veterinarian, or other authorized person.

~~4.~~ d. Making or uttering any false or forged oral, written, electronic, or facsimile prescription or oral, written, electronic, or facsimile order.

~~5.~~ e. Forging, counterfeiting, simulating, or falsely representing any drug or device without the authority of the manufacturer, or using any mark, stamp, tag, label, or other identification device without the authorization of the manufacturer.

~~6.~~ f. Manufacturing, repackaging, selling, delivering, or holding or offering for sale any drug or device that is adulterated, misbranded, counterfeit, suspected of being counterfeit, or that has otherwise been rendered unfit for distribution.

~~7.~~ g. Adulterating, misbranding, or counterfeiting any drug or device.

~~8.~~ h. Receiving any drug or device that is adulterated, misbranded, stolen, obtained by fraud or deceit, counterfeit, or suspected of being counterfeit, and delivering or proffering delivery of such drug or device for pay or otherwise.

~~9.~~ i. Adulterating, mutilating, destroying, obliterating, or removing the whole or any part of the labeling of a drug or device or committing any other act with respect to a drug or device that results in the drug or device being misbranded.

~~10.~~ j. Purchasing or receiving a drug or device from a person who is not licensed to distribute the drug or device to that purchaser or recipient.

~~11.~~ k. Selling or transferring a drug or device to a person who is not authorized under the law of the jurisdiction in which the person receives the drug or device to purchase or possess the drug or device from the person selling or transferring the drug or device.

~~12.~~ l. Failing to maintain or provide records as required by this chapter, chapter 124, or rules of the board.

~~13.~~ m. Providing the board or any of its representatives or any state or federal official with false or fraudulent records or making false or fraudulent statements regarding any matter within the scope of this chapter, chapter 124, or rules of the board.

~~14.~~ n. Distributing at wholesale any drug or device that meets any of the following conditions:

~~a.~~ (1) The drug or device was purchased by a public or private hospital or other health care entity.

~~b.~~ (2) The drug or device was donated or supplied at a reduced price to a charitable organization.

~~c.~~ (3) The drug or device was purchased from a person not licensed to distribute the drug or device.

~~d.~~ (4) The drug or device was stolen or obtained by fraud or deceit.

~~15.~~ o. Failing to obtain a license or operating without a valid license when a license is required pursuant to this chapter or chapter 147.

~~16.~~ p. Engaging in misrepresentation or fraud in the distribution of a drug or device.

~~17.~~ q. Distributing a drug or device to a patient without a prescription drug order or medication order from a practitioner licensed by law to use or prescribe the drug or device.

~~18.~~ r. Distributing a drug or device that was previously dispensed by a pharmacy or distributed by a practitioner except as provided by rules of the board.

~~19.~~ s. Failing to report any prohibited act.

2. Information communicated to a physician in an unlawful effort to procure a prescription drug or device or to procure the administration of a prescription drug shall not be deemed a privileged communication.

3. ~~Subsections 6 and 7~~ Subsection 1, paragraphs "f" and "g", shall not apply to the wholesale distribution by a manufacturer of a prescription drug or device that has been delivered into commerce pursuant to an application approved by the federal food and drug administration.

Sec. 197. Section 159A.6, subsections 2 through 4, Code 2009, are amended to read as follows:

2. The office shall promote the advantages related to the use of renewable fuels as an alternative to nonrenewable fuels. Promotions shall be designed to inform the ultimate consumer of advantages associated with using renewable fuels, and emphasize the benefits to the natural environment. The promotion shall inform consumers at the businesses of retail dealers of motor vehicle fuels.

3. The committee shall develop standards for decals required pursuant to section 214A.16, which shall be designed to promote the advantages of using renewable fuels. The standards may be incorporated within a model decal adopted by the committee and approved by the office.

~~3.~~ 4. The office shall promote the advantages related to the use of coproducts derived from the production of renewable fuels, including the use of coproducts used as livestock feed or meal. Promotions shall be designed to inform the potential purchasers of the advantages associated with using coproducts. The office shall promote advantages associated with using coproducts of ethanol production as livestock feed or meal to cattle producers in this state.

~~4.~~ 5. The office may contract to provide all or part of these services.

Sec. 198. Section 159A.6B, Code 2009, is amended to read as follows:

159A.6B TECHNICAL ASSISTANCE.

1. The office shall assist persons in revitalizing rural regions of this state, by providing technical assistance to new or existing renewable fuel production facilities, including the establishment and operation of facilities, and specifically facilities which create coproducts, including coproducts which support livestock production operations. The office shall consult with the Iowa corn growers association and the Iowa soybean association. The office shall provide planning assistance which may include evaluations of methods to most profitably manage these operations. The business planning assistance shall provide for adequate environmental protection of this state's natural resources from the operation of the facility.

2. The office may execute contracts in order to provide technical support and outreach services for purposes of assisting and educating interested persons as provided in this section. The office may also contract with a consultant to provide part or all of these services. The office may require that a person receiving assistance pursuant to this section contribute up to fifty percent of the amount required to support the costs of contracting with the consultant to provide assistance to the person. The office shall assist the person in completing any technical information required in order to receive assistance by the department of economic development pursuant to the value-added agricultural products and processes financial assistance program created pursuant to section 15E.111.

3. The office shall cooperate with the department of economic development, the department of natural resources, and regents institutions or other universities and colleges as provided in section 15E.111, in order to carry out this section.

Sec. 199. Section 159A.7, subsection 1, Code 2009, is amended to read as follows:

1. A renewable fuels and coproducts fund is created in the state treasury under the control of the office of renewable fuels and coproducts. The fund may ~~also~~ include ~~other~~ moneys available to and obtained or accepted by the office, including moneys from the United States, other states in the union, foreign nations, state agencies, political subdivisions, and private sources.

1A. Moneys in the fund shall be used only to carry out the provisions of this section and sections 159A.3, 159A.4, 159A.5, 159A.6, 159A.6A, and 159A.6B within the state of Iowa.

Sec. 200. Section 161.8, subsection 1, Code 2009, is amended to read as follows:

1. A person is not required to comply with the requirements of this chapter, including the remediation of a site, unless the person is a responsible person who executes a remediation agreement with the board, as provided in this section. The remediation agreement shall provide for all of the following:

a. The terms and conditions required to perform remediation under a plan of remediation as provided in this section, and the payment of claims as provided in section 161.9.

b. A plan for remediation of a site where contamination has been discovered. The plan shall provide procedures for a remediation of the contaminated site, a schedule for providing for the remediation of the site according to remediation standards provided in section 161.5, and the classification and prioritization of sites as provided in section 161.6. The plan may be amended at any time, if approved by the department, if the amendment to the agreement is executed by the responsible person and the board. The plan shall be developed by the responsible person and approved by the department for each site subject to the agreement. The plan shall include all of the following:

(1) A determination as to the extent of the existing soil, groundwater, or surface water contamination.

(2) The proximity of the contamination and the likelihood that the contamination will affect a drinking water well.

(3) The characteristics of the site and the potential for migration of the contamination.

(4) Whether the site is classified as a high, medium, or low priority site, as provided in section 161.6.

1A. The department may require that an initial plan of remediation be submitted prior to

execution of a remediation agreement. The department may require that the initial plan recommend whether a site be classified as a high or medium priority site. The department may require further investigation be conducted to determine the extent of the remediation which should be conducted on the site.

Sec. 201. Section 161A.5, subsection 3, Code 2009, is amended to read as follows:

3. At each general election a successor shall be chosen for each commissioner whose term will expire in the succeeding January.

a. Nomination of candidates for the office of commissioner shall be made by petition in accordance with chapter 45, except that each candidate's nominating petition shall be signed by at least twenty-five eligible electors of the district. The petition form shall be furnished by the county commissioner of elections.

b. Every candidate shall file with the nomination papers an affidavit stating the candidate's name, the candidate's residence, that the person is a candidate and is eligible for the office of commissioner, and that if elected the candidate will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

c. The signed petitions shall be filed with the county commissioner of elections not later than five p.m. on the sixty-ninth day before the general election.

d. The votes for the office of district commissioner shall be canvassed in the same manner as the votes for county officers, and the returns shall be certified to the commissioners of the district. A plurality is sufficient to elect commissioners, and a primary election for the office shall not be held.

e. If the canvass shows that the two candidates receiving the highest and the second highest number of votes for the office of district commissioner are both residents of the same township, the board shall certify as elected the candidate who received the highest number of votes for the office and the candidate receiving the next highest number of votes for the office who is not a resident of the same township as the candidate receiving the highest number of votes.

Sec. 202. Section 161A.47, Code 2009, is amended to read as follows:

161A.47 INSPECTION OF LAND ON COMPLAINT.

1. The commissioners shall inspect or cause to be inspected any land within the district to determine if land is being damaged by sediment, from soil erosion occurring on neighboring land in excess of the limits established by the district's soil erosion control regulations. If the land is privately owned, the commissioners shall make or cause to be made the inspection, upon receiving a written complaint signed by an owner or occupant of land claiming that the owner's or occupant's land is being damaged by sediment. If the land is subject to a public interest, the commissioners shall make or cause to be made the inspection upon a majority vote of commissioners at an open meeting held pursuant to chapter 21. Land is subject to a public interest if the land is publicly held, subject to an easement held by the public, or the subject of an improvement made at public expense.

2. If, after the inspection, the commissioners find that sediment damages are occurring to land which is owned or occupied by the person filing the complaint or subject to a public interest, and that excess soil erosion is occurring on neighboring land, the commissioners shall issue an administrative order to the landowner or landowners of record, and to the occupant of the land if known to the commissioners. The order shall describe the land and state as nearly as possible the extent to which soil erosion on the land exceeds the limits established by the district's regulations.

3. The order shall be delivered either by personal service or by restricted certified mail to each of the persons to whom it is directed, and shall:

~~1.~~ a. In the case of erosion occurring on the site of any construction project or similar undertaking involving the removal of all or a major portion of the vegetation or other cover, exposing bare soil directly to water or wind, state a time not more than five days after service or mailing

of the notice of the order when work necessary to establish or maintain erosion control practices must be commenced, and a time not more than thirty days after service or mailing of the notice of the order when the work is to be satisfactorily completed.

~~2.~~ b. In all other cases, state a time not more than six months after service or mailing of the notice of the order, by which work needed to establish or maintain the necessary soil and water conservation practices or erosion control measures must be commenced, and a time not more than one year after the service or mailing of the notice of the order when the work is to be satisfactorily completed, unless the requirements of the order are superseded by the provisions of section 161A.48.

Sec. 203. Section 163.6, subsections 2 and 3, Code 2009, are amended to read as follows:

2. The department may require that samples of blood be collected from animals at a slaughtering establishment in order to determine if the animals are infected with an infectious or contagious disease, according to rules adopted by the department of agriculture and land stewardship. Upon approval by the department, the collection shall be performed by either of the following:

a. A slaughtering establishment under an agreement executed by the department and the slaughtering establishment.

b. A person authorized by the department.

3. An authorized person collecting samples shall have access to areas where the animals are confined in order to collect blood samples. The department shall notify the slaughtering establishment in writing that samples of blood must be collected for analysis. The notice shall be provided in a manner required by the department.

~~3.~~ 4. In carrying out this section, a person authorized by the department to collect blood samples from animals as provided in this section shall have the right to enter and remain on the premises of the slaughtering establishment in the same manner and on the same terms as a meat inspector authorized by the department, including the right to access facilities routinely available to employees of the slaughtering establishment such as toilet and lavatory facilities, lockers, cafeterias, areas reserved for work breaks or dining, and storage facilities.

5. The slaughtering establishment shall provide a secure area for the permanent storage of equipment used to collect blood, an area reserved for collecting the blood, including the storage of blood during the collection, and a refrigerated area used to store blood samples prior to analysis. The area reserved for collecting the blood shall be adjacent to the area where the animals are killed, unless the authorized person and the slaughtering establishment select another area.

6. The department is not required to compensate a slaughtering establishment for allowing a person authorized by the department to carry out this section.

Sec. 204. Section 172B.3, subsection 1, Code 2009, is amended to read as follows:

1. DUTIES OF SECRETARY. The secretary, pursuant to chapter 17A, shall prescribe a standard form of the transportation certificate required by this chapter. Where the laws of this state or of the United States require the possession of another shipping document by a person transporting livestock, or where the industry practice of carriers requires the possession of a shipping document by a person transporting livestock, and where such a document contains all of the information other than signatures which is prescribed in subsection 2, upon application of a carrier the secretary by rule shall authorize the use of a specific document in lieu of the standard form prescribed by the secretary, but subject to any conditions the secretary may impose.

a. A person who is in possession of a shipping document approved by the secretary shall not be required to possess the standard form transportation certificate prescribed by the secretary, but the person may be required by a law enforcement officer to execute the standard form transportation certificate.

b. The form prescribed or authorized by the secretary shall be executed in triplicate, and shall be retained as provided in section 172B.4.

c. The secretary shall distribute, upon request, copies of the prescribed standard form to veterinarians, marketing agencies, carriers, law enforcement officers, and other persons, and may collect a fee from the recipient totaling not more than the cost of printing and postage. Nothing in this chapter shall be construed to prohibit a person from causing the reproduction of the standard form, and an accurate reproduction of a standard current form may be used as a transportation certificate for all purposes.

Sec. 205. Section 176A.10, Code 2009, is amended to read as follows:

176A.10 COUNTY AGRICULTURAL EXTENSION EDUCATION TAX.

1. The extension council of each extension district shall, at a meeting held before March 15, estimate the amount of money required to be raised by taxation for financing the county agricultural extension education program authorized in this chapter. The annual tax levy and the amount of money to be raised from the levy for the county agricultural extension education fund shall not exceed the following:

~~1.~~ a. (1) Except as provided in ~~paragraph "b"~~ subparagraph (2), for an extension district having a population of less than thirty thousand, an annual levy of twenty and one-fourth cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of seventy thousand dollars for the fiscal year commencing July 1, 1985, and seventy-five thousand dollars for each subsequent fiscal year.

~~b.~~ (2) For an extension district having a population of less than thirty thousand and as provided in subsection ~~6~~ 2, an annual levy of thirty cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of eighty-seven thousand dollars payable during the fiscal year commencing July 1, 1992, and an increase of six thousand dollars in the amount payable during each subsequent fiscal year.

~~2. a.~~ b. (1) Except as provided in ~~paragraph "b"~~ subparagraph (2), for an extension district having a population of thirty thousand or more but less than fifty thousand, an annual levy of twenty and one-fourth cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of eighty-four thousand dollars for the fiscal year commencing July 1, 1985, and ninety thousand dollars for each subsequent fiscal year.

~~b.~~ (2) For an extension district having a population of thirty thousand or more but less than fifty thousand and as provided in subsection ~~6~~ 2, an annual levy of twenty and one-fourth cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of one hundred four thousand dollars payable during the fiscal year commencing July 1, 1992, and an increase of seven thousand dollars in the amount payable during each subsequent fiscal year.

~~3. a.~~ c. (1) Except as provided in ~~paragraph "b"~~ subparagraph (2), for an extension district having a population of fifty thousand or more but less than ninety-five thousand, an annual levy of thirteen and one-half cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of one hundred five thousand dollars for the fiscal year commencing July 1, 1985, and one hundred twelve thousand five hundred dollars for each subsequent fiscal year.

~~b.~~ (2) For an extension district having a population of fifty thousand or more but less than ninety thousand and as provided in subsection ~~6~~ 2, an annual levy of thirteen and one-half cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of one hundred thirty thousand five hundred dollars payable during the fiscal year commencing July 1, 1992, and an increase of nine thousand dollars in the amount payable during each subsequent fiscal year.

~~4. a.~~ d. (1) Except as provided in ~~paragraph "b"~~ subparagraph (2), for an extension district having a population of ninety-five thousand or more, an annual levy of thirteen and one-half cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of one hundred forty thousand dollars for the fiscal year commencing July 1, 1985, and one hundred fifty thousand dollars for each subsequent fiscal year.

~~b.~~ (2) For an extension district having a population of ninety thousand or more but less than

two hundred thousand and as provided in subsection ~~6~~ 2, an annual levy of thirteen and one-half cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of one hundred eighty thousand dollars payable during the fiscal year commencing July 1, 1992, and an increase of fifteen thousand dollars in the amount payable during each subsequent fiscal year.

~~5.~~ e. For an extension district having a population of two hundred thousand or more and as provided in subsection ~~6~~ 2, an annual levy of five cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of two hundred thousand dollars payable during the fiscal year commencing July 1, 1992, and an increase of twenty-five thousand dollars in the amount payable during each subsequent fiscal year.

~~6.~~ 2. An extension council of an extension district may choose to be subject to the levy and revenue limits specified in ~~paragraphs "b" of subsections 1, 2, 3, and 4~~ subparagraphs (2) of subsection 1, paragraphs "a" through "d", and subsection ~~5~~ 1, paragraph "e", for the purpose of the annual levy for the fiscal year commencing July 1, 1991, which levy is payable in the fiscal year beginning July 1, 1992. Before an extension district may be subject to the levy and revenue limits specified in ~~paragraphs "b" of subsections 1, 2, 3, and 4~~ subparagraphs (2) of subsection 1, paragraphs "a" through "d", and subsection ~~5~~ 1, paragraph "e", for fiscal years beginning on or after July 1, 1992, which levy is payable in fiscal years beginning on or after July 1, 1993, the question of whether the district shall be subject to the levy and revenue limits as specified in such subsections must be submitted to the registered voters of the district. The question shall be submitted at the time of a state general election. If the question is approved by a majority of those voting on the question the levy and revenue limits specified in ~~paragraphs "b" of subsections 1, 2, 3, and 4~~ subparagraphs (2) of subsection 1, paragraphs "a" through "d", and subsection ~~5~~ 1, paragraph "e", shall thereafter apply to the extension district. The question need only be approved at one state general election. If a majority of those voting on the question vote against the question, the district may continue to submit the question at subsequent state general elections until approved.

3. The extension council in each extension district shall comply with chapter 24.

Sec. 206. Section 189A.5, Code 2009, is amended to read as follows:

189A.5 VETERINARIANS AND INSPECTORS.

1. The secretary shall administer this chapter and may appoint a person to act as the secretary's designee in the administration of this chapter.

a. The secretary shall employ veterinarians licensed in the state of Iowa as veterinary inspectors.

b. The secretary is also authorized to employ as meat inspectors other persons who have qualified and are skilled in the inspection of meat and poultry products and any other additional employees the secretary deems necessary to carry out the provisions of this chapter. The meat inspectors shall be under the supervision of the secretary's designee or a veterinary inspector if no designee is appointed.

c. The secretary may also enter into contracts with qualified individuals to perform inspection services as the secretary may designate for a fee per head or per unit volume to be determined by the secretary provided the persons are not employed in an establishment in which the inspection takes place.

d. The secretary may utilize any employee, agent, or equipment of the department in the enforcement of this chapter, and may assign to inspectors other duties related to the acceptance of meat and poultry products.

2. In order to accomplish the objectives stated in section 189A.3 the secretary shall:

~~1.~~ a. By regulations require antemortem and postmortem inspections, quarantine, segregation, and reinspections with respect to the slaughter of livestock and poultry and the preparation of livestock products and poultry products at all establishments in this state, except those exempted by section 189A.4, at which livestock or poultry are slaughtered or livestock or poultry products are prepared for human food solely for distribution in intrastate commerce.

~~2.~~ b. By regulations require the identification of livestock and poultry for inspection purposes and the marking and labeling of livestock products or poultry products or their containers, or both, as "Iowa Inspected and Passed" if the products are found upon inspection to be not adulterated, and as "Iowa Inspected and Condemned" if they are found upon inspection to be adulterated; and the destruction for food purposes of all such condemned products under the supervision of an inspector.

~~3.~~ c. Prohibit the entry into official establishments of livestock products and poultry products not prepared under federal inspection or inspection pursuant to this chapter and further limit the entry of such articles and other materials into such establishments under such conditions as the secretary deems necessary to effectuate the purposes of this chapter.

~~4.~~ d. By regulations require that when livestock products and poultry products leave official establishments they shall bear directly thereon or on their containers, or both, all information required by subsection 17 of section 189A.2; and require approval of all labeling and containers to be used for such products when sold or transported in intrastate commerce to assure that they comply with the requirements of this chapter.

~~5.~~ e. Investigate the sanitary conditions of each establishment within ~~subsection 1~~ paragraph "a" of this ~~section~~ subsection and withdraw or otherwise refuse to provide inspection service at any such establishment where the sanitary conditions are such as to render adulterated any livestock products or poultry products prepared or handled thereat.

~~6.~~ f. Prescribe regulations relating to sanitation for all establishments required to have inspection under ~~subsection 1~~ paragraph "a" of this ~~section~~ subsection.

~~7.~~ g. By regulations require that both of the following classes of persons shall keep such records and for such periods as are specified in the regulations to fully and correctly disclose all transactions involved in their business, and to afford the secretary and the secretary's representatives, including representatives of other governmental agencies designated by the secretary, access to such places of business, and opportunity at all reasonable times to examine the facilities, inventory, and records thereof, to copy the records, and to take reasonable samples of the inventory upon payment of the fair market value therefor:

~~a.~~ (1) Any person that engages in or for intrastate commerce in the business of slaughtering any livestock or poultry, or preparing, freezing, packaging or labeling, buying or selling, as a broker, wholesaler, or otherwise, transporting, or storing any livestock products or poultry products for human or animal food.

~~b.~~ (2) Any person that engages in or for intrastate commerce in business as a renderer or in the business of buying, selling, or transporting any dead, dying, disabled, or diseased livestock or poultry or parts of the carcasses of any such animals, including poultry, that died otherwise than by slaughter.

Sec. 207. Section 189A.7, subsections 1 and 8, Code 2009, are amended to read as follows:

1. Remove inspectors from any establishment that fails to destroy condemned products as required under section 189A.5, subsection 2, paragraph "b".

8. Adopt by reference or otherwise such provisions of the rules and regulations under the federal Acts, with such changes therein as the secretary deems appropriate to make them applicable to operations and transactions subject to this chapter, which shall have the same force and effect as if promulgated under this chapter, and promulgate such other rules and regulations as the secretary deems necessary for the efficient execution of the provisions of this chapter, including rules of practice providing opportunity for hearing in connection with issuance of orders under section 189A.5, subsection ~~5~~ 2, paragraph "e", and subsection 1, 2, or 3 of this section and prescribing procedures for proceedings in such cases; however, this shall not preclude a requirement that a label or container be withheld from use, or a refusal of inspection pursuant to the sections cited herein pending issuance of a final order in any such proceeding.

Sec. 208. Section 189A.10, subsection 3, Code 2009, is amended to read as follows:

3. No person shall violate any provision of the regulations or orders of the secretary under section 189A.5, subsection ~~7~~ 2, paragraph "g", or section 189A.7.

Sec. 209. Section 189A.17, subsection 5, Code 2009, is amended to read as follows:

5. a. Any person who neglects or refuses to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if it is in the person's power to do so, in obedience to the subpoena or lawful requirement of the secretary shall be guilty of a serious misdemeanor.

b. Any person who willfully makes, or causes to be made, any false entry or statement of fact in any report required to be made under this chapter, or who willfully makes, or causes to be made, any false entry in any account, record, or memorandum kept by any person subject to this chapter, or who willfully neglects or fails to make or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions pertaining to the business of such person, or who willfully leaves the jurisdiction of this state, or willfully mutilates, alters, or by any other means falsifies any documentary evidence of any person subject to this chapter or who willfully refuses to submit to the secretary or to any of the secretary's authorized agents, for the purpose of inspection and taking copies, any documentary evidence of any person subject to this chapter in the person's possession or control, shall be deemed guilty of an aggravated misdemeanor.

c. If a person required by this chapter to file an annual or special report fails to do so within the time fixed by the secretary for filing it, and the failure continues for thirty days after notice of default, the person shall forfeit to this state the sum of one hundred dollars for each day of the continuance of the failure, which forfeiture is payable into the treasury of this state, and is recoverable in a civil suit in the name of the state brought in the district court of the county where the person has a principal office or in the district court of any county in which the person does business. The county attorneys shall prosecute for the recovery of such forfeitures.

d. Any officer or employee of this state who makes public any information obtained by the secretary, without the secretary's authority, unless directed by a court, or uses any such information to the officer's or employee's advantage, shall be deemed guilty of a serious misdemeanor.

6. The requirements of this chapter shall apply to persons, establishments, animals, and articles regulated under the federal Meat Inspection Act or the federal Poultry Products Inspection Act to the extent provided for in said federal Acts and also to the extent provided in this chapter and in regulations the secretary may prescribe to promulgate this chapter.

Sec. 210. Section 198.9, Code 2009, is amended to read as follows:

198.9 INSPECTION FEES AND REPORTS.

1. a. An inspection fee to be fixed annually by the secretary at a rate of not more than sixteen cents per ton, shall be paid on commercial feed distributed in this state by the person who first distributes the commercial feed, subject to the following:

a. (1) The inspection fee is not required on the first distribution, if made to a qualified buyer who, with approval from the secretary, shall become responsible for the fee.

b. (2) A fee shall not be paid on a commercial feed if the payment has been made by a previous distributor.

c. (3) A fee shall not be paid on customer-formula feeds if the inspection fee is paid on the commercial feeds which are used as components of the customer-formula feeds.

d. (4) A minimum semiannual fee shall be twenty dollars.

e. (5) A licensed manufacturer shall pay the inspection fee on commercial feed that is fed to livestock owned by the licensee.

b. In the case of a pet food or specialty pet food, which is distributed in this state in packages of ten pounds or less, each product shall be registered and an annual registration fee of fifty dollars for each product shall be paid by January 1 of each year in lieu of the per ton rate as provided in this subsection. The inspection fee shall apply to those same products distributed in packages of more than ten pounds.

2. a. Each person who is liable for the payment of such fee shall:

a. (1) File, not later than the last day of January and July of each year, a semiannual state-

ment, setting forth the number of net tons of commercial feeds distributed in this state during the preceding six months and upon filing the statement shall pay the inspection fee at the rate stated in subsection 1. Inspection fees which are due and owing and have not been remitted to the secretary within fifteen days following the due date shall have a delinquency fee of ten percent of the amount due or fifty dollars, whichever is greater, added to the amount due when payment is finally made. The assessment of this delinquency fee does not prevent the department from taking other actions as provided in this chapter.

~~b.~~ (2) Keep such records as may be necessary or required by the secretary to indicate accurately the tonnage of commercial feed distributed in this state, and the secretary shall have the right to examine such records to verify statements of tonnage.

b. Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided in this section is sufficient cause for cancellation of the license of the distributor.

3. Fees collected shall be deposited in the general fund of the state and shall be subject to the requirements of section 8.60. Moneys deposited under this section shall be used for the payment of the costs of inspection, sampling, analysis, supportive research, and other expenses necessary for the administration of this chapter.

4. If there is an unencumbered balance of funds from the fees deposited under this section on June 30 of any fiscal year equal to or exceeding one hundred thousand dollars, the secretary of agriculture shall reduce the per ton fee provided for in subsection 1 for the next fiscal year in such amount as will result in an ending estimated balance of the fees deposited less costs paid for from those fees for June 30 of the next fiscal year of one hundred thousand dollars.

Sec. 211. Section 199.1, unnumbered paragraph 2, Code 2009, is amended to read as follows:

26. The Iowa secretary of agriculture shall, by rule, define the terms "breeder", "foundation", "registered", "certified" and "inbred", as used in this chapter.

Sec. 212. Section 199.3, subsection 2, paragraph h, Code 2009, is amended to read as follows:

h. (1) For each named agricultural seed:

~~(1)~~ (a) Percentage of germination, exclusive of hard seed.

~~(2)~~ (b) Percentage of hard seed, if present.

~~(3)~~ (c) The calendar month and year the test was completed to determine the percentages.

(2) Following ~~(1)~~ (a) and ~~(2)~~ (b), the "total germination and hard seed" may be stated as such, if desired.

Sec. 213. Section 199.3, subsection 5, paragraph c, Code 2009, is amended to read as follows:

c. (1) For each named vegetable seed:

~~(1)~~ (a) Percentage germination exclusive of hard seed.

~~(2)~~ (b) Percentage of hard seed, if present.

~~(3)~~ (c) The calendar month and year the test was completed to determine such percentages.

(2) Following ~~(1)~~ (a) and ~~(2)~~ (b) the "total germination and hard seed" may be stated as such, if desired.

Sec. 214. Section 199.15, Code 2009, is amended to read as follows:

199.15 PERMIT — FEE — FRAUD.

1. A person shall not sell, distribute, advertise, solicit orders for, offer or expose for sale, agricultural or vegetable seed without first obtaining from the department a permit to engage in the business. A permit is not required of persons selling seeds which have been packed and distributed by a person holding and having in force a permit. A permit is not required of persons selling or advertising seed of their own production, provided that the seed is stored or delivered to a purchaser only on or from the farm or premises where grown.

2. a. The fee for a new permit is ten dollars and the fee for a renewed permit is based on the gross annual sales of seeds in Iowa during the previous twelve-month period under the permit holder's label and all permits expire on the first day of July following date of issue.

b. Permits shall be issued subject to the following fee schedule:

Gross sales of seeds		Fee
Not more than	$ 25,000	$ 30
Over $25,000 but not exceeding	50,000	60
Over $50,000 but not exceeding	100,000	90
Over $100,000 but not exceeding	200,000	120

c. For each additional increment of one hundred thousand dollars of sales in Iowa the fee shall increase by thirty dollars. The fee shall not exceed one thousand five hundred dollars for a permit holder.

3. After due notice given at least ten days prior to a date of hearing fixed by the secretary, the department may revoke or refuse to renew a permit issued under this section if a violation of this chapter or if intent to defraud is established. The failure to fulfill a contract to repurchase the seed crop produced from any agricultural seed, if the crop meets the requirements set forth in the contract and the standards specified in this chapter, is prima facie evidence of intent to defraud the purchaser at the time of entering into the contract. However, this does not apply when seed stock is furnished by the contractor to the grower at no cost.

Sec. 215. Section 203.6, subsection 1, Code 2009, is amended to read as follows:

1. a. For the issuance or renewal of a license required under section 203.3, and for any inspection of a grain dealer, the fee shall be determined on the basis of all bushels of grain purchased during the grain dealer's previous fiscal year according to the grain dealer's financial statement required in section 203.3. The fee shall be calculated according to the following schedule:

~~a.~~ (1) If the total number of bushels purchased is thirty-five thousand or less, the license fee is sixty-six dollars and the inspection fee is eighty-three dollars.

~~b.~~ (2) If the total number of bushels purchased is more than thirty-five thousand, but not more than two hundred fifty thousand, the license fee is one hundred sixteen dollars and the inspection fee is one hundred twenty-five dollars.

~~c.~~ (3) If the total number of bushels purchased is more than two hundred fifty thousand, but not more than five hundred thousand, the license fee is one hundred sixty-six dollars and the inspection fee is one hundred ninety-one dollars.

~~d.~~ (4) If the total number of bushels purchased is more than five hundred thousand, but not more than one million, the license fee is two hundred ninety-one dollars and the inspection fee is two hundred forty-nine dollars.

~~e.~~ (5) If the total number of bushels purchased is more than one million, but not more than one million eight hundred fifty thousand, the license fee is four hundred ninety-eight dollars and the inspection fee is three hundred seven dollars.

~~f.~~ (6) If the total number of bushels purchased is more than one million eight hundred fifty thousand, but not more than three million two hundred thousand, the license fee is seven hundred six dollars and the inspection fee is three hundred seventy-four dollars.

~~g.~~ (7) If the total number of bushels purchased is more than three million two hundred thousand, the license fee is nine hundred fifty-five dollars and the inspection fee is four hundred forty dollars.

b. If the applicant did not purchase grain in the applicant's previous fiscal year, the applicant shall pay the fee specified in paragraph "a", subparagraph (1). If during the licensee's fiscal year the number of bushels of grain actually purchased exceeds thirty-five thousand, the licensee shall notify the department and the license and inspection fee shall be adjusted accordingly. Subsequent adjustments shall be made as necessary. An applicant may elect licensing in any category of this subsection. Fees for new licenses issued for less than a full year shall be prorated from the date of application.

Sec. 216. Section 203.12B, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. Upon being appointed as a receiver, the department shall take custody and provide for the disposition of the grain dealer assets of the grain dealer under the supervision of the court.

(1) The petition shall be filed in the county in which the grain dealer maintains its principal place of business in this state. The court may issue ex parte any temporary order as it determines necessary to preserve or protect the grain dealer assets and the rights of interested sellers.

(2) The petition shall be accompanied by the department's plan for disposition of grain dealer assets which shall provide terms as may be necessary to preserve or protect the grain dealer assets and the rights of interested sellers, less expenses incurred by the department in connection with the receivership. The plan may provide for the delivery or sale of grain as provided in section 203C.4. The plan may provide for the operation of the business of the grain dealer on a temporary basis and any other course of action or procedure which will serve the interests of interested sellers.

(3) The petition shall be filed with the clerk of the district court who shall set a date for a hearing in the same manner as provided in section 203C.3.

(4) Copies of the petition, the notice of hearing, and the department's plan of disposition shall be delivered to the following:

~~(1)~~ (a) The grain dealer and each issuer who shall receive copies delivered in the manner required for service of an original notice.

~~(2)~~ (b) Interested sellers as determined by the department who shall receive copies delivered by ordinary mail.

(5) The failure of a person to receive the required notification shall not invalidate the proceedings on the petition or any part of the petition for the appointment of the department as the receiver.

(6) A person is not a party to the action unless admitted by the court upon application.

Sec. 217. Section 203C.15, Code 2009, is amended to read as follows:

203C.15 INSURANCE REQUIRED — EXCEPTION.

1. All agricultural products in storage in a licensed warehouse and all agricultural products which have been deposited temporarily in a licensed warehouse pending storage or for purposes other than storage, shall be kept fully insured by the warehouse operator for the current value of the agricultural products against loss by fire, inherent explosion, or windstorm.

a. The insurance shall be carried in an insurance company or companies authorized to do business in this state, and evidence of the insurance coverage in a form approved by the department shall be filed with the department. An insurance policy shall not be canceled by the insurance company on less than ninety days' notice by certified mail to the department and the principal unless the policy is being replaced with another policy and evidence of the new policy is filed with the department at the time of cancellation of the policy on file.

b. The insurance shall be provided by, and carried in the name of, the warehouse operator. However, whenever the department shall receive notice from an insurance company that it has canceled the insurance of a licensed warehouse, the department shall automatically suspend the warehouse license if replacement insurance is not received by the department within seventy-five days of receipt of the notice of cancellation. The department shall cause an inspection of the licensed warehouse immediately at the end of the seventy-five day period. If replacement insurance is not filed within another ten days following suspension, the warehouse license shall be automatically revoked.

2. When a license is revoked, the department shall notify each holder of an outstanding warehouse receipt and all known persons who have grain retained in open storage of the revocation. The department shall further notify each receipt holder and all known persons who have grain retained in open storage that the grain must be removed from the warehouse not later than the thirtieth day following the revocation. The notice shall be sent by ordinary mail to the last known address of each person having grain in storage as provided in this subsection.

3. Claimants against the insurance have precedence in the following order:

~~1.~~ a. Holders of warehouse receipts other than the warehouse operator and owners of bulk grain other than the warehouse operator.

~~2.~~ b. Owners of all other agricultural products as their interests appear.

~~3.~~ c. Warehouse operators who have warehouse receipts.

~~4.~~ d. Warehouse operators owners of bulk grain.

4. However, notwithstanding the insurance requirements set forth in this section, a licensed warehouse may exclude from the insurance coverage stored grain to which title is fully vested in the United States government or any of its subdivisions or agencies, provided that the licensed warehouse has on file with the United States government or any of its subdivisions or agencies a current and accepted uninsured storage rate under the provisions of their uniform grain storage agreement. The licensed warehouse shall file a copy of the current uninsured tariff rate with the department immediately upon acceptance of the uninsured rate by the United States government or any of its subdivisions or agencies.

Sec. 218. Section 203C.17, subsection 8, Code 2009, is amended to read as follows:

8. a. Every licensed warehouse operator shall, on or before July 1 of each year, send a statement for each holder of a warehouse receipt covering grain held for more than one year at that warehouse to the holder's last known address. The statement shall show the amount of all grain held pursuant to warehouse receipt for such warehouse receipt holder and the amount of any storage charges held by the licensed warehouse operator against that grain. However, a licensed warehouse operator need not prepare this annual statement for a holder of a warehouse receipt, if the licensed warehouse operator prepares such statements monthly, quarterly or for any other period more frequent than annually.

b. The failure to prepare a statement required by this subsection is a simple misdemeanor.

c. Violation of this section shall not constitute grounds for suspension, revocation, or modification of the license of anyone licensed under this chapter.

Sec. 219. Section 207.14, subsections 1, 2, 4, and 7, Code 2009, are amended to read as follows:

1. a. When on the basis of an inspection, the administrator determines that a condition or practice exists which creates an imminent danger to the health or safety of the public or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources, the administrator shall immediately order a cessation of coal mining and reclamation operations to the extent necessary until the administrator determines that the condition, practice, or violation has been abated, or until the order is modified, vacated, or terminated by the division pursuant to procedures set out in this section.

b. If the administrator finds that the ordered cessation will not completely abate the imminent danger to health or safety of the public or the significant imminent environmental harm, the administrator shall require the operator to take whatever steps the administrator deems necessary to abate the imminent danger or the significant environmental harm.

2. a. When on the basis of an inspection, the administrator determines that any operator is in violation of any requirement of this chapter or permit condition, but the violation does not create an imminent danger to the health or safety of the public or cannot be reasonably expected to cause significant, imminent environmental harm, the administrator shall issue a notice to the operator fixing a reasonable time but not more than ninety days for the abatement of the violation and providing opportunity for public hearing.

b. If upon expiration of the time as fixed the administrator finds in writing that the violation has not been abated, the administrator, notwithstanding sections 17A.18 and 17A.18A, shall immediately order a cessation of coal mining and reclamation operations relating to the violation until the order is modified, vacated, or terminated by the administrator pursuant to procedures outlined in this section. In the order of cessation issued by the administrator under this subsection, the administrator shall include the steps necessary to abate the violation in the most expeditious manner possible.

4. a. A permittee may request in writing an appeal to the committee of a decision made in a hearing under subsection 3 within thirty days of the decision. The committee shall review the record made in the contested case hearing, and may hear additional evidence upon a showing of good cause for failure to present the evidence in the hearing, or if evidence concerning

events occurring after the hearing is deemed relevant to the proceeding. However, the committee shall not review a decision in a proceeding if the division seeks to collect a civil penalty pursuant to section 207.15, and those decisions are final agency actions subject to direct judicial review as provided in chapter 17A.

b. The contested case hearing shall be scheduled within thirty days of receipt of the request by the division. If the decision in the contested case is to revoke the permit, the permittee shall be given a specific period to complete reclamation, or the attorney general shall be requested to institute bond forfeiture proceedings.

7. a. A permittee issued a notice or order under this section or any person having an interest which is or may be adversely affected by the notice or order or by its modification, vacation or termination may apply to the committee for review within thirty days of receipt of the notice or order or within thirty days of its modification, vacation or termination. The review shall be treated as a contested case under chapter 17A.

b. Pending completion of any investigation or hearings required by this section, the applicant may file with the division a written request that the administrator grant temporary relief from any notice or order issued under this section together with a detailed statement giving reasons for granting such relief.

c. The administrator shall issue an order or decision granting or denying the request for relief within five days of its receipt. The administrator may grant such relief under such conditions as the administrator may prescribe if all of the following occur:

~~a.~~ (1) A hearing has been held in the locality of the permit area in which all parties were given an opportunity to be heard. The hearing need not be held as a contested case under chapter 17A.

~~b.~~ (2) The applicant shows that there is substantial likelihood that the findings of the committee will be favorable to the applicant.

~~c.~~ (3) Such relief will not adversely affect the health or safety of the public or cause significant, imminent environmental harm to land, air or water resources.

Sec. 220. Section 216.6, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. Employer, employment agency, labor organization, or the employees, agents, or members thereof to directly or indirectly advertise or in any other manner indicate or publicize that individuals of any particular age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability are unwelcome, objectionable, not acceptable, or not solicited for employment or membership unless based on the nature of the occupation.

(1) If a person with a disability is qualified to perform a particular occupation by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this subsection.

(2) An employer, employment agency, or their employees, servants, or agents may offer employment or advertise for employment to only persons with disabilities, when other applicants have available to them other employment compatible with their ability which would not be available to persons with disabilities because of their disabilities. Any such employment or offer of employment shall not discriminate among persons with disabilities on the basis of race, color, creed, sex, sexual orientation, gender identity, or national origin.

Sec. 221. Section 216.16, subsections 2 and 6, Code 2009, are amended to read as follows:

2. a. Upon a request by the complainant, and after the expiration of sixty days from the timely filing of a complaint with the commission, the commission shall issue to the complainant a release stating that the complainant has a right to commence an action in the district court. A release under this subsection shall not be issued if a finding of no probable cause has been made on the complaint by the administrative law judge charged with that duty under section 216.15, subsection 3, a conciliation agreement has been executed under section 216.15, the commission has served notice of hearing upon the respondent pursuant to section 216.15, subsection 5, or the complaint is closed as an administrative closure and two years have elapsed since the issuance date of the closure.

b. Notwithstanding section 216.15, subsection 4, a party may obtain a copy of all documents contained in a case file where the commission has issued a release to the complainant pursuant to this subsection.

6. It is the legislative intent of this chapter that every complaint be at least preliminarily screened during the first one hundred twenty days.

7. This section does not authorize administrative closures if an investigation is warranted.

Sec. 222. Section 216B.3, subsection 16, paragraph b, Code 2009, is amended to read as follows:

b. Of all new passenger vehicles and light pickup trucks purchased by the commission, a minimum of ten percent of all such vehicles and trucks purchased shall be equipped with engines which utilize alternative methods of propulsion, including but not limited to any of the following:

(1) A flexible fuel which is any of the following:

(a) E-85 gasoline as provided in section 214A.2.

(b) B-20 biodiesel blended fuel as provided in section 214A.2.

(c) A renewable fuel approved by the office of renewable fuels and coproducts pursuant to section 159A.3.

(2) Compressed or liquefied natural gas.

(3) Propane gas.

(4) Solar energy.

(5) Electricity.

c. The provisions of ~~this~~ paragraph "b" do not apply to vehicles and trucks purchased and directly used for law enforcement or off-road maintenance work.

Sec. 223. Section 222.60, Code 2009, is amended to read as follows:

222.60 COSTS PAID BY COUNTY OR STATE — DIAGNOSIS AND EVALUATION.

1. All necessary and legal expenses for the cost of admission or commitment or for the treatment, training, instruction, care, habilitation, support and transportation of persons with mental retardation, as provided for in the county management plan provisions implemented pursuant to section 331.439, subsection 1, in a state resource center, or in a special unit, or any public or private facility within or without the state, approved by the director of the department of human services, shall be paid by either:

~~1.~~ a. The county in which such person has legal settlement as defined in section 252.16.

~~2.~~ b. The state when such person has no legal settlement or when such settlement is unknown.

2. a. Prior to a county of legal settlement approving the payment of expenses for a person under this section, the county may require that the person be diagnosed to determine if the person has mental retardation or that the person be evaluated to determine the appropriate level of services required to meet the person's needs relating to mental retardation. The diagnosis and the evaluation may be performed concurrently and shall be performed by an individual or individuals approved by the county who are qualified to perform the diagnosis or the evaluation. Following the initial approval for payment of expenses, the county of legal settlement may require that an evaluation be performed at reasonable time periods.

b. The cost of a county-required diagnosis and an evaluation is at the county's expense. In the case of a person without legal settlement or whose legal settlement is unknown, the state may apply the diagnosis and evaluation provisions of this ~~paragraph~~ subsection at the state's expense.

c. A diagnosis or an evaluation under this section may be part of a county's central point of coordination process under section 331.440, provided that a diagnosis is performed only by an individual qualified as provided in this section.

3. a. A diagnosis of mental retardation under this section shall be made only when the onset of the person's condition was prior to the age of eighteen years and shall be based on an assessment of the person's intellectual functioning and level of adaptive skills. The diagnosis shall be made by an individual who is a psychologist or psychiatrist who is professionally trained

to administer the tests required to assess intellectual functioning and to evaluate a person's adaptive skills.

b. A diagnosis of mental retardation shall be made in accordance with the criteria provided in the diagnostic and statistical manual of mental disorders, fourth edition, published by the American psychiatric association.

Sec. 224. Section 229.10, subsection 1, Code 2009, is amended to read as follows:

1. a. An examination of the respondent shall be conducted by one or more licensed physicians, as required by the court's order, within a reasonable time. If the respondent is detained pursuant to section 229.11, subsection ~~2~~ 1, paragraph "b", the examination shall be conducted within twenty-four hours. If the respondent is detained pursuant to section 229.11, subsection 1, paragraph "a" or ~~3~~ "c", the examination shall be conducted within forty-eight hours. If the respondent so desires, the respondent shall be entitled to a separate examination by a licensed physician of the respondent's own choice. The reasonable cost of the examinations shall, if the respondent lacks sufficient funds to pay the cost, be paid from county funds upon order of the court.

b. Any licensed physician conducting an examination pursuant to this section may consult with or request the participation in the examination of any qualified mental health professional, and may include with or attach to the written report of the examination any findings or observations by any qualified mental health professional who has been so consulted or has so participated in the examination.

c. If the respondent is not taken into custody under section 229.11, but the court is subsequently informed that the respondent has declined to be examined by the licensed physician or physicians pursuant to the court order, the court may order such limited detention of the respondent as is necessary to facilitate the examination of the respondent by the licensed physician or physicians.

Sec. 225. Section 229.11, Code 2009, is amended to read as follows:

229.11 JUDGE MAY ORDER IMMEDIATE CUSTODY.

1. If the applicant requests that the respondent be taken into immediate custody and the judge, upon reviewing the application and accompanying documentation, finds probable cause to believe that the respondent has a serious mental impairment and is likely to injure the respondent or other persons if allowed to remain at liberty, the judge may enter a written order directing that the respondent be taken into immediate custody by the sheriff or the sheriff's deputy and be detained until the hospitalization hearing. The hospitalization hearing shall be held no more than five days after the date of the order, except that if the fifth day after the date of the order is a Saturday, Sunday, or a holiday, the hearing may be held on the next succeeding business day. If the expenses of a respondent are payable in whole or in part by a county, for a placement in accordance with ~~subsection 1~~ paragraph "a", the judge shall give notice of the placement to the central point of coordination process, and for a placement in accordance with ~~subsection 2~~ paragraph "b" or ~~3~~ "c", the judge shall order the placement in a hospital or facility designated through the central point of coordination process. The judge may order the respondent detained for the period of time until the hearing is held, and no longer, in accordance with ~~subsection 1~~ paragraph "a", if possible, and if not then in accordance with ~~subsection 2~~ paragraph "b", or, only if neither of these alternatives is available, in accordance with ~~subsection 3~~ paragraph "c". Detention may be:

~~1.~~ a. In the custody of a relative, friend or other suitable person who is willing to accept responsibility for supervision of the respondent, and the respondent may be placed under such reasonable restrictions as the judge may order including~~,~~ but not limited to~~,~~ restrictions on or a prohibition of any expenditure, encumbrance or disposition of the respondent's funds or property; or

~~2.~~ b. In a suitable hospital the chief medical officer of which shall be informed of the reasons why immediate custody has been ordered and may provide treatment which is necessary to preserve the respondent's life, or to appropriately control behavior by the respondent which

is likely to result in physical injury to the respondent or to others if allowed to continue, but may not otherwise provide treatment to the respondent without the respondent's consent; or

~~3.~~ c. In the nearest facility in the community which is licensed to care for persons with mental illness or substance abuse, provided that detention in a jail or other facility intended for confinement of those accused or convicted of crime shall not be ordered.

2. The clerk shall furnish copies of any orders to the respondent and to the applicant if the applicant files a written waiver signed by the respondent.

Sec. 226. Section 229.12, subsection 3, Code 2009, is amended to read as follows:

3. a. The respondent's welfare shall be paramount and the hearing shall be conducted in as informal a manner as may be consistent with orderly procedure, but consistent therewith the issue shall be tried as a civil matter. Such discovery as is permitted under the Iowa rules of civil procedure shall be available to the respondent. The court shall receive all relevant and material evidence which may be offered and need not be bound by the rules of evidence. There shall be a presumption in favor of the respondent, and the burden of evidence in support of the contentions made in the application shall be upon the applicant.

b. The licensed physician or qualified mental health professional who examined the respondent shall be present at the hearing unless the court for good cause finds that the licensed physician's or qualified mental health professional's presence or testimony is not necessary. The applicant, respondent, and the respondent's attorney may waive the presence or the telephonic appearance of the licensed physician or qualified mental health professional who examined the respondent and agree to submit as evidence the written report of the licensed physician or qualified mental health professional. The respondent's attorney shall inform the court if the respondent's attorney reasonably believes that the respondent, due to diminished capacity, cannot make an adequately considered waiver decision. "Good cause" for finding that the testimony of the licensed physician or qualified mental health professional who examined the respondent is not necessary may include~~,~~ but is not limited to~~,~~ such a waiver. If the court determines that the testimony of the licensed physician or qualified mental health professional is necessary, the court may allow the licensed physician or the qualified mental health professional to testify by telephone.

c. If upon completion of the hearing the court finds that the contention that the respondent is seriously mentally impaired has not been sustained by clear and convincing evidence, it shall deny the application and terminate the proceeding.

Sec. 227. Section 229.22, subsection 2, Code 2009, is amended to read as follows:

2. a. In the circumstances described in subsection 1, any peace officer who has reasonable grounds to believe that a person is mentally ill, and because of that illness is likely to physically injure the person's self or others if not immediately detained, may without a warrant take or cause that person to be taken to the nearest available facility as defined in section 229.11, ~~subsections 2~~ subsection 1, paragraphs "b" and ~~3~~ "c". A person believed mentally ill, and likely to injure the person's self or others if not immediately detained, may be delivered to a hospital by someone other than a peace officer. Upon delivery of the person believed mentally ill to the hospital, the examining physician may order treatment of that person, including chemotherapy, but only to the extent necessary to preserve the person's life or to appropriately control behavior by the person which is likely to result in physical injury to that person or others if allowed to continue. The peace officer who took the person into custody, or other party who brought the person to the hospital, shall describe the circumstances of the matter to the examining physician. If the person is a peace officer, the peace officer may do so either in person or by written report. If the examining physician finds that there is reason to believe that the person is seriously mentally impaired, and because of that impairment is likely to physically injure the person's self or others if not immediately detained, the examining physician shall at once communicate with the nearest available magistrate as defined in section 801.4, subsection 10. The magistrate shall, based upon the circumstances described by the examining physician, give the examining physician oral instructions either directing that the person be re-

leased forthwith or authorizing the person's detention in an appropriate facility. The magistrate may also give oral instructions and order that the detained person be transported to an appropriate facility.

b. If the magistrate orders that the person be detained, the magistrate shall, by the close of business on the next working day, file a written order with the clerk in the county where it is anticipated that an application may be filed under section 229.6. The order may be filed by facsimile if necessary. The order shall state the circumstances under which the person was taken into custody or otherwise brought to a facility, and the grounds supporting the finding of probable cause to believe that the person is seriously mentally impaired and likely to injure the person's self or others if not immediately detained. The order shall confirm the oral order authorizing the person's detention including any order given to transport the person to an appropriate facility. The clerk shall provide a copy of that order to the chief medical officer of the facility to which the person was originally taken, to any subsequent facility to which the person was transported, and to any law enforcement department or ambulance service that transported the person pursuant to the magistrate's order.

Sec. 228. Section 229A.7, subsection 5, Code 2009, is amended to read as follows:

5. a. At trial, the court or jury shall determine whether, beyond a reasonable doubt, the respondent is a sexually violent predator. If the case is before a jury, the verdict shall be unanimous that the respondent is a sexually violent predator.

b. If the court or jury determines that the respondent is a sexually violent predator, the respondent shall be committed to the custody of the director of the department of human services for control, care, and treatment until such time as the person's mental abnormality has so changed that the person is safe to be placed in a transitional release program or discharged. The determination may be appealed.

Sec. 229. Section 229A.8, subsection 5, paragraph e, Code 2009, is amended to read as follows:

e. (1) The burden is on the committed person to show by a preponderance of the evidence that there is competent evidence which would lead a reasonable person to believe a final hearing should be held to determine either of the following:

~~(1)~~ (a) The mental abnormality of the committed person has so changed that the person is not likely to engage in predatory acts constituting sexually violent offenses if discharged.

~~(2)~~ (b) The committed person is suitable for placement in a transitional release program pursuant to section 229A.8A.

(2) If the committed person shows by a preponderance of the evidence that a final hearing should be held on either determination under subparagraph (1), subparagraph division (a) or ~~(2)~~ (b), or both, the court shall set a final hearing within sixty days of the determination that a final hearing be held.

Sec. 230. Section 231.32, subsection 2, Code 2009, is amended to read as follows:

2. a. The commission shall designate an area agency to serve each planning and service area, after consideration of the views offered by units of general purpose local government. An area agency may be:

~~a.~~ (1) An established office of aging which is operating within a planning and service area designated by the commission.

~~b.~~ (2) Any office or agency of a unit of general purpose local government, which is designated for the purpose of serving as an area agency by the chief elected official of such unit.

~~c.~~ (3) Any office or agency designated by the appropriate chief elected officials of any combination of units of general purpose local government to act on behalf of the combination for such purpose.

~~d.~~ (4) Any public or nonprofit private agency in a planning and service area or any separate organizational unit within such agency which is under the supervision or direction for this purpose of the department of elder affairs and which can engage in the planning or provision of a broad range of supportive services or nutrition services within the planning and service area.

b. Each area agency shall provide assurance, determined adequate by the commission, that the area agency has the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program in accordance with the plan within the planning and service area. In designating an area agency on aging within the planning and service area, the commission shall give preference to an established office of aging, unless the commission finds that no such office within the planning and service area has the capacity to carry out the area plan.

Sec. 231. Section 232.2, subsections 11 and 21, Code 2009, are amended to read as follows:

11. a. "Custodian" means a stepparent or a relative within the fourth degree of consanguinity to a child who has assumed responsibility for that child, a person who has accepted a release of custody pursuant to division IV, or a person appointed by a court or juvenile court having jurisdiction over a child.

b. The rights and duties of a custodian with respect to a child are as follows:

~~a.~~ (1) To maintain or transfer to another the physical possession of that child.

~~b.~~ (2) To protect, train, and discipline that child.

~~c.~~ (3) To provide food, clothing, housing, and medical care for that child.

~~d.~~ (4) To consent to emergency medical care, including surgery.

~~e.~~ (5) To sign a release of medical information to a health professional.

c. All rights and duties of a custodian shall be subject to any residual rights and duties remaining in a parent or guardian.

21. a. "Guardian" means a person who is not the parent of a child, but who has been appointed by a court or juvenile court having jurisdiction over the child, to have a permanent self-sustaining relationship with the child and to make important decisions which have a permanent effect on the life and development of that child and to promote the general welfare of that child. A guardian may be a court or a juvenile court. Guardian does not mean conservator, as defined in section 633.3, although a person who is appointed to be a guardian may also be appointed to be a conservator.

b. Unless otherwise enlarged or circumscribed by a court or juvenile court having jurisdiction over the child or by operation of law, the rights and duties of a guardian with respect to a child shall be as follows:

~~a.~~ (1) To consent to marriage, enlistment in the armed forces of the United States, or medical, psychiatric, or surgical treatment.

~~b.~~ (2) To serve as guardian ad litem, unless the interests of the guardian conflict with the interests of the child or unless another person has been appointed guardian ad litem.

~~c.~~ (3) To serve as custodian, unless another person has been appointed custodian.

~~d.~~ (4) To make periodic visitations if the guardian does not have physical possession or custody of the child.

~~e.~~ (5) To consent to adoption and to make any other decision that the parents could have made when the parent-child relationship existed.

~~f.~~ (6) To make other decisions involving protection, education, and care and control of the child.

Sec. 232. Section 232.2, subsection 22, paragraph a, Code 2009, is amended to read as follows:

a. "Guardian ad litem" means a person appointed by the court to represent the interests of a child in any judicial proceeding to which the child is a party, and includes a court appointed special advocate, except that a court appointed special advocate shall not file motions or petitions pursuant to section 232.54, ~~subsections~~ subsection 1, paragraphs "a" and 4 "d", section 232.103, subsection 2, paragraph "c", and section 232.111.

Sec. 233. Section 232.22, subsection 3, paragraph c, Code 2009, is amended to read as follows:

c. (1) A room in a facility intended or used for the detention of adults if there is probable cause to believe that the child has committed a delinquent act which if committed by an adult

would be a felony, or aggravated misdemeanor under section 708.2 or 709.11, a serious or aggravated misdemeanor under section 321J.2, or a violation of section 123.46, and if all of the following apply:

~~(1)~~ (a) The child is at least fourteen years of age.

~~(2)~~ (b) The child has shown by the child's conduct, habits, or condition that the child constitutes an immediate and serious danger to another or to the property of another, and a facility or place enumerated in paragraph "a" or "b" is unavailable, or the court determines that the child's conduct or condition endangers the safety of others in the facility.

~~(3)~~ (c) The facility has an adequate staff to supervise and monitor the child's activities at all times.

~~(4)~~ (d) The child is confined in a room entirely separated from detained adults, is confined in a manner which prohibits communication with detained adults, and is permitted to use common areas of the facility only when no contact with detained adults is possible.

(2) However, if the child is to be detained for a violation of section 123.46 or section 321J.2, placement in a facility pursuant to this paragraph "c" shall be made only after an attempt has been made to notify the parents or legal guardians of the child and request that the parents or legal guardians take custody of the child. If the parents or legal guardians cannot be contacted, or refuse to take custody of the child, an attempt shall be made to place the child in another facility, including but not limited to a local hospital or shelter care facility. Also, a child detained for a violation of section 123.46 or section 321J.2 pursuant to this paragraph "c" shall only be detained in a facility with adequate staff to provide continuous visual supervision of the child.

Sec. 234. Section 232.22, subsection 5, Code 2009, is amended to read as follows:

5. a. A child shall not be detained in a facility under subsection 3, paragraph "c" for a period of time in excess of six hours without the oral or written order of a judge or a magistrate authorizing the detention. A judge or magistrate may authorize detention in a facility under subsection 3, paragraph "c" for a period of time in excess of six hours but less than twenty-four hours, excluding weekends and legal holidays, but only if all of the following occur or exist:

~~a.~~ (1) The facility serves a geographic area outside a standard metropolitan statistical area as determined by the United States census bureau.

~~b.~~ (2) The court determines that an acceptable alternative placement does not exist pursuant to criteria developed by the department of human services.

~~c.~~ (3) The facility has been certified by the department of corrections as being capable of sight and sound separation pursuant to this section and section 356.3.

~~d.~~ (4) The child is awaiting an initial hearing before the court pursuant to section 232.44.

b. The restrictions contained in this subsection relating to the detention of a child in a facility under subsection 3, paragraph "c" do not apply if the court has waived its jurisdiction over the child for the alleged commission of a felony offense pursuant to section 232.45.

Sec. 235. Section 232.49, subsection 3, Code 2009, is amended to read as follows:

3. a. At any time after the filing of a delinquency petition the court may order a physical or mental examination of the child if the following circumstances apply:

~~a.~~ (1) The court finds such examination to be in the best interest of the child; and

~~b.~~ (2) The parent, guardian or custodian and the child's counsel agree.

b. An examination shall be conducted on an outpatient basis unless the court, the child's counsel and the parent, guardian or custodian agree that it is necessary the child be committed to a suitable hospital, facility or institution for the purpose of examination. Commitment for examination shall not exceed thirty days and the civil commitment provisions of chapter 229 shall not apply.

Sec. 236. Section 232.52, subsection 6, Code 2009, is amended to read as follows:

6. a. When the court orders the transfer of legal custody of a child pursuant to subsection 2, paragraph "d", "e", or "f", the order shall state that reasonable efforts as defined in section 232.57 have been made. If deemed appropriate by the court, the order may include a determi-

nation that continuation of the child in the child's home is contrary to the child's welfare. The inclusion of such a determination shall not under any circumstances be deemed a prerequisite for entering an order pursuant to this section. However, the inclusion of such a determination, supported by the record, may be used to assist the department in obtaining federal funding for the child's placement. If such a determination is included in the order, unless the court makes a determination that further reasonable efforts are not required, reasonable efforts shall be made to prevent permanent removal of a child from the child's home and to encourage reunification of the child with the child's parents and family. The reasonable efforts may include but are not limited to early intervention and follow-up programs implemented pursuant to section 232.191.

b. When the court orders the transfer of legal custody of a child pursuant to subsection 2, paragraph "d", and the child is sixteen years of age or older, the order shall specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the child has a case permanency plan, the court shall consider the written transition plan of services and needs assessment developed for the child's case permanency plan. If the child does not have a case permanency plan containing the transition plan and needs assessment at the time the transfer order is entered, the written transition plan and needs assessment shall be developed and submitted for the court's consideration no later than six months from the date of the transfer order. The court shall modify the initial transfer order as necessary to specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the transition plan identifies services or other support needed to assist the child when the child becomes an adult and the court deems it to be beneficial to the child, the court may authorize the individual who is the child's guardian ad litem or court appointed special advocate to continue a relationship with and provide advice to the child for a period of time beyond the child's eighteenth birthday.

Sec. 237. Section 232.54, Code 2009, is amended to read as follows:

232.54 TERMINATION, MODIFICATION, OR VACATION AND SUBSTITUTION OF DISPOSITIONAL ORDER.

1. At any time prior to its expiration, a dispositional order may be terminated, modified, or vacated and another dispositional order substituted therefor only in accordance with the following provisions:

~~1.~~ a. With respect to a dispositional order made pursuant to section 232.52, subsection 2, paragraph "a", "b", or "c", and upon the motion of a child, a child's parent or guardian, a child's guardian ad litem, a person supervising the child under a dispositional order, a county attorney, or upon its own motion, the court may terminate the order and discharge the child, modify the order, or vacate the order and substitute another order pursuant to the provisions of section 232.52. Notice shall be afforded all parties, and a hearing shall be held at the request of any party.

~~2.~~ b. With respect to a dispositional order made pursuant to section 232.52, subsection 2, paragraphs "d" and "e", the court shall grant a motion of the person to whom custody has been transferred for termination of the order and discharge of the child, for modification of the order by imposition of less restrictive conditions, or for vacation of the order and substitution of a less restrictive order unless there is clear and convincing evidence that there has not been a change of circumstance sufficient to grant the motion. Notice shall be afforded all parties, and a hearing shall be held at the request of any party or upon the court's own motion.

~~3.~~ c. With respect to a dispositional order made pursuant to section 232.52, subsection 2, paragraphs "d", or "e", or "f", the court shall grant a motion of a person or agency to whom custody has been transferred for modification of the order by transfer to an equally restrictive placement, unless there is clear and convincing evidence that there has not been a change of circumstance sufficient to grant the motion. Notice shall be afforded all parties, and a hearing shall be held at the request of any party or upon the court's own motion.

~~4.~~ d. With respect to a dispositional order made pursuant to section 232.52, subsection 2, paragraphs "d", "e", or "f", the court may, after notice and hearing, either grant or deny a mo-

tion of the child, the child's parent or guardian, or the child's guardian ad litem, to terminate the order and discharge the child, to modify the order either by imposing less restrictive conditions or by transfer to an equally or less restrictive placement, or to vacate the order and substitute a less restrictive order. A motion may be made pursuant to this paragraph no more than once every six months.

~~5.~~ e. With respect to a dispositional order made pursuant to section 232.52, subsection 2, paragraphs "d" and "e", the court may, after notice and a hearing at which there is presented clear and convincing evidence to support such an action, either grant or deny a motion by a county attorney or by a person or agency to whom custody has been transferred, to modify an order by imposing more restrictive conditions or to vacate the order and substitute a more restrictive order.

~~6.~~ f. With respect to a temporary transfer order made pursuant to section 232.52, subsection 9, if the court finds that removal of a child from the state training school is necessary to safeguard the child's physical or emotional health and is in the best interests of the child, the court shall grant the director's motion for a substitute dispositional order to place the child in a facility which has been designated to be an alternative placement site for the state training school.

~~7.~~ g. With respect to a juvenile court dispositional order entered regarding a child who has received a youthful offender deferred sentence under section 907.3A, the dispositional order may be terminated prior to the child reaching the age of eighteen upon motion of the child, the person or agency to whom custody of the child has been transferred, or the county attorney following a hearing before the juvenile court if it is shown by clear and convincing evidence that it is in the best interests of the child and the community to terminate the order. The hearing may be waived if all parties to the proceeding agree. The dispositional order regarding a child who has received a youthful offender deferred sentence may also be terminated prior to the child reaching the age of eighteen upon motion of the county attorney, if the waiver of the child to district court was conditioned upon the terms of an agreement between the county attorney and the child, and the child violates the terms of the agreement after the waiver order has been entered. The district court shall discharge the child's youthful offender status upon receiving a termination order under this section.

~~8.~~ h. With respect to a dispositional order entered regarding a child who has received a youthful offender deferred sentence under section 907.3A, the juvenile court may, in the case of a child who violates the terms of the order, modify or terminate the order in accordance with the following:

~~a.~~ (1) After notice and hearing at which the facts of the child's violation of the terms of the order are found, the juvenile court may refuse to modify the order, modify the order and impose a more restrictive order, or, after an assessment of the child by a juvenile court officer in consultation with the judicial district department of correctional services and if the child is age fourteen or over, terminate the order and return the child to the supervision of the district court under chapter 907.

~~b.~~ (2) The juvenile court shall only terminate an order under this ~~subsection~~ paragraph "h" if after considering the best interests of the child and the best interests of the community the court finds that the child should be returned to the supervision of the district court.

~~c.~~ (3) A youthful offender over whom the juvenile court has terminated the dispositional order under this ~~subsection~~ paragraph "h" shall be treated in the manner of an adult who has been arrested for a violation of probation under section 908.11 for sentencing purposes only.

2. Notice requirements of this section shall be satisfied by providing reasonable notice to the persons required to be provided notice for adjudicatory hearings under section 232.37, except that notice shall be waived regarding a person who was notified of the adjudicatory hearing and who failed to appear. At a hearing under this section all relevant and material evidence shall be admitted.

Sec. 238. Section 232.55, subsection 2, Code 2009, is amended to read as follows:

2. a. Adjudication and disposition proceedings under this division are not admissible as evidence against a person in a subsequent proceeding in any other court before or after the person

reaches majority except in a sentencing proceeding after conviction of the person for an offense other than a simple or serious misdemeanor.

b. Adjudication and disposition proceedings may properly be included in a presentence investigation report prepared pursuant to chapter 901 and section 906.5.

c. However, the use of adjudication and disposition proceedings pursuant to this subsection shall be subject to the restrictions contained in section 232.150.

3. This section does not apply to dispositional orders entered regarding a child who has received a youthful offender deferred sentence under section 907.3A who is not discharged from probation before or upon the child's eighteenth birthday.

Sec. 239. Section 232.71B, subsection 11, Code 2009, is amended to read as follows:

11. FACILITY PROTOCOL.

a. The department shall apply a protocol, developed in consultation with facilities providing care to children, for conducting an assessment of reports of abuse of children allegedly caused by employees of facilities providing care to children. As part of such an assessment, the department shall notify the licensing authority for the facility, the governing body of the facility, and the administrator in charge of the facility of any of the following:

~~a.~~ (1) A violation of facility policy noted in the assessment.

~~b.~~ (2) An instance in which facility policy or lack of facility policy may have contributed to the reported incident of alleged child abuse.

~~c.~~ (3) An instance in which general practice in the facility appears to differ from the facility's written policy.

b. The licensing authority, the governing body, and the administrator in charge of the facility shall take any lawful action which may be necessary or advisable to protect children receiving care.

Sec. 240. Section 232.182, subsection 5, Code 2009, is amended to read as follows:

5. After the hearing is concluded, the court shall make and file written findings as to whether reasonable efforts, as defined in section 232.102, subsection 10, have been made and whether the voluntary foster family care placement is in the child's best interests.

a. The court shall order foster family care placement in the child's best interests if the court finds that all of the following conditions exist:

~~a.~~ (1) The child has an emotional, physical, or intellectual disability which requires care and treatment.

~~b.~~ (2) The child's parent, guardian, or custodian has demonstrated a willingness or ability to fulfill the responsibilities defined in the case permanency plan.

~~c.~~ (3) Reasonable efforts have been made and the placement is in the child's best interests.

~~d.~~ (4) A determination that services or support provided to the family of a child with mental retardation, other developmental disability, or organic mental illness will not enable the family to continue to care for the child in the child's home.

b. If the court finds that reasonable efforts have not been made and that services or support are available to prevent the placement, the court may order the services or support to be provided to the child and the child's family.

c. If the court finds that the foster care placement is necessary and the child's parent, guardian, or custodian has not demonstrated a commitment to fulfill the responsibilities defined in the child's case permanency plan, the court shall cause a child in need of assistance petition to be filed.

Sec. 241. Section 237.3, subsection 2, paragraph g, Code 2009, is amended to read as follows:

g. (1) The adequacy of programs available to children receiving child foster care provided by agencies, including but not limited to:

~~(1)~~ (a) Dietary services.

~~(2)~~ (b) Social services.

~~(3)~~ (c) Activity programs.

~~(4)~~ (d) Behavior management procedures.

~~(5)~~ (e) Educational programs, including special education as defined in section 256B.2, subsection 2 where appropriate, which are approved by the state board of education.

(2) The department shall not promulgate rules which regulate individual licensees in the subject areas enumerated in this paragraph "g".

Sec. 242. Section 249A.3, subsections 2, 4, 5A, 5B, and 14, Code 2009, are amended to read as follows:

2. a. Medical assistance may also, within the limits of available funds and in accordance with section 249A.4, subsection 1, be provided to, or on behalf of, other individuals and families who are not excluded under subsection 5 of this section and whose incomes and resources are insufficient to meet the cost of necessary medical care and services in accordance with the following order of priorities:

~~a.~~ (1) As allowed under 42 U.S.C. § 1396a(a)(10)(A)(ii)(XIII), individuals with disabilities, who are less than sixty-five years of age, who are members of families whose income is less than two hundred fifty percent of the most recently revised official poverty guidelines published by the United States department of health and human services for the family, who have earned income and who are eligible for medical assistance or additional medical assistance under this section if earnings are disregarded. As allowed by 42 U.S.C. § 1396a(r)(2), unearned income shall also be disregarded in determining whether an individual is eligible for assistance under this ~~paragraph~~ subparagraph. For the purposes of determining the amount of an individual's resources under this ~~paragraph~~ subparagraph and as allowed by 42 U.S.C. § 1396a(r)(2), a maximum of ten thousand dollars of available resources shall be disregarded, and any additional resources held in a retirement account, in a medical savings account, or in any other account approved under rules adopted by the department shall also be disregarded. Individuals eligible for assistance under this ~~paragraph~~ subparagraph, whose individual income exceeds one hundred fifty percent of the official poverty guidelines published by the United States department of health and human services for an individual, shall pay a premium. The amount of the premium shall be based on a sliding fee schedule adopted by rule of the department and shall be based on a percentage of the individual's income. The maximum premium payable by an individual whose income exceeds one hundred fifty percent of the official poverty guidelines shall be commensurate with the cost of state employees' group health insurance in this state. The payment to and acceptance by an automated case management system or the department of the premium required under this ~~paragraph~~ subparagraph shall not automatically confer initial or continuing program eligibility on an individual. A premium paid to and accepted by the department's premium payment process that is subsequently determined to be untimely or to have been paid on behalf of an individual ineligible for the program shall be refunded to the remitter in accordance with rules adopted by the department.

~~b.~~ (2) (a) As provided under the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000, Pub. L. No. 106-354, women who meet all of the following criteria:

~~(1)~~ (i) Are not described in 42 U.S.C. § 1396a(a)(10)(A)(i).

~~(2)~~ (ii) Have not attained age sixty-five.

~~(3)~~ (iii) Have been screened for breast and cervical cancer under the United States centers for disease control and prevention breast and cervical cancer early detection program established under 42 U.S.C. § 300k et seq., in accordance with the requirements of 42 U.S.C. § 300n, and need treatment for breast or cervical cancer. A woman is considered screened for breast and cervical cancer under this subparagraph subdivision if the woman is screened by any provider or entity, and the state grantee of the United States centers for disease control and prevention funds under Title XV of the federal Public Health Services Act has elected to include screening activities by that provider or entity as screening activities pursuant to Title XV of the federal Public Health Services Act. This screening includes but is not limited to breast or cervical cancer screenings or related diagnostic services provided by family planning or community health centers and breast cancer screenings funded by the Susan G. Komen foundation

which are provided to women who meet the eligibility requirements established by the state grantee of the United States centers for disease control and prevention funds under Title XV of the federal Public Health Services Act.

~~(4)~~ (iv) Are not otherwise covered under creditable coverage as defined in 42 U.S.C. § 300gg(c).

(b) A woman who meets the criteria of this ~~paragraph~~ subparagraph (2) shall be presumptively eligible for medical assistance.

~~c.~~ (3) Individuals who are receiving care in a hospital or in a basic nursing home, intermediate nursing home, skilled nursing home or extended care facility, as defined by section 135C.1, and who meet all eligibility requirements for federal supplemental security income except that their income exceeds the allowable maximum therefor, but whose income is not in excess of the maximum established by subsection 4 for eligibility for medical assistance and is insufficient to meet the full cost of their care in the hospital or health care facility on the basis of standards established by the department.

~~d.~~ (4) Individuals under twenty-one years of age living in a licensed foster home, or in a private home pursuant to a subsidized adoption arrangement, for whom the department accepts financial responsibility in whole or in part and who are not eligible under subsection 1.

~~e.~~ (5) Individuals who are receiving care in an institution for mental diseases, and who are under twenty-one years of age and whose income and resources are such that they are eligible for the family investment program, or who are sixty-five years of age or older and who meet the conditions for eligibility in paragraph "a" ~~of this subsection~~, subparagraph (1).

~~f.~~ (6) Individuals and families whose incomes and resources are such that they are eligible for federal supplemental security income or the family investment program, but who are not actually receiving such public assistance.

~~g.~~ (7) Individuals who are receiving state supplementary assistance as defined by section 249.1 or other persons whose needs are considered in computing the recipient's assistance grant.

~~h.~~ (8) Individuals under twenty-one years of age who qualify on a financial basis for, but who are otherwise ineligible to receive assistance under the family investment program.

~~i.~~ (9) As allowed under 42 U.S.C. § 1396a(a)(10)(A)(ii)(XVII), individuals under twenty-one years of age who were in foster care under the responsibility of the state on the individual's eighteenth birthday, and whose income is less than two hundred percent of the most recently revised official poverty guidelines published by the United States department of health and human services. Medical assistance may be provided for an individual described by this ~~paragraph~~ subparagraph regardless of the individual's resources.

~~j.~~ (10) Women eligible for family planning services under a federally approved demonstration waiver.

~~k.~~ (11) Individuals and families who would be eligible under subsection 1 or ~~2 of this section~~ this subsection except for excess income or resources, or a reasonable category of those individuals and families.

~~l.~~ (12) Individuals who have attained the age of twenty-one but have not yet attained the age of sixty-five who qualify on a financial basis for, but who are otherwise ineligible to receive, federal supplemental security income or assistance under the family investment program.

b. Notwithstanding the provisions of this subsection establishing priorities for individuals and families to receive medical assistance, the department may determine within the priorities listed in this subsection which persons shall receive medical assistance based on income levels established by the department, subject to the limitations provided in subsection 4.

4. Discretionary medical assistance, within the limits of available funds and in accordance with section 249A.4, subsection 1, may be provided to or on behalf of those individuals and families described in subsection 2, paragraph ~~"k"~~ "a", subparagraph (11), of this section.

5A. In determining eligibility for children under subsection 1, paragraphs "b", "f", "g", "j", "k", "n", and "s"; subsection 2, ~~paragraphs "c", "e", "f", "h",~~ paragraph "a", subparagraphs (3), (5), (6), (8), and ~~"k"~~ (11); and subsection 5, paragraph "b", all resources of the family, other than monthly income, shall be disregarded.

5B. In determining eligibility for adults under subsection 1, paragraphs "b", "e", "h", "j", "k", "n", "s", and "t"; subsection 2, ~~paragraphs "d", "e", "h", "k",~~ paragraph "a", subparagraphs (4), (5), (8), (11), and ~~"l"~~ (12); and subsection 5, paragraph "b", one motor vehicle per household shall be disregarded.

14. Once initial eligibility for the family medical assistance program-related medical assistance is determined for a child described under subsection 1, paragraph "b", "f", "g", "j", "k", "l", or "n" or under subsection 2, paragraph ~~"e", "f", or "h",~~ "a", subparagraph (5), (6), or (8), the department shall provide continuous eligibility for a period of up to twelve months, until the child's next annual review of eligibility under the medical assistance program, if the child would otherwise be determined ineligible due to excess countable income but otherwise remains eligible.

Sec. 243. Section 249A.4, subsection 7, Code 2009, is amended to read as follows:

7. Shall provide for the professional freedom of those licensed practitioners who determine the need for or provide medical care and services, and shall provide freedom of choice to recipients to select the provider of care and services, except when the recipient is eligible for participation in a health maintenance organization or prepaid health plan which limits provider selection and which is approved by the department.

a. However, this shall not limit the freedom of choice to recipients to select providers in instances where such provider services are eligible for reimbursement under the medical assistance program but are not provided under the health maintenance organization or under the prepaid health plan, or where the recipient has an already established program of specialized medical care with a particular provider. The department may also restrict the recipient's selection of providers to control the individual recipient's overuse of care and services, provided the department can document this overuse. The department shall promulgate rules for determining the overuse of services, including rights of appeal by the recipient.

b. Advanced registered nurse practitioners licensed pursuant to chapter 152 shall be regarded as approved providers of health care services, including primary care, for purposes of managed care or prepaid services contracts under the medical assistance program. This paragraph shall not be construed to expand the scope of practice of an advanced registered nurse practitioner pursuant to chapter 152.

Sec. 244. Section 249A.6, subsection 3, paragraph c, Code 2009, is amended to read as follows:

c. An attorney representing an applicant for or recipient of assistance on a claim upon which the department has a lien under this section shall notify the department of the claim of which the attorney has actual knowledge, prior to filing a claim, commencing an action or negotiating a settlement offer.

(1) Actual knowledge under this section shall include the notice to the attorney pursuant to subsection 2.

(2) The mailing and deposit in a United States post office or public mailing box of the notice, addressed to the department at its state or district office location, is adequate legal notice of the claim.

Sec. 245. Section 252J.8, subsection 4, Code 2009, is amended to read as follows:

4. a. A licensing authority that is issued a certificate of noncompliance shall initiate procedures for the suspension, revocation, or denial of issuance or renewal of licensure to an individual. The licensing authority shall utilize existing rules and procedures for suspension, revocation, or denial of the issuance or renewal of a license.

b. In addition, the licensing authority shall provide notice to the individual of the licensing authority's intent to suspend, revoke, or deny issuance or renewal of a license under this chapter. The suspension, revocation, or denial shall be effective no sooner than thirty days following provision of notice to the individual.

c. The notice shall state all of the following:

~~a.~~ (1) The licensing authority intends to suspend, revoke, or deny issuance or renewal of an individual's license due to the receipt of a certificate of noncompliance from the unit.

~~b.~~ (2) The individual must contact the unit to schedule a conference or to otherwise obtain a withdrawal of a certificate of noncompliance.

~~c.~~ (3) Unless the unit furnishes a withdrawal of a certificate of noncompliance to the licensing authority within thirty days of the issuance of the notice under this section, the individual's license will be revoked, suspended, or denied.

~~d.~~ (4) If the licensing authority's rules and procedures conflict with the additional requirements of this section, the requirements of this section shall apply.

(5) Notwithstanding section 17A.18, the individual does not have a right to a hearing before the licensing authority to contest the authority's actions under this chapter but may request a court hearing pursuant to section 252J.9 within thirty days of the provision of notice under this ~~section~~ subsection.

Sec. 246. Section 252J.9, Code 2009, is amended to read as follows:

252J.9 DISTRICT COURT HEARING.

1. Following the issuance of a written decision by the unit under section 252J.6 which includes the issuance of a certificate of noncompliance, or following provision of notice to the individual by a licensing authority pursuant to section 252J.8, an individual may seek review of the decision and request a hearing before the district court as follows:

a. If the action is a result of section 252J.2, subsection 2, paragraph "a", in the county in which the underlying support order is filed, by filing an application with the district court, and sending a copy of the application to the unit by regular mail.

b. If the action is a result of section 252J.2, subsection 2, paragraph "b", and the individual is not an obligor, in a county in which the dependent child or children reside if the child or children reside in Iowa; in the county in which the dependent child or children last received public assistance if the child or children received public assistance in Iowa; or in the county in which the individual resides if the action is the result of a request from a child support agency in a foreign jurisdiction.

2. An application shall be filed to seek review of the decision by the unit or following issuance of notice by the licensing authority no later than within thirty days after the issuance of the notice pursuant to section 252J.8. The clerk of the district court shall schedule a hearing and mail a copy of the order scheduling the hearing to the individual and the unit and shall also mail a copy of the order to the licensing authority, if applicable. The unit shall certify a copy of its written decision and certificate of noncompliance, indicating the date of issuance, and the licensing authority shall certify a copy of a notice issued pursuant to section 252J.8, to the court prior to the hearing.

~~2.~~ 3. The filing of an application pursuant to this section shall automatically stay the actions of a licensing authority pursuant to section 252J.8. The hearing on the application shall be scheduled and held within thirty days of the filing of the application. However, if the individual fails to appear at the scheduled hearing, the stay shall be lifted and the licensing authority shall continue procedures pursuant to section 252J.8.

~~3.~~ 4. The scope of review by the district court shall be limited to demonstration of a mistake of fact relating to the delinquency of the obligor or the noncompliance of the individual with a subpoena or warrant. Issues related to visitation, custody, or other provisions not related to the support provisions of a support order are not grounds for a hearing under this chapter.

~~4.~~ 5. Support orders shall not be modified by the court in a hearing under this chapter.

~~5.~~ 6. If the court finds that the unit was in error in issuing a certificate of noncompliance, or in failing to issue a withdrawal of a certificate of noncompliance, the unit shall issue a withdrawal of a certificate of noncompliance to the appropriate licensing authority.

Sec. 247. Section 257.11, subsection 4, paragraph b, Code 2009, is amended to read as follows:

b. Notwithstanding paragraph "a", a school district which received supplementary weight-

ing for an alternative high school program for the school budget year beginning July 1, 1999, shall receive an amount of supplementary weighting for the next three school budget years as follows:

(1) For the budget year beginning July 1, 2000, the greater of the amount of supplementary weighting determined pursuant to paragraph "a", or sixty-five percent of the amount received for the budget year beginning July 1, 1999.

(2) For the budget year beginning July 1, 2001, the greater of the amount of supplementary weighting determined pursuant to paragraph "a", or forty percent of the amount received for the budget year beginning July 1, 1999.

(3) For the budget year beginning July 1, 2002, and succeeding budget years, the amount of supplementary weighting determined pursuant to paragraph "a".

c. If a school district receives an amount pursuant to ~~this~~ paragraph "b" which exceeds the amount the district would otherwise have received pursuant to paragraph "a", the department of management shall annually determine the amount of the excess that would have been state aid and the amount that would have been property tax if the school district had generated that amount pursuant to paragraph "a", and shall include the amounts in the state aid payments and property tax levies of school districts. The department of management shall recalculate the supplementary weighting amount received each year to reflect the amount of the reduction in funding from one budget year to the next pursuant to paragraph "b", subparagraphs (1) through (3). It is the intent of the general assembly that when weights are recalculated under this subsection, the total amounts generated by each weight shall be approximately equal.

Sec. 248. Section 275.41, subsection 5, Code 2009, is amended to read as follows:

5. The board of the newly formed district shall appoint an acting superintendent and an acting board secretary. The appointment of the acting superintendent shall not be subject to the continuing contract provision of sections 279.20, 279.23, and 279.24.

6. Section 49.8, subsection 4, shall not permit a director to remain on the board of a school district after the effective date of a boundary change which places the director's residence outside the boundaries of the district. Vacancies so caused on any board shall be filled in the manner provided in sections 279.6 and 279.7.

Sec. 249. Section 280.10, Code 2009, is amended to read as follows:

280.10 EYE-PROTECTIVE DEVICES.

1. Every student and teacher in any public or nonpublic school shall wear industrial quality eye-protective devices at all times while participating, and while in a room or other enclosed area where others are participating, in any phase or activity of a course which may subject the student or teacher to the risk or hazard of eye injury from the materials or processes used in any of the following courses:

~~1.~~ a. Vocational or industrial arts shops or laboratories involving experience with any of the following:

~~a.~~ (1) Hot molten metals.

~~b.~~ (2) Milling, sawing, turning, shaping, cutting, grinding or stamping of any solid materials.

~~c.~~ (3) Heat treatment, tempering or kiln firing of any metal or other materials.

~~d.~~ (4) Gas or electric arc welding.

~~e.~~ (5) Repair or servicing of any vehicle while in the shop.

~~f.~~ (6) Caustic or explosive materials.

~~2.~~ b. Chemical or combined chemical-physical laboratories involving caustic or explosive chemicals or hot liquids or solids when risk is involved. Visitors to such shops and laboratories shall be furnished with and required to wear the necessary safety devices while such programs are in progress.

2. It shall be the duty of the teacher or other person supervising the students in said courses to see that the above requirements are complied with. Any student failing to comply with such requirements may be temporarily suspended from participation in the course and the registra-

tion of a student for the course may be canceled for willful, flagrant or repeated failure to observe the above requirements.

3. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall provide the safety devices required herein. Such devices may be paid for from the general fund, but the board may require students and teachers to pay for the safety devices and shall make them available to students and teachers at no more than the actual cost to the district or school.

4. "Industrial quality eye-protective devices", as used in this section, means devices meeting American ~~National Standard, Practice~~ national standard, practice for ~~Occupational~~ occupational and ~~Educational Eye~~ educational eye and ~~Face Protection~~ face protection promulgated by the American ~~National Standards Institute, Inc~~ national standards institute, inc.

Sec. 250. Section 321.40, subsection 7, Code 2009, is amended to read as follows:

7. The county treasurer shall refuse to renew the registration of a vehicle registered to an applicant if the county treasurer knows that the applicant has one or more uncontested, delinquent parking tickets issued pursuant to section 321.236, subsection 1, paragraph ~~"a"~~ "b", subparagraph (1), owing to the county, or owing to a city with which the county has an agreement authorized under section 331.553. However, a county treasurer may renew the registration if the treasurer determines that an error was made by the county or city in identifying the vehicle involved in the parking violation or if the citation has been dismissed as against the owner of the vehicle pursuant to section 321.484. This subsection does not apply to the transfer of a registration or the issuance of a new registration. Notwithstanding section 28E.10, a county treasurer may utilize the department's vehicle registration and titling system to facilitate the purposes of this ~~paragraph~~ subsection.

Sec. 251. Section 321.105A, subsection 2, paragraph c, subparagraph (25), Code 2009, is amended to read as follows:

(25) Vehicles subject to registration under this chapter with a gross vehicle weight rating of less than sixteen thousand pounds, excluding motorcycles and motorized bicycles, when purchased for lease and titled by the lessor licensed pursuant to chapter 321F and actually leased for a period of twelve months or more if the lease of the vehicle is subject to the fee for new registration under subsection 3.

(a) A lessor may maintain the exemption under this subparagraph (25) for a qualifying lease that terminates at the conclusion or prior to the contracted expiration date if the lessor does not use the vehicle for any purpose other than for lease.

(b) Once the vehicle is used by the lessor for a purpose other than for lease, the exemption under this subparagraph (25) no longer applies and, unless there is another exemption from the fee for new registration, the fee for new registration is due on the fair market value of the vehicle determined at the time the lessor uses the vehicle for a purpose other than for lease, payable to the department.

(c) If the lessor holds the vehicle exclusively for sale, the fee for new registration is due and payable on the purchase price of the vehicle at the time of purchase pursuant to this subsection.

Sec. 252. Section 321.236, subsections 1, 12, and 13, Code 2009, are amended to read as follows:

1. Regulating the standing or parking of vehicles.

a. Parking meter, snow route, and overtime parking violations which are denied shall be charged and proceed before a court the same as other traffic violations. Filing fees and court costs shall be assessed as provided in section 602.8106, subsection 1 and section 805.6, subsection 1, paragraph "a" for parking violation cases.

b. Parking violations which are admitted:

~~a.~~ (1) May be charged and collected upon a simple notice of a fine payable to the city clerk, if authorized by ordinance. The fine for each violation charged under a simple notice of a fine shall be established by ordinance. The fine may be increased by five dollars if the parking vio-

lation is not paid within thirty days of the date upon which the violation occurred, if authorized by ordinance. Violations of section 321L.4, subsection 2, may be charged and collected upon a simple notice of a one hundred dollar fine payable to the city clerk, if authorized by ordinance. No costs or other charges shall be assessed. All fines collected by a city pursuant to this paragraph shall be retained by the city and all fines collected by a county pursuant to this paragraph shall be retained by the county, except as provided by an agreement between a city and a county treasurer for the collection of fines pursuant to section 331.553, subsection 8.

~~b.~~ (2) Notwithstanding any such ordinance, may be prosecuted under the provisions of sections 805.7 to 805.13 or as any other traffic violation.

c. (1) If the local authority regulating the standing or parking of vehicles under this subsection is located in a county where the renewal of registration of a vehicle shall be refused for unpaid restitution under section 321.40, the simple notice of fine under paragraph ~~"a"~~ "b" shall contain the following statement:

"FAILURE TO PAY RESTITUTION OWED BY YOU CAN BE GROUNDS FOR REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION."

(2) This paragraph "c" does not invalidate forms for notice of parking violations in existence prior to July 1, 1980. Existing forms may be used until supplies are exhausted.

d. (1) If the local authority regulating the standing or parking of vehicles under this subsection is a county or is a city which has an agreement with a county treasurer by which the renewal of registration of a vehicle shall be refused for uncontested and unpaid parking fines under section 321.40, the simple notice of a fine under paragraph ~~"a"~~ "b" shall contain the following statement:

"FAILURE TO PAY PARKING FINES OWED BY YOU CAN BE GROUNDS FOR REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION."

(2) This paragraph "d" does not invalidate forms for notice of parking violations in existence prior to July 1, 2007. Existing forms may be used until supplies are exhausted.

e. Cities that enter into chapter 28E agreements for the collection of delinquent parking fines in conjunction with renewal of motor vehicle registrations pursuant to section 321.40 shall be responsible for computer programming costs incurred by the department to accommodate the collection and dissemination of delinquent parking ticket information to county treasurers, with each such city paying a per capita share of the costs as provided in this paragraph. The department's programming costs shall be paid by the first city to enter into such an agreement. Thereafter, cities that enter into such agreements on or before June 30, 2010, shall pay a pro rata share of the department's programming costs on or before September 30, 2010, to the city which first paid the costs, based on the respective populations of each city as of the last decennial census.

12. Designating highways or portions of highways as snow routes.

a. When conditions of snow or ice exist on the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic if the driving wheels of the vehicle are not equipped with snow tires, tire chains, or a nonslip differential.

b. A person charged with impeding or blocking traffic for lack of snow tires, chains, or nonslip differential shall have the charge dismissed upon a showing to the court that the person's motor vehicle was equipped with snow tires, chains, or a nonslip differential.

13. Establishing a rural residence district.

a. The board of supervisors of a county with respect to highways under its jurisdiction may establish, by ordinance or resolution, rural residence districts and may, by ordinance or resolution, regulate the speed and parking of vehicles within the rural residence district consistent with sections 321.239, 321.285, and 321.293.

b. Before establishing a rural residence district, the board of supervisors shall hold a public hearing on the proposal, notice of which shall be published in a newspaper having a general circulation in the area where the proposed district is located at least twenty days before the date of hearing. The notice shall state the time and place of the hearing, the proposed location of the district, and other data considered pertinent by the board of supervisors.

Sec. 253. Section 423.4, subsection 6, paragraph a, Code 2009, is amended to read as follows:

a. (1) The owner of a collaborative educational facility in this state may make application to the department for the refund of the sales or use tax upon the sales price of all sales of goods, wares, or merchandise, or from services furnished to a contractor, used in the fulfillment of a written construction contract with the owner of the collaborative educational facility for the original construction, or additions or modifications to, a building or structure to be used as part of the collaborative educational facility.

(2) To receive the refund under this subsection, a collaborative educational facility must meet all of the following criteria:

~~(1)~~ (a) The contract for construction of the building or structure is entered into on or after April 1, 2003.

~~(2)~~ (b) The building or structure is located within the corporate limits of a city in the state with a population in excess of one hundred ninety-five thousand residents.

~~(3)~~ (c) The sole purpose of the building or structure is to provide facilities for a collaborative of public and private educational institutions that provide education to students.

~~(4)~~ (d) The owner of the building or structure is a nonprofit corporation governed by chapter 504 or former chapter 504A which is exempt from federal income tax pursuant to section 501(a) of the Internal Revenue Code.

(3) References to "building" or "structure" in ~~subparagraphs (1)~~ subparagraph (2), subparagraph divisions (a) through ~~(4)~~ (d) include any additions or modifications to the building or structure.

Sec. 254. Section 425A.4, subsection 4, Code 2009, is amended to read as follows:

4. The assessor shall retain a permanent file of current family farm credit claims filed in the assessor's office.

5. The county recorder shall give notice to the assessor of each transfer of title filed in the recorder's office. The notice shall describe the tract of agricultural land transferred, the name of the person transferring the title to the tract, and the name of the person to whom title to the tract has been transferred.

Sec. 255. Section 427B.2, subsection 3, Code 2009, is amended to read as follows:

3. The board of supervisors of a county which has not appointed a zoning commission may provide for a partial exemption from property taxation of the actual value added to industrial real estate as provided under section 427B.1 in an area where the partial exemption could not otherwise be granted under this chapter where the actual value added is to industrial real estate existing on July 1, 1979.

4. To grant an exemption under the provisions of this section, the county board of supervisors shall comply with all of the requirements imposed by this chapter upon the city council of a city.

Sec. 256. Section 445.36A, subsection 2, Code 2009, is amended to read as follows:

2. Partial payment of taxes which are delinquent may be made to the county treasurer. For the installment being paid, payment shall first be applied to any interest, fees, and costs accrued and the remainder applied to the taxes due. A partial payment must equal or exceed the amount of interest, fees, and costs of the installment being paid. A partial payment made under this subsection shall be apportioned in accordance with section 445.57. If the payment does not include the whole of any installment of the delinquent tax, the unpaid tax shall continue to accrue interest pursuant to section 445.39. Partial payment shall not be permitted in lieu of redemption if the property has been sold for taxes under chapter 446 and under any circumstances shall not constitute an extension of the time period for a sale under chapter 446.

3. Current year taxes may be paid at any time regardless of any outstanding prior year delinquent tax.

4. This section does not apply to the payment of manufactured or mobile home taxes, special assessments, or rates or charges.

Sec. 257. Section 450.68, Code 2009, is amended to read as follows:

450.68 INFORMATION CONFIDENTIAL.

1. a. Any and all information acquired by the department of revenue under and by virtue of the means and methods provided for by sections 450.66 and 450.67 shall be deemed and held as confidential and shall not be disclosed by the department except so far as the same may be necessary for the enforcement and collection of the inheritance tax provided for by the laws of this state; provided, however, that the director of revenue may authorize the examination of the information by other state officers, or, if a reciprocal arrangement exists, by tax officers of another state or of the federal government.

b. Federal tax returns, copies of returns, return information as defined in section 6103(b) of the Internal Revenue Code, and state inheritance tax returns, which are required to be filed with the department for the enforcement of the inheritance tax laws of this state, shall be deemed and held as confidential by the department. However, such returns or return information, may be disclosed by the director to officers or employees of other state agencies, subject to the same confidentiality restrictions imposed on the officers and employees of the department.

2. It shall be unlawful for any present or former officer or employee of the state to disclose, except as provided by law, any return, return information or any other information deemed and held confidential under the provisions of this section. Any person violating the provisions of this section shall be guilty of a serious misdemeanor.

Sec. 258. Section 554.2504, Code 2009, is amended to read as follows:

554.2504 SHIPMENT BY SELLER.

Where the seller is required or authorized to send the goods to the buyer and the contract does not require the seller to deliver them at a particular destination, then unless otherwise agreed the seller must:

~~a.~~ 1. ~~put~~ Put the goods in the possession of such a carrier and make such a contract for their transportation as may be reasonable having regard to the nature of the goods and other circumstances of the case; and

~~b.~~ 2. ~~obtain~~ Obtain and promptly deliver or tender in due form any document necessary to enable the buyer to obtain possession of the goods or otherwise required by the agreement or by usage of trade; and

~~c.~~ 3. ~~promptly~~ Promptly notify the buyer of the shipment. Failure to notify the buyer under ~~paragraph "c"~~ this subsection or to make a proper contract under ~~paragraph "a"~~ subsection 1 is a ground for rejection only if material delay or loss ensues.

Sec. 259. Section 554.2615, Code 2009, is amended to read as follows:

554.2615 EXCUSE BY FAILURE OF PRESUPPOSED CONDITIONS.

Except so far as a seller may have assumed a greater obligation and subject to section 554.2614 on substituted performance:

~~a.~~ 1. Delay in delivery or nondelivery in whole or in part by a seller who complies with ~~paragraphs "b"~~ subsections 2 and ~~"c"~~ 3, is not a breach of the seller's duty under a contract for sale if performance as agreed has been made impracticable by the occurrence of a contingency the nonoccurrence of which was a basic assumption on which the contract was made or by compliance in good faith with any applicable foreign or domestic governmental regulation or order whether or not it later proves to be invalid.

~~b.~~ 2. Where the causes mentioned in ~~paragraph "a"~~ subsection 1 affect only a part of the seller's capacity to perform, the seller must allocate production and deliveries among the seller's customers but may at the seller's option include regular customers not then under contract as well as the seller's own requirements for further manufacture. The seller may so allocate in any manner which is fair and reasonable.

~~c.~~ 3. The seller must notify the buyer seasonably that there will be delay or nondelivery and, when allocation is required under ~~paragraph "b"~~ subsection 2, of the estimated quota thus made available for the buyer.

Sec. 260. Section 716.6, Code 2009, is amended to read as follows:

716.6 CRIMINAL MISCHIEF IN THE FOURTH AND FIFTH DEGREES.

1. Criminal mischief is criminal mischief in the fourth degree if the cost of replacing, repairing, or restoring the property so damaged, defaced, altered, or destroyed exceeds two hundred dollars, but does not exceed five hundred dollars. Criminal mischief in the fourth degree is a serious misdemeanor.

2. All criminal mischief which is not criminal mischief in the first degree, second degree, third degree, or fourth degree is criminal mischief in the fifth degree. Criminal mischief in the fifth degree is a simple misdemeanor.

Sec. 261. Section 805.8A, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. For parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, the scheduled fine is five dollars, except if the local authority has established the fine by ordinance pursuant to section 321.236, subsection 1. The scheduled fine for a parking violation pursuant to section 321.236 increases by five dollars, as authorized by ordinance pursuant to section 321.236, subsection 1, if the parking violation is not paid within thirty days of the date upon which the violation occurred. For purposes of calculating the unsecured appearance bond required under section 805.6, the scheduled fine shall be five dollars, or if the amount of the fine is greater than five dollars, the unsecured appearance bond shall be the amount of the fine established by the local authority pursuant to section 321.236, subsection 1. However, violations charged by a city or county upon simple notice of a fine instead of a uniform citation and complaint as permitted by section 321.236, subsection 1, paragraph ~~"a"~~ "b", subparagraph (1), are not scheduled violations, and this section shall not apply to any offense charged in that manner. For a parking violation under section 321.362 or 461A.38, the scheduled fine is ten dollars.

Sec. 262. Section 907.3A, subsection 1, Code 2009, is amended to read as follows:

1. Notwithstanding section 907.3 but subject to any conditions of the waiver order, the trial court shall, upon a plea of guilty or a verdict of guilty, defer sentence of a youthful offender over whom the juvenile court has waived jurisdiction pursuant to section 232.45, subsection 7, and place the juvenile on youthful offender status. The court shall transfer supervision of the youthful offender to the juvenile court for disposition in accordance with section 232.52. The court shall require supervision of the youthful offender in accordance with section 232.54, subsection ~~8~~ 1, paragraph "h", or subsection 2 of this section. Notwithstanding section 901.2, a presentence investigation shall not be ordered by the court subsequent to an entry of a plea of guilty or verdict of guilty or prior to deferral of sentence of a youthful offender under this section.

Sec. 263. CODE EDITOR DIRECTIVES.

1. The Code editor is directed to renumber sections 554.2308, 554.2310, 554.2317, 554.2324, 554.2515, 554.2601, 554.2610, 554.2613, 554.2722, 554.4407, and 554.4503, Code 2009, in accordance with established Code section hierarchy and correct internal references in the Code and in any enacted Iowa Acts as necessary.

2. The Code editor is directed to number or renumber to eliminate unnumbered paragraphs in sections 85B.5, 123.107, 124.203, 126.15, 135B.11, 137F.7, 138.12, 147A.8, 152B.3, 154A.12, 160.5, 172A.11, 174.12, 182.15, 183A.5, 184.4, 189.9, 189A.3, 190.3, 199.7, 215A.6, 218.95, 222.43, 225C.37, 226.7, 229.25, 231.14, 236.3, 241.2, 252H.2, 280.9, 358.20, and 441.19, Code 2009, and correct internal references in the Code and in any enacted Iowa Acts as necessary.

3. The Code editor is directed to number or renumber to eliminate unnumbered paragraphs

within the following subunits in sections 85.38, subsection 2; 123.30, subsection 3; 123.53, subsection 2; 125.13, subsection 1; 125.80, subsection 1; 126.18, subsection 2; 135C.19, subsection 2; 135C.23, subsection 2; 135C.30, subsection 4; 139A.8, subsection 4; 142A.4, subsection 9; 148C.4, subsection 2; 153.33, subsection 1; 164.30, subsection 2; 166D.9, subsection 3; 175.36, subsection 1; 200.3, subsection 13; 200.8, subsection 1; 200.10, subsection 2; 200A.6, subsection 2; 203.19, subsection 2; 203C.12A, subsection 9; 206.19, subsection 5; 206.31, subsection 2; 207.12, subsection 1; 207.13, subsection 1; 214A.2, subsection 2; 216.17, subsection 1; 222.73, subsection 2; 226.1, subsection 2; 228.2, subsection 2; 228.5, subsection 2; 228.7, subsection 2; 229.2, subsection 1; 231C.17, subsection 4; 232.8, subsection 3; 232.21, subsection 2; 232.45, subsections 7, 11, and 14; 232.98, subsection 1; 232.102, subsection 1; 232.147, subsection 6; 234.1, subsection 2; 235A.1, subsection 1; 236.2, subsection 2; 237.20, subsections 1 and 4; 239B.2, subsection 3; 252.16, subsection 4; 252E.5, subsection 6; 252F.3, subsection 3; 252G.4, subsection 1; 256.44, subsection 1, paragraph "b"; 260C.22, subsections 3 and 4; 261A.7, subsection 4; 272C.3, subsection 4; 273.10, subsections 3 and 6; 275.25, subsections 1 and 2; and 424.3, subsection 1; Code 2009, and correct internal references in the Code and in any enacted Iowa Acts as necessary.

4. The Code editor is directed to strike the words "subparagraph subdivision" or "subparagraph subdivisions" and insert the words "subparagraph division" or "subparagraph divisions", as appropriate, in sections 7K.1, 8.41, 12C.16, 15A.9, 15E.208, 15E.209, 15G.203, 16.100, 34A.7A, 96.19, 97B.1A, 97B.8B, 97B.80C, 100B.31, 124.401, 135.11, 142C.3, 154C.3, 216.8A, 232.22, 235B.3, 235E.2, 249H.7, 257.31, 260C.18C, 321.105A, 331.441, 422.5, 427.1, 455B.474, 455E.11, 455F.8A, 455G.1, 455J.7, 457B.1, 490.1110, 501.412, 502A.4, 505A.1, 518.14, 518A.12, 523A.901, 523H.6, 602.8107, and 692B.2, Code 2009.

DIVISION III
EFFECTIVE DATES

Sec. 264. EFFECTIVE DATES — APPLICABILITY.

1. The section of this Act, amending 2008 Iowa Acts, chapter 1088, section 44, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2008.

2. The section of this Act, adding a new section to 2008 Iowa Acts, chapter 1088, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2008.

3. The section of this Act, amending 2008 Iowa Acts, chapter 1181, section 5, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2008.

4. The section of this Act, amending section 261E.12, subsection 1, paragraph "d", as enacted by 2008 Iowa Acts, chapter 1181, section 63, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2008.

5. The section of this Act, amending 2008 Iowa Acts, chapter 1187, section 9, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2008.

6. The section of this Act, adding a new section to 2008 Iowa Acts, chapter 1191, takes effect August 1, 2009.

Approved April 3, 2009

CHAPTER 42

CAMPAIGN FINANCE —
MISCELLANEOUS PROVISIONS

S.F. 49

AN ACT relating to the administration of campaign disclosure laws.

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

Section 1. Section 68A.101, Code 2009, is amended to read as follows:

68A.101 CITATION AND ADMINISTRATION.

This chapter may be cited as the "Campaign Disclosure – Income Tax Checkoff Act". The Iowa ethics and campaign disclosure board shall administer this chapter as provided in sections 68B.32, 68B.32A, 68B.32B, 68B.32C, and 68B.32D.

Sec. 2. Section 68A.301, subsection 1, Code 2009, is amended to read as follows:

1. A candidate's committee shall not accept contributions from, or make contributions to, any other candidate's committee including candidate's committees from other states or for federal office, unless the candidate for whom each committee is established is the same person. For purposes of this section, "contributions" includes monetary and in-kind contributions but does not include travel costs incurred by a candidate in attending a campaign event of another candidate and does not include the sharing of information in any format.

Sec. 3. Section 68A.303, subsection 6, Code 2009, is amended to read as follows:

6. ~~An individual or a political committee~~ A person shall not knowingly make transfers or contributions to a candidate or candidate's committee for the purpose of transferring the funds to another candidate or candidate's committee to avoid the disclosure of the source of the funds pursuant to this chapter. A candidate or candidate's committee shall not knowingly accept transfers or contributions from ~~an individual or political committee~~ any person for the purpose of transferring funds to another candidate or candidate's committee as prohibited by this subsection. A candidate or candidate's committee shall not accept transfers or contributions which have been transferred to another candidate or candidate's committee as prohibited by this subsection. The board shall notify candidates of the prohibition of such transfers and contributions under this subsection.

Sec. 4. Section 68A.402, subsection 1, Code 2009, is amended to read as follows:

1. FILING METHODS. Each committee shall file with the board reports disclosing information required under this section on forms prescribed by rule. ~~Reports~~ Except as set out in section 68A.401, reports shall be filed on or before the required due dates by using any of the following methods: mail bearing a United States postal service postmark, hand-delivery, facsimile transmission, electronic mail attachment, or electronic filing as prescribed by rule. Any report that is required to be filed five days or less prior to an election must be physically received by the board to be considered timely filed. For purposes of this section, "physically received" means the report is either electronically filed using the board's electronic filing system or is received by the board prior to 4:30 p.m. on the report due date.

Sec. 5. Section 68A.404, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. This section does not apply to a candidate, candidate's committee, state statutory political committee, county statutory political committee, or a political committee. This section does not apply to a federal committee or an out-of-state committee that makes an independent expenditure.

Sec. 6. Section 68A.503, subsection 4, paragraph c, Code 2009, is amended to read as follows:

c. The placement of campaign signs as permitted under section 68A.406.

Approved April 6, 2009

CHAPTER 43

IOWA FINANCE AUTHORITY —
MISCELLANEOUS CHANGES

S.F. 207

AN ACT relating to the Iowa finance authority by providing immunity for board members, providing administrative authority for the executive director, eliminating duties of the council on homelessness, defining projects under the bond bank program, and defining assets in, and providing for the use of moneys in, the housing trust fund.

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

Section 1. Section 16.1, subsection 1, paragraph ae, subparagraph (3), Code 2009, is amended to read as follows:

(3) Any project for which tax exempt financing is authorized by the Internal Revenue Code, together with any taxable financing necessary or desirable in connection with such project, which the authority finds furthers the goals of the authority and is consistent with the legislative findings.

Sec. 2. Section 16.2, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Neither members of the authority, nor persons acting on behalf of the authority while acting within the scope of their agency or employment, are subject to personal liability resulting from carrying out the powers and duties in this chapter.

Sec. 3. Section 16.6, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The executive director may establish administrative divisions within the authority in order to most efficiently and effectively carry out the authority's responsibilities, provided that any creation or modification of authority divisions be established only after consultation with the board of the authority.

Sec. 4. Section 16.100A, subsection 9, Code 2009, is amended by striking the subsection.

Sec. 5. Section 16.102, Code 2009, is amended to read as follows:

16.102 ESTABLISHMENT OF BOND BANK PROGRAM — BONDS AND NOTES — PROJECTS.

The authority may assist the development and expansion of family farming, soil conservation, housing, and business in the state through the establishment of the Iowa economic development bond bank program. The authority may issue its bonds or notes, or series of bonds or notes for the purpose of defraying the cost of one or more projects and make secured and unsecured loans for the acquisition and construction of projects on terms the authority determines. ~~For purposes of this section, projects shall include any of the following:~~

~~1. The acquisition of agricultural land and improvements and depreciable agricultural~~

~~property by beginning farmers for the implementation of permanent soil and water conservation practices and the acquisition of conservation farm equipment, or any other purpose for which loans may be made by the Iowa agricultural development authority pursuant to chapter 175.~~

~~2. A project defined in section 419.1, subsection 12, for which bonds or notes may be issued by a city or a county.~~

Sec. 6. Section 16.181, subsection 1, paragraph b, subparagraph (1), Code 2009, is amended by striking the subparagraph and inserting in lieu thereof the following:

(1) Any moneys received by the authority from the national housing trust fund created pursuant to the federal Housing and Economic Recovery Act of 2008, Pub. L. No. 110-289.

Sec. 7. Section 16.181, subsection 1, paragraph c, subparagraphs (1) and (2), Code 2009, are amended to read as follows:

(1) Local housing trust fund program. ~~Sixty~~ At least sixty percent of available moneys in the housing trust fund shall be allocated for the local housing trust fund program. ~~Any moneys remaining in the local housing trust fund program on April 1 of each fiscal year which have not been awarded to a local housing trust fund may be transferred to the project-based housing program at any time prior to the end of the fiscal year.~~

(2) Project-based housing program. ~~Forty percent of the available moneys in the housing trust fund shall be allocated to the~~ Moneys remaining in the housing trust fund after the allocation in subparagraph (1) shall be used to make awards to project-based housing programs located in areas where a local housing trust fund does not exist or for a project-based housing program that is not eligible for funding through a local housing trust fund.

Sec. 8. Section 16.181, subsection 3, Code 2009, is amended by striking the subsection.

Approved April 6, 2009

CHAPTER 44

LOCAL WATERSHED IMPROVEMENT GRANTS — EXTENSIONS

S.F. 268

AN ACT providing for the award of local watershed improvement grants.

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

Section 1. Section 466A.3, subsection 4, paragraph a, Code 2009, is amended to read as follows:

a. Award local watershed improvement grants and monitor the progress of local watershed improvement projects awarded grants. A local watershed improvement grant may be awarded for ~~a~~ an original period not to exceed ~~three~~ five years. However, during those five years, the board may extend the period of the award for up to five additional years after the date that the original period would have ended. Each local watershed improvement grant awarded shall not exceed ten percent of the moneys appropriated for the grants during a fiscal year.

Approved April 6, 2009

CHAPTER 45

DEATH OF ARMED FORCES MEMBER —
RECOGNITION — PRESENTATION OF FLAGS

S.F. 112

AN ACT providing for presentation of flags flown at half-staff over the state capitol in recognition of the death of a member of the armed forces of the United States while serving on active duty.

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

Section 1. NEW SECTION. 35A.18 PRESENTATION OF FLAGS.

1. For the purposes of this section, unless the context otherwise requires, "member of the armed forces of the United States" means a person who was a resident of this state and a member of the national guard, reserve, or regular component of the armed forces of the United States at the time of the person's death.

2. If the governor issues a proclamation for the national and state flags to be flown at half-staff in recognition of the death of a member of the armed forces of the United States while serving on active duty, the office of the governor shall present the flags that were flown over the state capitol to the member's surviving spouse. If the member does not have a surviving spouse, the two flags shall be presented to another individual who is part of the member's immediate family. The cost of the flags is the responsibility of the department.

Approved April 8, 2009

CHAPTER 46

CLAIMS AGAINST SPECIAL CHARTER CITIES —
LIMITATIONS

S.F. 150

AN ACT relating to notice of claims and the statute of limitation period in an action involving a claim against a special charter city.

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

Section 1. Section 420.44, Code 2009, is amended to read as follows:

420.44 UNLIQUIDATED CLAIM — LIMITATION OF ACTION.

~~No suit~~ An action shall be brought against any such city for any unliquidated claim or demand ~~unless~~ within ~~three months from the time the same became due or cause of action accrued thereon, nor unless a written, verified statement of the general nature, cause, and amount of same is filed with the clerk or recorder thirty days before the commencement of such suit~~ two years after the alleged injury or damage.

Sec. 2. Section 420.45, Code 2009, is amended to read as follows:

420.45 CLAIMS FOR PERSONAL INJURY — LIMITATION.

In all cases of personal injury or damage to property resulting from defective streets or sidewalks, or from any cause originating in the neglect or failure of any municipal corporation or its officers to perform their duties, ~~no suit~~ an action shall be brought against any such city ~~after three months~~ within two years ~~from the time of~~ after the alleged injury or damage~~, and not then~~

~~unless a written verified statement of the amount, nature, and cause of such injury or damage, and the time when and the place where such injury occurred, and the particular defect or negligence of the city or its officers which it is claimed caused or contributed to the injury or damage, shall be presented to the council or filed with the clerk within thirty days after said alleged injury or damage was sustained~~.

Approved April 8, 2009

CHAPTER 47

INCOME TAX RETURN DEADLINES
FOR ACTIVE DUTY MILITARY PERSONNEL

S.F. 253

AN ACT relating to the time allowed certain active duty military personnel to file a state income tax return and including a retroactive applicability date provision.

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

Section 1. Section 422.21, unnumbered paragraph 2, Code 2009, is amended to read as follows:

An individual in the armed forces of the United States serving in an area designated by the president of the United States or the United States Congress as a combat zone or as a qualified hazardous duty area, or deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the United States secretary of defense as a contingency operation as defined in 10 U.S.C. § 101(a)(13), or which became such a contingency operation by the operation of law, or an individual serving in support of those forces, is allowed the same additional time period after leaving the combat zone or the qualified hazardous duty area, or ceasing to participate in such contingency operation, or after a period of continuous hospitalization, to file a state income tax return or perform other acts related to the department, as would constitute timely filing of the return or timely performance of other acts described in section 7508(a) of the Internal Revenue Code. An individual on active duty federal military service in the armed forces, armed forces military reserve, or national guard who is deployed outside the United States in other than a combat zone, qualified hazardous duty area or contingency operation is allowed the same additional period of time described in section 7508(a) of the Internal Revenue Code to file a state income tax return or perform other acts related to the department. For the purposes of this paragraph, "other acts related to the department" includes filing claims for refund for any tax administered by the department, making tax payments other than withholding payments, filing appeals on the tax matters, filing other tax returns, and performing other acts described in the department's rules. The additional time period allowed applies to the spouse of the individual described in this paragraph to the extent the spouse files jointly or separately on the combined return form with the individual or when the spouse is a party with the individual to any matter for which the additional time period is allowed.

Sec. 2. RETROACTIVE APPLICABILITY. This Act applies retroactively to January 1, 2008, for tax years beginning on or after that date.

Approved April 8, 2009

CHAPTER 48

REGULATION OF CREDIT UNIONS —
COMPLAINT RESPONSE PROCESS

H.F. 180

AN ACT providing for the development of a complaint response process by the superintendent of credit unions and relating to the confidentiality of information obtained during the course of that process.

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

Section 1. Section 22.7, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 62. Information obtained by the superintendent of credit unions in connection with a complaint response process as provided in section 533.501, subsection 3.

Sec. 2. Section 533.501, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 3. COMPLAINT RESPONSE PROCESS. The superintendent shall adopt rules establishing a complaint response process that shall include provisions relating to but not limited to complaint intake, preliminary informal and formal investigation procedures, complaint dismissal procedures, and imposition of remedial sanctions through an administrative resolution procedure or a contested case hearing.

a. Notwithstanding chapter 22, the superintendent shall keep confidential any social security number, residence address, or residence telephone number obtained in connection with a complaint intake, investigation, dismissal, or imposition of remedial sanctions, and may keep confidential the name of the complainant, the name of the subject of the complaint, and any other information obtained in connection with a complaint intake, investigation, dismissal, or imposition of remedial sanctions, if disclosure is not required in the performance of the duties of the superintendent, or in order to accomplish the provisions of this chapter, or otherwise required by law. At the discretion of the superintendent, the name of the complainant, residence address of the complainant, and residence telephone number of the complainant may be provided to the subject of the complaint, or to an authorized agent of such person, without waiving the confidentiality afforded by this subsection, provided that the superintendent has notified the complainant in advance of such disclosure. Disclosure or release of information by the superintendent in the course of an administrative or judicial proceeding shall not constitute a violation of this subsection.

b. Notwithstanding chapter 22, or paragraph "a" of this subsection, if the superintendent determines it is necessary or appropriate in the public interest or for the protection of the public, the superintendent may share information with other regulatory authorities or government agencies and may publish information concerning a complaint if it is determined that there is or has been a violation of this chapter, the laws of this state or the United States, or a rule promulgated or order issued pursuant to this chapter. Such information as the superintendent deems appropriate may be redacted so that the sharing, releasing, or publishing of the information in accordance with this subsection does not make available personally identifiable information.

Approved April 8, 2009

CHAPTER 49

ENFORCEMENT OF WAGE PAYMENT COLLECTION
AND CHILD LABOR LAWS

H.F. 618

AN ACT relating to the duties of the labor commissioner pursuant to wage payment collection and child labor law enforcement, and providing penalties.

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

DIVISION I
WAGE PAYMENT COLLECTION PENALTIES

Section 1. Section 91A.12, subsection 1, Code 2009, is amended to read as follows:

1. Any employer who violates the provisions of this chapter or the rules promulgated under it shall be subject to a civil money penalty of not more than ~~one~~ five hundred dollars per pay period for each violation. The commissioner may recover such civil money penalty according to the provisions of subsections 2 to 5. Any civil money penalty recovered shall be deposited in the general fund of the state.

DIVISION II
CHILD LABOR VIOLATION PENALTIES

Sec. 2. Section 92.11, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. ~~In~~ For cases where ~~none of~~ the ~~above-named~~ proofs designated in paragraphs "a" and "b" are not obtainable, documentation issued by the federal government that is deemed by the commissioner to be sufficient evidence of age, or an affidavit signed by a licensed ~~a certificate, signed by the local medical inspector of schools, or if there be no such inspector, then by a~~ physician ~~appointed by the local board of education,~~ certifying that in the ~~inspector's or~~ physician's opinion the applicant for the work permit is fourteen years of age or more.

Sec. 3. Section 92.19, Code 2009, is amended to read as follows:

92.19 VIOLATIONS BY PARENT OR GUARDIAN.

1. No parent, guardian, or other person, having under the parent's, guardian's, or other person's control any person under eighteen years of age, shall ~~willfully~~ negligently permit said person to work or be employed in violation of the provisions of this chapter.

2. No person shall ~~willfully~~ negligently make, certify to, or cause to be made or certified any statement, certificate, or other paper for the purpose of procuring the employment of any person in violation of this chapter.

3. No person shall make, file, execute, or deliver any statement, certificate, or other paper containing false statements for the purpose of procuring employment of any person in violation of this chapter.

4. No person, firm, or corporation, or any agent thereof shall ~~willfully~~ negligently conceal or permit a person to be employed in violation of this chapter.

5. No person, firm, or corporation shall refuse to allow any authorized persons to inspect the place of business or provide information necessary to the enforcement of this chapter.

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

92.20 PENALTY.

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

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

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

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

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

92.21 RULES AND ORDERS OF LABOR COMMISSIONER.

1. The labor commissioner may adopt rules to more specifically define the occupations and equipment permitted or prohibited in this chapter, to determine occupations for which work permits are required, and to issue general and special orders prohibiting or allowing the employment of persons under eighteen years of age in any place of employment defined in this chapter as hazardous to the health, safety, and welfare of the persons.

2. The labor commissioner shall adopt rules specifically defining the civil penalty amount to be assessed for violations of this chapter.

Sec. 6. Section 92.22, Code 2009, is amended to read as follows:

92.22 LABOR COMMISSIONER TO ENFORCE.

1. The labor commissioner shall enforce this chapter. An employer who violates this chapter or the rules adopted pursuant to this chapter is subject to a civil penalty of not more than ten thousand dollars for each violation.

2. The commissioner shall notify the employer of a proposed civil penalty by service in the same manner as an original notice or by certified mail. If, within fifteen working days from the receipt of the notice, the employer fails to file a notice of contest in accordance with rules adopted by the commissioner pursuant to chapter 17A, the penalty, as proposed, shall be deemed final agency action for purposes of judicial review.

3. The commissioner shall notify the department of revenue upon final agency action regarding the assessment of a penalty against an employer. Interest shall be calculated from the date of final agency action.

4. Judicial review of final agency action pursuant to this section may be sought in accordance with the terms of section 17A.19. If no petition for judicial review is filed within sixty days after service of the final agency action of the commissioner, the commissioner's findings of fact and final agency action shall be conclusive in connection with any petition for enforcement which is filed by the commissioner after the expiration of the sixty-day period. In any such case, the clerk of court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the final agency action and shall transmit a copy of the decree to the commissioner and the employer named in the petition.

5. Any penalties recovered pursuant to this section shall be remitted by the commissioner to the treasurer of state for deposit in the general fund of the state.

6. Mayors and police officers, sheriffs, school superintendents, and school truant and attendance officers, within their several jurisdictions, shall ~~co-operate~~ cooperate in the enforcement of this chapter and furnish the commissioner and the commissioner's designees with all information coming to their knowledge regarding violations of this chapter. All such officers and any person authorized in writing by a court of record shall have the authority to enter, for the purpose of investigation, any of the establishments and places mentioned in this chapter and to freely question any person therein as to any violations of this chapter.

7. County attorneys shall investigate all complaints made to them of violations of this chapter, and prosecute all such cases of violation within their respective counties.

Approved April 8, 2009

CHAPTER 50

SCHOOLS AND SCHOOL DISTRICTS —
ACCREDITATION AND REORGANIZATION

S.F. 360

AN ACT relating to the accreditation of school districts and nonpublic schools and the reorganization of school districts.

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

Section 1. Section 256.11, subsection 10, paragraph b, subparagraph (5), Code 2009, is amended to read as follows:

(5) After visiting the school district or nonpublic school, the accreditation committee shall determine whether the accreditation standards have been met and shall make a report to the director, together with a recommendation whether the school district or nonpublic school shall remain accredited. ~~The accreditation committee shall report strengths and weaknesses, if any, for each standard and shall advise the school or school district of available resources and technical assistance to further enhance strengths and improve areas of weakness. A school district or nonpublic school shall be provided with the opportunity to respond to the accreditation committee's report.~~ If the recommendation is that a school district or nonpublic school not remain accredited, the accreditation committee shall provide the school district or nonpublic school with a report that includes a list of all of the deficiencies, a plan prescribing the actions that must be taken to correct the deficiencies, and a deadline date for completion of the prescribed actions. The accreditation committee shall advise the school district or nonpublic school of available resources and technical assistance to improve areas of weakness. The school district or nonpublic school shall be provided with the opportunity to respond to the accreditation committee's report. The director shall review the accreditation committee's report and the response of the school district or nonpublic school and shall provide a report to the state board along with copies of the accreditation committee's report, the response to the accreditation committee's report, and other pertinent information. At the request of the school district or nonpublic school, the school district or nonpublic school may appear before the state board and address the state board directly regarding any part of the plan specified in the report. The state board may modify the plan. During the period of time specified in the plan for its implementation by a school district or nonpublic school, the school district or school shall remain accredited.

Sec. 2. Section 256.11, subsections 11 and 12, Code 2009, are amended by striking the subsections and inserting in lieu thereof the following:

11. The accreditation committee shall revisit the school district or nonpublic school and shall determine whether the deficiencies in the standards have been corrected.

a. The accreditation team shall make a report and recommendation to the director and the state board. The committee recommendation shall specify whether the school district or nonpublic school shall remain accredited. For a school district, the committee report and recommendation shall also specify under what conditions the district may remain accredited. The conditions may include but are not limited to providing temporary oversight authority, operational authority, or both oversight and operational authority to the director and the state board for some or all aspects of the school district in order to bring the school district into compliance with minimum standards.

b. The state board shall review the report and recommendation, may request additional information, and shall determine whether the deficiencies have been corrected.

c. If the deficiencies have not been corrected, and the conditional accreditation alternatives contained in the report are not mutually acceptable to the state board and the local board, the state board shall merge the territory of the school district with one or more contiguous school districts at the end of the school year. The state board may place a district under receivership

for the remainder of the school year. The receivership shall be under the direct supervision and authority of the area education agency in which the district is located. The decision of whether to merge the school district and require payment of tuition for the district's students or to place the district under receivership shall be based upon a determination by the state board of the best interests of the students, parents, residents of the community, teachers, administrators, and school district board members and upon the recommendations of the accreditation committee and the director.

d. In the case of a nonpublic school, if the deficiencies have not been corrected, the state board may declare a nonpublic school to be nonaccredited. The removal of accreditation shall take effect on the date established by the resolution of the state board, which shall be no later than the end of the school year in which the nonpublic school is declared to be nonaccredited.

12. If the state board removes accreditation from a school district and merges the territory of the school district with one or more contiguous school districts, the district whose accreditation is removed ceases to exist as a school corporation on the effective date set by the state board for removal of accreditation. Notwithstanding any other provision of law, the contiguous school districts receiving territory of the former school district whose accreditation was removed are not considered successor school corporations of the former district.

a. Division of assets and liabilities of the school district whose accreditation was removed shall be as provided in sections 275.29 through 275.31.

(1) If one or more of the contiguous school districts receiving assets and liabilities of the school district whose accreditation was removed utilizes the equalization levy, only that territory in the school district imposing the equalization levy that comprises territory of the former school district shall be taxed.

(2) Income surtax revenue and revenues generated by property taxes shall be distributed proportionately based on taxable value of the territory received by one or more school districts contiguous to the former school district whose accreditation was removed.

(3) Revenues that are based on student enrollment shall be distributed based on percentages of students of the school district whose accreditation was removed who now reside in territory received by one or more school districts contiguous to the school district whose accreditation was removed.

b. Prior to the effective date set by the state board for removal of accreditation, the school district whose accreditation is to be removed shall remain responsible for, and may retain such authority as is necessary to complete, all of the following:

(1) Execution of one or more quitclaim deeds, in fulfillment of the merger of territory received by one or more contiguous school districts from the former school district whose accreditation was removed.

(2) Preparation of and payment for a final audit of all the district's financial accounts.

(3) Preparation and certification of a final certified annual report to the department.

c. The provisions of section 275.57 apply when removal of accreditation from a school district and merger of its territory with a contiguous school district that is currently divided into director districts leads to the formation of new director districts.

Sec. 3. Section 275.53, Code 2009, is amended to read as follows:

275.53 DISSOLUTION PROPOSAL.

1. The commission shall send a copy of its dissolution proposal or shall inform the board that it cannot agree upon a dissolution proposal not later than one year following the date of the organizational meeting of the commission. The commission shall also send a copy of the dissolution proposal ~~by registered mail~~ to the boards of directors of all school districts to which area of the affected school district will be attached. If the board of a district to which area of the affected school district will be attached objects to the attachment, within ten days following receipt of the dissolution proposal the board shall send its objections in writing to the commission. The commission may consider the objections and may modify the dissolution proposal. If the dissolution proposal is modified, the commission shall notify ~~by registered mail~~ the boards of directors of all school districts to which area of the affected school district will be attached.

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

a. Mail bearing a United States postal service postmark.

b. Hand delivery.

c. Facsimile transmission.

d. Electronic delivery.

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

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

275.54 HEARING.

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

2. The board shall notify ~~by registered mail~~ the boards of directors of all school districts to which area of the affected school district will be attached and the director of the department of education of the contents of the dissolution proposal adopted by the board. The notification shall be delivered using one of the following methods:

a. Mail bearing a United States postal service postmark.

b. Hand delivery.

c. Facsimile transmission.

d. Electronic delivery.

3. If the board of a district to which area of the affected school district will be attached objects to the attachment, that portion of the dissolution proposal will not be included in the proposal voted upon under section 275.55 and the director of the department of education shall attach the area to a contiguous school district.

4. If the board of a district to which area of the affected school district will be attached objects to the division of assets and liabilities contained in the dissolution proposal, ~~section 275.30 applies for the division of assets and liabilities to that district~~ the matter shall be decided by a panel of disinterested arbitrators. The panel shall consist of one arbitrator selected by each affected district objecting to the provisions of the dissolution proposal, one selected by each affected district in favor of the provisions of the dissolution proposal, and one selected by each dissolving district. If the number of arbitrators selected is even, a disinterested arbitrator shall be selected by the administrator of the area education agency to which the dissolving district or districts belong. The decision of the arbitrators shall be made in writing and filed with the secretary of the new corporation. A party to the proceedings may appeal the decision to the district court by serving notice on the secretary of the new school corporation within twenty days after the decision is filed. The appeal shall be tried in equity and a decree entered determining the entire matter, including the levy, collection, and distribution of any necessary taxes.

5. If a dissolution proposal adopted by a board contains provisions that ninety-five percent or more of the taxable valuation of the dissolving district would be assumed and attached to a single school district, the dissolving school district shall cease further proceedings to dissolve and shall comply with reorganization procedures specified in this chapter.

Sec. 5. Section 275.55, subsections 1 and 2, Code 2009, are amended to read as follows:

1. After the final hearing on the dissolution proposal, the board of the school district shall submit the proposition to the voters at ~~an~~ the next election held on a date specified in section

39.2, subsection 4, paragraph "c". However, the date of the final hearing on the dissolution proposal must be not less than thirty nor more than sixty days before the election. The proposition submitted to the voters residing in the school district shall describe each separate area to be attached to a contiguous school district and shall name the school district to which it will be attached. In addition to the description, a map may be included in the summary of the question on the ballot.

2. The board shall give written notice of the ~~proposed date of the~~ election to the county commissioner of elections. The county commissioner of elections shall give notice of the election by one publication in the same newspaper in which the previous notice was published about the hearing, which publication shall not be less than four nor more than twenty days prior to the election.

Approved April 9, 2009

CHAPTER 51

CIVIL ACTIONS AND
PROCEEDINGS AFFECTING REAL ESTATE

S.F. 364

AN ACT relating to civil actions including certain limitations on actions, judgments, and executions and including actions relating to the foreclosure of real estate mortgages, and providing effective date and applicability provisions.

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

Section 1. NEW SECTION. 614.18A JUDGMENT AND DECREE AFFECTING REAL PROPERTY.

In an action in which the court had jurisdiction of the aggrieved party, a motion or other legal proceeding attacking the validity of the judgment or decree based on noncompliance with the requirements of rule of civil procedure 1.972 shall not affect the interests of any purchaser or mortgagee for value of the real property involved unless the motion or proceeding is initiated within thirty days after the recording of the sheriff's deed or within ninety days after the filing of a judgment or decree not providing for the issuance of a sheriff's deed.

Sec. 2. Section 615.1, subsection 1, Code 2009, is amended to read as follows:

1. After the expiration of a period of two years from the date of entry of judgment, exclusive of any time during which execution on the judgment was stayed pending a bankruptcy action or order of court, a judgment entered in ~~either~~ any of the following actions shall be null and void, all liens shall be extinguished, and no execution shall be issued ~~for any purpose other than~~ except as a setoff or counterclaim:

a. (1) ~~An~~ For a real estate mortgage, deed of trust, or real estate contract executed prior to July 1, 2009, an action for the foreclosure of ~~a~~ the real estate mortgage, deed of trust, or real estate contract upon property which at the time ~~of judgment~~ the foreclosure is commenced is either used for an agricultural purpose as defined in section 535.13 or as a one-family or two-family dwelling which is the residence of the mortgagor.

(2) For a real estate mortgage, deed of trust, or real estate contract executed on or after July 1, 2009, an action for the foreclosure of the real estate mortgage, deed of trust, or real estate

contract upon property which at the time of the execution of the mortgage, deed, or contract is either used for, or is being acquired for, an agricultural purpose as defined in section 535.13 or as a one-family or two-family dwelling which is the residence of the mortgagor.

b. An action on a claim for rent.

Sec. 3. Section 626.81, Code 2009, is amended to read as follows:

626.81 SALE POSTPONED.

When there are no bidders, or when the amount offered is grossly inadequate, ~~or~~ when from any cause the sale is prevented from taking place on the day fixed, when requested by the judgment creditor, or when the parties so agree, the officer may postpone the sale ~~for not more than three days~~ without being required to give any further notice thereof, which postponement shall be publicly announced at the time the sale was to have been made, but not more than two such adjournments of not more than sixty days in the aggregate shall be made, except by agreement of the parties in writing and made a part of the return upon the execution.

Sec. 4. NEW SECTION. 654.1A MAINTENANCE OF MORTGAGOR PROTECTIONS — DISCONTINUATION OF OCCUPATION.

For purposes of sections 615.1, 615.3, 628.28, 654.2D, 654.20, 654.21, and 654.26, property shall be deemed the residence of and occupied by the mortgagor where occupation has ceased because of the effects of natural disaster, injury to the property not willfully caused by the mortgagor, or the mortgagor's state military service or federal military service as those terms are defined in section 29A.1.

Sec. 5. NEW SECTION. 654.4A SERVICE OF PROCESS — IN REM RELIEF.

In addition to any other form of service authorized by law, where in rem relief is the only relief requested in a foreclosure action against either a party or a person to be served with a notice pursuant to section 654.15B, all of the following shall apply:

1. If the person to be served is a judgment creditor, service may be made by certified mail, with proof of delivery, to the judgment creditor's registered agent or to the judgment creditor at the judgment creditor's principal place of business in the state where the business is organized, as indicated by the records in the office of the secretary of state, or to the judgment creditor at the last address indicated in the case in which the judgment was entered.

2. Upon affidavit that service cannot be made on a judgment creditor either pursuant to subsection 1 or by personal service in this state, service may be made by certified mail, with proof of delivery, on the judgment creditor's attorney of record if that attorney is a practicing attorney in this state, along with a copy of this section, and a payment of ten dollars. The attorney shall forward the notice by ordinary mail to the judgment creditor's last known address but the attorney shall have no further duties under this section with respect to the notice.

3. An attorney who agrees to accept service on behalf of a judgment creditor may charge a reasonable fee, not to exceed ten dollars, for accepting service.

4. If a person, other than a governmental taxing unit, is an interested person with respect to a decedent's estate in probate, the person may be named generally as a person interested in the decedent's estate and service of process shall be made by personal service or certified mail, along with proof of delivery, on the attorney for the personal representative. If the estate is probated in this state and a person has requested notice pursuant to section 633.42, the mortgagee shall also serve that person or the person's attorney by ordinary mail at the address specified in the request for notice. A person so served may intervene as a named defendant as a matter of right.

5. If a defendant, other than a governmental taxing unit, is a person whose identity is not reasonably ascertainable, and the person has an interest in a decedent's estate not probated in this state, such person may be named generally as a person with an interest in the decedent's estate and service of process shall be made by publication unless the mortgagee has actual notice that the decedent's estate is probated in another state. A person so served may intervene as a named defendant as a matter of right.

Sec. 6. NEW SECTION. 654.4B ACCELERATION OF INDEBTEDNESS — NOTICE OF MORTGAGE MEDIATION ASSISTANCE.

1. Prior to commencing a foreclosure on the accelerated balance of a mortgage loan and after termination of any applicable cure period, including but not limited to those provided in section 654.2A or 654.2D, a creditor shall give the borrower a fourteen-day demand for payment of the accelerated balance to qualify for an award of attorney fees under section 625.25 on the accelerated balance.

2. a. Prior to filing a petition under this chapter on a one-family or two-family dwelling that is the residence of the owner, the creditor shall inform the owner of the availability of counseling and mediation on a form as the attorney general may prescribe. The notice required by this section shall be mailed by ordinary mail to the owner along with the notice of acceleration or other initial communication from the attorney representing the creditor in the action, and shall also be served on the owner with the original notice and petition seeking foreclosure. If, following application by the owner or on its own motion, the court finds that the notice was not served on the owner as required by this subsection and that the owner desires counseling or mediation, the court shall grant to the owner a delay of the sheriff's sale or, in the event the sheriff's sale has occurred and the mortgagee or its affiliate was the winning bidder at the sheriff's sale, a delay of the recording of the sheriff's deed. In either case, the delay shall not exceed sixty days. If the affidavit of service for the original notice in the court file indicates that the notice required by this subsection was served on the owner, there shall be a rebuttable presumption that the notice was served as required by this subsection. The court may grant an application for a delay pursuant to this subsection ex parte only if the court file does not show service of the notice on the owner along with the original notice. Objection to the failure of the mortgagee to serve the notice is barred unless an application under this subsection is timely filed and is granted before the date of the sale or recording, respectively. If the court delays the sheriff's sale, the new sale date and time shall be announced orally by the sheriff at the time previously scheduled for sale, and the mortgagee need not republish and serve notice of the rescheduled sale.

b. This subsection is repealed July 1, 2011.

Sec. 7. Section 654.5, Code 2009, is amended to read as follows:

654.5 JUDGMENT — SALE AND REDEMPTION.

1. When a mortgage or deed of trust is foreclosed, the court shall do all of the following:

a. ~~render~~ Render judgment for the entire amount found to be due~~, and must direct~~.

b. Direct the mortgaged property, or so much thereof as is necessary, to be sold to satisfy the judgment, with interest and costs.

c. Determine issues of title raised in the pleadings to establish the rights and priorities of the parties and persons served with notice pursuant to section 654.15B in the property subject to foreclosure as may be reasonably necessary to allow a purchaser at a sheriff's sale to obtain clear title.

2. A special execution shall issue ~~accordingly~~ under such conditions as the decree may prescribe, and the sale under the special execution is subject to redemption as in cases of sale under general execution unless the plaintiff has elected foreclosure without redemption under section 654.20.

3. The clerk shall provide a copy of the decree by ordinary or electronic mail to all parties in the foreclosure proceeding and all persons served with notices under section 654.15B.

Sec. 8. Section 654.15B, Code 2009, is amended to read as follows:

654.15B RIGHT TO INTERVENE — NOTICE.

A lender may serve a judgment creditor in a foreclosure action with notice in substantially the following form advising the creditor that the property that is the subject of the foreclosure action shall be foreclosed and describing the creditor's interest in the action and that unless such creditor intervenes in the foreclosure action such creditor shall lose the creditor's interest in the mortgaged property. Unless the creditor intervenes within thirty days of the service of

notice, the court may adjudicate the creditor's rights against the property as if the creditor had been added as a defendant and default had been entered against the defendant. If a creditor cannot be located for personal service, the plaintiff may, at any time prior to sixty days before the date of trial, amend the petition as a matter of right to add the creditor as a defendant for service by publication as provided by rule. The notice prescribed by this section is as follows:

NOTICE OF PENDING FORECLOSURE

To: (Name and address of creditor)

Date: (Enter date)

~~Plaintiff~~ (Name of foreclosing party) has filed a foreclosure of mortgage against the property of (titleholder) located at (street address of property) which is legally described as (legal description). This foreclosure was filed as (Plaintiff v. Defendant), Case # (. . . . . .), in the Iowa District Court for (. . . . . .) County and is intended to foreclose a mortgage dated (date of mortgage) and recorded on (date of recording) in the (county recorder's office). You have an apparent interest in the property because ~~(description of creditor's interest)~~ of an apparent judgment lien in (short caption of case, case number, court where judgment entered, and judgment date). If you desire to protect this interest, you have the right to intervene in the foreclosure action within thirty days of the service of notice by filing an intervention with the clerk of court in (. . . . . .) County. Unless you intervene in the foreclosure, the foreclosure may eliminate any interest you have in the property but will not otherwise affect your rights. If you have any questions about this notice, contact your attorney. Whether or not you intervene, the foreclosure may have certain tax consequences to you about which you should consult your tax advisor.

. . . . . .

Name, address, and telephone number of attorney representing ~~plaintiff~~ (name of foreclosing party).

Sec. 9. Section 654.17, Code 2009, is amended to read as follows:

654.17 RECISION OF FORECLOSURE.

1. At any time prior to the recording of the sheriff's deed, and before the mortgagee's rights become unenforceable by operation of the statute of limitations, the judgment creditor, or the judgment creditor who is the successful bidder at the sheriff's sale, ~~with the written consent of the mortgagor~~ may rescind the foreclosure action by filing a notice of recision with the clerk of court in the county in which the property is located along with a filing fee of fifty dollars. In addition, if the original loan documents are contained in the court file, the mortgagee shall pay a fee of twenty-five dollars to the clerk of the district court. Upon the payment of the fee, the clerk shall make copies of the original loan documents for the court file, and return the original loan documents to the mortgagee.

2. Upon the filing of the notice of recision, the mortgage loan shall be enforceable according to the original terms of the mortgage loan and the rights of all persons with an interest in the property may be enforced as if the foreclosure had not been filed. Except as otherwise provided in this section, the filing of a recision shall operate as a setting aside of the decree of foreclosure and a dismissal of the foreclosure without prejudice, with costs assessed against the plaintiff. However, any findings of fact or law shall be preclusive for purposes of any future action unless the court, upon hearing, rules otherwise and the mortgagee shall be permanently barred from a deficiency judgment if the judgment rescinded was subject to the provisions of section 615.1. The mortgagee may charge the mortgagor ~~shall be assessed~~ for the costs, including reasonable attorney fees, of foreclosure and recision if ~~provided by the mortgage agreement~~ agreed to in writing by the mortgagor.

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

1. The foreclosing mortgagee and the mortgagor, including any successor in interest of the original mortgagor, of a nonagricultural one-family or two-family dwelling occupied as a residence by the mortgagor may agree in writing to a modification of the mortgage obligation to

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

2. This section is repealed July 1, 2014.

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

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

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

655A.4 SERVICE.

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

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

655A.6 REJECTION OF NOTICE.

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

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

655A.8 EFFECT OF FORECLOSURE — REOPENING.

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

1. The mortgagee acquires and succeeds to all interest of the mortgagor in the real estate.
2. All liens which are inferior to the lien of the foreclosed mortgage are extinguished.
3. The indebtedness secured by the foreclosed mortgage is extinguished.
4. If, after completion of the filings required under section 655A.7, it appears that a junior lienholder was not properly served with a notice pursuant to section 655A.3, the mortgagee may serve the lienholder with an amended notice specifying the provisions of the mortgage currently in default. Unless, within thirty days, the junior lienholder performs pursuant to section 655A.5, the mortgagee may file a supplemental affidavit indicating service and nonperformance to extinguish the lien.
5. A foreclosure under this chapter shall not bar a mortgagee or its successor in interest from action under chapter 654 to resolve matters which have not been resolved under this chapter.

Sec. 15. Section 655A.9, Code 2009, is amended to read as follows:

655A.9 APPLICATION OF CHAPTER.

This chapter does not apply to real estate used for an agricultural purpose as defined in section 535.13, or to a one or two family dwelling which is, at the time of the initiation of the foreclosure, occupied by ~~an~~ a legal or equitable titleholder.

Sec. 16. EFFECTIVE DATE. The section of this Act enacting section 654.4B takes effect May 1, 2009.

Sec. 17. APPLICABILITY.

1. The section of this Act enacting section 614.18A applies to sheriff's deeds recorded and judgments entered on or after the effective date of this Act.

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

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

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

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

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

Approved April 9, 2009

CHAPTER 52

ADMINISTRATION OF ESTATES AND TRUSTS

S.F. 365

AN ACT relating to trusts and estates including the administration of small estates and including retroactive and other applicability provisions.

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

Section 1. Section 614.14, subsection 6, Code 2009, is amended to read as follows:

6. An interest in real estate ~~currently or previously~~ held of record at any time by a trust shall be deemed to be held of record by the trustee of such trust.

Sec. 2. Section 633.40, subsection 1, Code 2009, is amended to read as follows:

1. COURT PRESCRIBING NOTICE. Except as otherwise provided in this probate code, the court shall fix the time and place of hearing of any matter requiring notice and shall prescribe

[1] See chapter 179, §49 herein

~~the time and manner of service of the notice of such hearing~~ a time for the hearing not less than twenty days after the date the notice is served unless the court finds there is good cause shown to shorten the time period to less than twenty days. The court shall also prescribe the manner of service of the notice of such hearing.

Sec. 3. Section 633.237, subsection 4, Code 2009, is amended to read as follows:

4. The notice provisions under subsections 1 and 2 are not applicable if the surviving spouse is a personal representative of the estate or a trustee of a revocable trust or if the surviving spouse or the spouse's conservator files, at any time, an election to take under the will, receive the intestate share, or take under the revocable trust. If the surviving spouse fails to file an election under this section within four months of the decedent's death, it shall be conclusively presumed that the surviving spouse elects to take under the will, receive the intestate share, or take under the revocable trust.

Sec. 4. Section 633.238, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The elective share of the surviving spouse shall be limited to all of the following:

Sec. 5. Section 633.246, Code 2009, is amended to read as follows:

633.246 ELECTION NOT SUBJECT TO CHANGE.

An election by or on behalf of a surviving spouse to take the share provided in ~~either~~ section 633.211, 633.212, 633.236, 633.238, ~~or~~ 633.240, or 633.244 ~~hereof once made~~ shall be binding and shall not be subject to change except for such causes as would justify an equitable decree for the rescission of a deed.

Sec. 6. Section 633.350, Code 2009, is amended to read as follows:

633.350 TITLE TO DECEDENT'S ESTATE — WHEN PROPERTY PASSES — POSSESSION AND CONTROL THEREOF — LIABILITY FOR ADMINISTRATION EXPENSES, DEBTS, AND FAMILY ALLOWANCE.

Except as otherwise provided in this probate code, when a person dies, the title to the person's property, real and personal, passes to the person to whom it is devised by the person's last will, or, in the absence of such disposition, to the persons who succeed to the estate as provided in this probate code, but all of the property shall be subject to the possession of the personal representative as provided in section 633.351 and to the control of the court for the purposes of administration, sale, or other disposition under the provisions of law, and such property, except homestead and other exempt property, shall be chargeable with the payment of debts and charges against the estate. There shall be no priority as between real and personal property, except as provided in this probate code or by the will of the decedent. If real property is titled at any time in a decedent's estate, such property shall be treated as titled in the name of the personal representative of the estate.

Sec. 7. Section 633.376, Code 2009, is amended to read as follows:

633.376 ALLOWANCE TO CHILDREN WHO DO NOT RESIDE WITH SURVIVING SPOUSE.

1. The court may also make an allowance to a child of the decedent who is less than eighteen years of age or who is between the ages of eighteen and twenty-two years who is regularly attending an accredited school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational-technical training either as a part of a regular school program or under special arrangements adapted to the individual person's needs; or is, in good faith, a full-time student in a college, university, or community college; or has been accepted for admission to a college, university, or community college and the next regular term has not yet begun; or a child of any age who is dependent because of physical or mental disability; who does not reside with the surviving spouse, of an amount it deems reasonable in the light of the assets and condition of the estate, to provide for the child's proper support during the period of twelve months.

2. The estate's personal representative shall cause written notice to be mailed pursuant to section 633.40, subsection 5, to the legal guardian of each child qualified under subsection 1 and to each child who has no legal guardian. The notice shall inform the child and the child's guardian, if applicable, of the right to apply, within four months after service of the notice, for support for a period of twelve months following the decedent's death. If an application for support has not been filed within four months after service of the notice by or on behalf of the child qualifying for support under subsection 1, the child shall be deemed to have waived the right to support under this section. A child who qualifies for support under this section may waive the child's right to such support by filing an affidavit acknowledging receipt of notice and irrevocably waiving the child's right to support under this section.

Sec. 8. Section 633.639, Code 2009, is amended to read as follows:

633.639 TITLE TO WARD'S PROPERTY.

The title to all property of the ward is in the ward and not the conservator subject, however, to the possession of the conservator and to the control of the court for the purposes of administration, sale or other disposition, under the provisions of the law. Any real property titled at any time in the name of a conservatorship shall be deemed to be titled in the ward's name subject to the conservator's right of possession.

Sec. 9. Section 633A.2203, Code 2009, is amended to read as follows:

633A.2203 ~~MODIFICATION OR~~ TERMINATION OF IRREVOCABLE TRUST OR MODIFICATION OF DISPOSITIVE PROVISIONS OF IRREVOCABLE TRUST BY COURT.

1. An irrevocable trust may be terminated or its dispositive provisions modified by the court with the consent of all of the beneficiaries if continuance of the trust on the same or different terms is not necessary to carry out a material purpose.

2. Upon termination of the trust, the court shall order the distribution of trust property in accordance with the probable intention of the settlor.

3. For purposes of this section, the consent of a person who may bind a beneficiary is considered the consent of the beneficiary.

4. For the purposes of this section, removal of the trustee or the addition of a provision to the trust instrument allowing a beneficiary or a group of beneficiaries to remove the trustee or to appoint a new trustee shall not be allowed as a modification under this section. This subsection shall not operate to limit the scope of dispositive provisions for the purposes of this section.

Sec. 10. Section 633A.4502, Code 2009, is amended to read as follows:

633A.4502 BREACH OF TRUST — ACTIONS.

1. ~~To~~ Except as provided in section 633A.4213, to remedy a breach of trust which has occurred or may occur, a beneficiary or cotrustee of the trust may request the court to do any of the following:

~~1.~~ a. Compel the trustee to perform the trustee's duties.

~~2.~~ b. Enjoin the trustee from committing a breach of trust.

~~3.~~ c. Compel the trustee to redress a breach of trust by payment of money or otherwise.

~~4.~~ d. Appoint a receiver or temporary trustee to take possession of the trust property and administer the trust.

~~5.~~ e. Remove the trustee.

~~6.~~ f. Reduce or deny compensation to the trustee.

~~7.~~ g. Subject to section 633A.4603, nullify an act of the trustee, impose an equitable lien or a constructive trust on trust property, or trace trust property wrongfully disposed of and recover the property or its proceeds.

~~8.~~ h. Order any other appropriate relief.

2. This section does not apply to any trust created prior to July 1, 2002, and applies to trusts created on or after July 1, 2002, unless the settlor has specifically waived the requirements of this section in the trust instrument. Waiver of this section shall not bar any beneficiary's com-

mon law right to an accounting, and shall not provide any immunity to a trustee, acting under the terms of the trust, for liability to any beneficiary who discovers facts giving rise to a cause of action against the trustee.

Sec. 11. Section 635.8, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The personal representative shall file with the court a closing statement and proof of service thereof within a reasonable time from the date of issuance of the letters of appointment, and the closing statement shall be verified or affirmed under penalty of perjury, stating all of the following:

Sec. 12. Section 637.421, Code 2009, is amended to read as follows:

637.421 DEFERRED COMPENSATION, ANNUITIES, AND SIMILAR PAYMENTS.

1. ~~This section applies to payments~~ For purposes of this section, the following definitions shall apply:

a. "Payments" means a payment that a trustee may receive over a fixed number of years or during the life of one or more individuals because of services rendered or property transferred to the payor in exchange for future payments. ~~The payments~~ "Payments" include those made in ~~cash~~ money or property from the payor's general assets or from a separate fund created by the payor~~, including~~. For purposes of subsections 4, 5, 6, and 7, "payments" also includes any payment from a separate fund regardless of the reason for the payment.

b. "Separate fund" includes a private or commercial annuity, an individual retirement account, and a pension, profit sharing, stock bonus, or stock ownership plan. ~~This section does not apply to payments to which section 637.422 applies.~~

2. To the extent that a payment is characterized as interest, ~~or~~ a dividend or a payment made in lieu of interest or a dividend, ~~it must be allocated~~ a trustee shall allocate the payment to income. The trustee shall allocate to principal the balance of the payment and any other payment received in the same accounting period that is not characterized as interest, a dividend, or an equivalent payment ~~must be allocated to principal~~.

3. If no part of a payment is characterized as interest, a dividend, or an equivalent payment, and all or part of the payment is required to be made, a trustee shall allocate to income ten percent of the part that is required to be made during the accounting period and the balance to principal. If no part of a payment is required to be made or the payment received is the entire amount to which the trustee is entitled, the trustee shall allocate the entire payment ~~must be allocated~~ to principal. For purposes of this subsection, a payment is not required to be made to the extent that the payment is made because the trustee exercises a right of withdrawal.

4. ~~If, to obtain an estate tax marital deduction for a trust, a trustee must allocate more of a payment to income than provided for by this section, the trustee shall allocate to income the additional amount necessary to obtain the marital deduction.~~ Except as otherwise provided in subsection 5, subsections 6 and 7 apply, and subsections 2 and 3 do not apply in determining the allocation of a payment made from a separate fund to any of the following:

a. A trust to which an election to qualify for a marital deduction had been made under section 2056(b)(7) of the Internal Revenue Code of 1986, as amended.

b. A trust that qualifies for a marital deduction under section 2056(b)(5) of the Internal Revenue Code of 1986, as amended.

5. Subsections 4, 6, and 7 do not apply if and to the extent that the series of payments would, without the application of subsection 4, qualify for a marital deduction under section 2056(b)(7)(c) of the Internal Revenue Code of 1986, as amended.

6. A trustee shall determine the internal income of each separate fund for the accounting period as if the separate fund were a trust subject to this chapter. Upon request of the surviving spouse, the trustee shall demand that the person administering the separate fund to[1] distribute such internal income to the trust. The trustee shall allocate a payment from the separate fund to income to the extent of the internal income of the separate fund and distribute that amount to the surviving spouse. The trustee shall allocate the balance to principal. Upon request of

[1] See chapter 179, §46 herein

the surviving spouse, the trustee shall allocate principal to income to the extent the internal income of the separate fund exceeds payments made from the separate fund to the trust during the accounting period.

7. If a trustee cannot determine the internal income of a separate fund but can determine the value of the separate fund, the internal income of the separate fund is deemed to equal four percent of the value of the fund according to the most recent statement of the value prior to the beginning of the accounting period. If the trustee is unable to determine the internal income of the separate fund and the fund's value, the internal income of the fund is deemed to equal the product of the interest rate and the present value of the expected future payments as determined pursuant to section 7520 of the Internal Revenue Code of 1986, as amended.

8. This section does not apply to a payment made under section 637.422.

Sec. 13. Section 637.505, subsections 3 and 4, Code 2009, are amended to read as follows:

3. A tax required to be paid by a trustee on the trust's share of an entity's taxable income must be paid ~~proportionately,~~ according to all of the following principles:

a. From income, to the extent that receipts from the entity are allocated only to income.

b. From principal, to the extent that ~~the following principles are observed:~~

~~(1) Receipts~~ receipts from the entity are allocated only to principal.

~~(2) The trust's share of the entity's taxable income exceeds the total receipts in paragraph "a" and in subparagraph (1).~~

c. Proportionately from principal and income to the extent that receipts from the entity are allocated to both income and principal.

d. From principal to the extent that the tax exceeds the total receipts from the entity.

4. ~~For purposes of this section, receipts allocated to principal or income shall be reduced by the amount distributed to a beneficiary from principal or income for which the trust receives a deduction in calculating the tax~~ After applying subsections 1 through 3, the trustee shall adjust income or principal receipts to the extent that the taxes of the trust are reduced because the trust receives a deduction for payments made to a beneficiary.

Sec. 14. APPLICABILITY AND RETROACTIVITY.

1. The section of this Act amending section 614.14 applies retroactively to all trusts in existence on and after July 1, 1999.

2. The section of this Act amending section 633.40, subsection 1, applies to orders setting hearings entered on or after July 1, 2009.

3. The sections of this Act amending section 633.237, subsection 4, section 633.238, subsection 1, and section 633.246 apply to estates of decedents and revocable trusts of settlors dying on or after July 1, 2009.

4. The sections of this Act amending sections 633.350 and 633.639 apply retroactively to conveyances occurring on or after July 1, 1999.

5. The sections of this Act amending sections 633.376 and 635.8 apply to estates of decedents dying on or after July 1, 2009.

6. The section of this Act amending section 633A.2203 applies to all proceedings to modify dispositive provisions of or to terminate an irrevocable trust on or after July 1, 2009, regardless of the date the trust was created.

7. The sections of this Act amending sections 637.421 and 637.505 apply as of the decedent's date of death for marital trusts funded beginning on or after January 1, 2009. For all other marital trusts, these amendments apply as of January 1, 2009.

Approved April 9, 2009

CHAPTER 53

SERVICES AND PROGRAMS FOR YOUNG PERSONS
— STATE COUNCILS

H.F. 315

AN ACT creating an Iowa collaboration for youth development council and state of Iowa youth advisory council in the department of human rights.

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

Section 1. NEW SECTION. 216A.132A IOWA COLLABORATION FOR YOUTH DEVELOPMENT COUNCIL — STATE OF IOWA YOUTH ADVISORY COUNCIL.

1. DEFINITIONS. For the purposes of this section, unless the context otherwise requires:

a. "Youth" means children and young persons who are ages six through twenty-one years.

b. "Youth advisory council" means the state of Iowa youth advisory council created by this section.

c. "Youth development council" means the Iowa collaboration for youth development council created by this section.

2. COLLABORATION COUNCIL CREATED. An Iowa collaboration for youth development council is created as an alliance of state agencies that address the needs of youth in Iowa.

3. PURPOSE. The purpose of the youth development council is to improve the lives and futures of Iowa's youth by doing all of the following:

a. Adopting and applying positive youth development principles and practices at the state and local levels.

b. Increasing the quality, efficiency, and effectiveness of opportunities and services and other supports for youth.

c. Improving and coordinating state youth policy and programs across state agencies.

4. VISION STATEMENT. All youth development activities addressed by the youth development council shall be aligned around the following vision statement: "All Iowa youth will be safe, healthy, successful, and prepared for adulthood."

5. MEMBERSHIP. The youth development council membership shall be determined by the council itself and shall include the directors or chief administrators, or their designees, from the following state agencies and programs:

a. Child advocacy board.

b. Iowa commission on volunteer service in the office of the governor.

c. Department of education.

d. Department of human rights.

e. Department of human services.

f. Department of public health.

g. Department of workforce development.

h. Governor's office of drug control policy.

i. Iowa cooperative extension[1] in agriculture and home economics.

j. Office of community empowerment in the department of management.

6. PROCEDURE. Except as otherwise provided by law, the youth development council shall determine its own rules of procedure and operating policies, including but not limited to terms of members. The youth development council may form committees or subgroups as necessary to achieve its purpose.

7. DUTIES. The youth development council's duties shall include but are not limited to all of the following:

a. Study, explore, and plan for the best approach to structure and formalize the functions and activities of the youth development council to meet its purpose, and make formal recommendations for improvement to the governor and general assembly.

b. Review indicator data and identify barriers to youth success and develop strategies to address the barriers.

[1] See chapter 179, §35 herein

c. Coordinate across agencies the state policy priorities for youth.

d. Strengthen partnerships with the nonprofit and private sectors to gather input, build consensus, and maximize use of existing resources and leverage new resources to improve the lives of youth and their families.

e. Oversee the activities of the youth advisory council.

f. Seek input from and engage the youth advisory council in the development of more effective policies, practices, and programs to improve the lives and futures of youth.

g. Report annually by February 1 to the governor and general assembly.

8. STATE OF IOWA YOUTH ADVISORY COUNCIL. A state of Iowa youth advisory council is created to provide input to the governor, general assembly, and state and local policymakers on youth issues.

a. The purpose of the youth advisory council is to foster communication among a group of engaged youth and the governor, general assembly, and state and local policymakers regarding programs, policies, and practices affecting youth and families; and to advocate for youth on important issues affecting youth.

b. The youth advisory council shall consist of no more than twenty-one youth ages fourteen through twenty years who reside in Iowa. Membership shall be for two-year staggered terms. The department director, or the director's designee, shall select council members using an application process. The department director or the director's designee shall strive to maintain a diverse council membership and shall take into consideration race, ethnicity, disabilities, gender, and geographic location of residence of the applicants.

c. Except as otherwise provided by law, the youth advisory council shall determine its own rules of procedure and operating policies, subject to approval by the department director or the director's designee.

d. The youth advisory council shall meet at least quarterly.

9. LEAD AGENCY. The lead agency for support of the Iowa collaboration for youth development council and the state of Iowa youth advisory council is the department. The department shall coordinate activities and, with funding made available to it for such purposes, provide staff support for the youth development council and the youth advisory council.

Approved April 9, 2009

CHAPTER 54

EDUCATION — RECORDS, REPORTS,
AND EMPLOYMENT ISSUES

H.F. 687

AN ACT relating to certain reporting requirements or actions required of the department of education, school districts, accredited nonpublic schools, and community colleges.

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

Section 1. Section 256.7, subsection 21, paragraph c, Code 2009, is amended to read as follows:

c. A requirement that all school districts and accredited nonpublic schools annually report to the department and the local community the district-wide progress made in attaining student achievement goals on the academic and other core indicators and the district-wide prog-

ress made in attaining locally established student learning goals. The school districts and accredited nonpublic schools shall demonstrate the use of multiple assessment measures in determining student achievement levels. The school districts and accredited nonpublic schools shall also report the number of students who graduate~~, utilizing the definition of graduation rate specified by the national governors association~~; the number of students who drop out of school; ~~the number of students pursuing a high school equivalency diploma pursuant to chapter 259A; the number of students who were enrolled in the district within the past five years and who received a high school equivalency diploma; the percentage of students who receive a high school diploma and who were not proficient in reading, mathematics, and science in grade eleven; the number of students in the prior year who were enrolled as high school juniors who are within four units of meeting the district's graduation requirements;~~ the number of students who are tested and the percentage of students who are so tested annually; and the percentage of students who graduated during the prior school year and who completed a core curriculum. The board shall develop and adopt uniform definitions consistent with the federal No Child Left Behind Act of 2001, Pub. L. No. 107-110 and any federal regulations adopted pursuant to the federal Act. The school districts and accredited nonpublic schools may report on other locally determined factors influencing student achievement. The school districts and accredited nonpublic schools shall also report to the local community their results by individual attendance center.

Sec. 2. Section 256.9, subsections 24, 28, and 43, Code 2009, are amended by striking the subsections.

Sec. 3. Section 256.18, subsection 3, Code 2009, is amended by striking the subsection.

Sec. 4. Section 256D.1, subsection 1, paragraph b, subparagraph (1), Code 2009, is amended to read as follows:

(1) A school district shall at a minimum biannually inform parents of their individual child's performance on the diagnostic assessments in kindergarten through grade three. If intervention is appropriate, the school district shall inform the parents of the actions the school district intends to take to improve the child's reading skills and provide the parents with strategies to enable the parents to improve their child's skills. ~~If the diagnostic assessments administered in accordance with this subsection indicate that a child is reading below grade level, the school district shall submit a report of the assessment results to the parent, which the parent shall sign and return to the school district. If the parent does not sign or return the report, the school district shall note in the student's record the inaction on the part of the parent.~~ The board of directors of each school district shall adopt a policy indicating the methods the school district will use to inform parents of their individual child's performance.

Sec. 5. Section 257.30, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A school budget review committee is established in the department of education and consists of the director of the department of education, the director of the department of management, and three members who are knowledgeable in the areas of Iowa school finance or public finance issues appointed by the governor to represent the public. At least one of the public members shall possess a master's or doctoral degree in which areas of school finance, economics, or statistics are an integral component, or shall have equivalent experience in an executive administrative or senior research position in the education or public administration field. The members appointed by the governor shall serve staggered three-year terms beginning and ending as provided in section 69.19 and are subject to senate confirmation as provided in section 2.32. The committee shall meet and hold hearings each year and shall continue in session until it has reviewed budgets of school districts, as provided in section 257.31. ~~It~~ The committee may call in school board members and employees as necessary for the hearings. The committee's scheduled hearing agendas and the minutes of such hearings shall be posted on the

department of education's internet website. Legislators shall be notified of hearings concerning school districts in their ~~constituencies~~ legislative districts.

Sec. 6. Section 257.31, subsection 2, Code 2009, is amended to read as follows:

2. The committee shall ~~report to each session of the general assembly, which report shall include any recommended changes in laws relating to school districts, and shall~~ specify the number of hearings held annually, the reasons for the committee's recommendations, information about the amounts of property tax levied by school districts for a cash reserve, and other information the committee deems advisable on the department of education's internet website.

Sec. 7. Section 260C.14, subsection 21, Code 2009, is amended by striking the subsection.

Sec. 8. Section 279.56, unnumbered paragraph 1, Code 2009, is amended to read as follows:

If funds are appropriated by the general assembly, the board of directors of a school district may obtain permission to participate in the teacher exchange program by making application in writing to the department of education, on forms provided by the department, by November 1 of the school year preceding the year that the district wishes to participate. Each district participating in the program shall prescribe standards and procedures explaining the district's expectations and requirements for each participating teacher. The district's standards and procedures shall also prescribe the method and form by which teachers within the district may apply to the board for permission to participate in the program. Each participating district shall continue to compensate the program participant at the same rate that the participant would be compensated if the participant had continued the participant's instructional or other duties within the home district. Each participating district shall report to the department the number and performance of exchange teachers from other districts that are included in the district's instructional staff during the relevant periods during the school year. ~~The department shall summarize the information and include it in the report submitted under section 256.9, subsection 28.~~

Sec. 9. Section 279.63, subsection 3, Code 2009, is amended to read as follows:

3. Copies of a school district's financial report for the previous school year shall be posted on an internet website maintained by the school district ~~at the beginning~~ by January 1 of ~~the~~ each school year. If the school district does not maintain or develop ~~a~~ an internet website, the school district shall either distribute or post written copies of the financial report at specified locations throughout the school district.

Sec. 10. Section 282.24, subsection 1, unnumbered paragraphs 2 and 3, Code 2009, are amended to read as follows:

A school corporation which owns facilities used as attendance centers for students shall maintain an itemized statement of the appraised value of all buildings owned by the school corporation. ~~Beginning July 1, 1976, the~~ The appraisal shall be updated at least ~~one time~~ once every five years.

~~The director of the department of education shall, after July 1 but before September 1 of each year, notify every school in the state, affected by this section, what the computed maximum tuition rate shall be for the ensuing year.~~

Sec. 11. Section 298.6, Code 2009, is amended to read as follows:

298.6 PUBLIC DISCLOSURE OF OUTSTANDING LEVIES.

The board of directors of a school district shall, prior to certifying any levy by board approval, or submitting a levy for voter approval, facilitate public access to a complete listing of all outstanding levies within the school district by rate, amount, duration, and the applicable maximum levy limitations. The information relating to outstanding levies shall be posted on an internet website maintained by the school district ~~at the beginning~~ by January 1 of ~~the~~ each

school year, and updated prior to board approval or submission for voter approval of any levy during the school year. If the school district does not maintain or develop ~~a~~ an internet website, the school district shall either distribute or post written copies of the listing at specified locations throughout the school district.

Sec. 12. Section 301.28, Code 2009, is amended to read as follows:

301.28 OFFICERS AND TEACHERS AS AGENTS FOR BOOKS AND SUPPLIES — PENALTY.

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

2. An area education agency director, officer, or teacher shall not act as an agent for school textbooks or school supplies, including sports apparel or equipment, in any transaction with a director, officer, or other staff member of the area education agency or any school district located within the area education agency during such time of office or employment.

3. A school district or area education agency director, officer, ~~area education director~~ or teacher, who ~~shall act~~ acts as agent or dealer in school textbooks or school supplies, during the person's term of ~~such~~ office or employment~~,~~ in violation of this section shall be deemed guilty of a serious misdemeanor.

Sec. 13. Section 669.14, subsection 14, Code 2009, is amended by striking the subsection.

Sec. 14. Sections 258.13, 279.14A, and 299.16, Code 2009, are repealed.

Approved April 9, 2009

CHAPTER 55

MEDICAL ASSISTANCE PROGRAM —
ASSISTED LIVING SERVICES

H.F. 317

AN ACT relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly.

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

Section 1. HOME AND COMMUNITY-BASED SERVICES WAIVER FOR THE ELDERLY — INCLUSION OF ASSISTED LIVING SERVICES.

1. The department of human services shall request a waiver from the centers for Medicare and Medicaid services of the United States department of health and human services to add assisted living services to the home and community-based services waiver for the elderly under the medical assistance program.

2. The department shall provide progress reports to the legislative services agency on a quarterly basis, until such time as the waiver is approved.

3. If the department of human services receives approval of the waiver, the department shall submit a plan for implementation to the general assembly. However, the waiver shall not be implemented prior to specific action by the general assembly to implement the waiver.

Approved April 10, 2009

CHAPTER 56

PUBLIC HEALTH — MISCELLANEOUS CHANGES

H.F. 380

AN ACT relating to the administration of programs under the jurisdiction of the department of public health and increasing a penalty and providing an effective date.

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

Section 1. Section 144.39, Code 2009, is amended to read as follows:

144.39 CHANGE OF NAME.

Upon receipt of a certified copy of a court order from a court of competent jurisdiction or certificate of the clerk of court pursuant to chapter 674 changing the name of a person born in this state ~~and upon request of the person or the person's parent, guardian, or legal representative~~, the state registrar shall amend the certificate of birth to reflect the new name. A fee established by the department by rule based on average administrative cost shall be collected ~~for each amended~~ to amend the certificate of birth to reflect a new name. Fees collected under this section shall be deposited in the general fund of the state.

Sec. 2. Section 147.14, subsection 1, paragraph d, Code 2009, is amended to read as follows:

d. For dentistry, five members licensed to practice dentistry, two members licensed to practice dental hygiene, and two members not licensed to practice dentistry or dental hygiene and who shall represent the general public. ~~No member of the dental faculty of the school of dentistry at the state university of Iowa shall be eligible to be appointed. Persons appointed to the board as dental hygienist members shall not be employed by or receive any form of remuneration from a dental or dental hygiene educational institution.~~ The two dental hygienist board members and one dentist board member shall constitute a dental hygiene committee of the board as provided in section 153.33A.

Sec. 3. Section 147A.1, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. "Emergency medical services medical director" means a physician licensed under chapter 148, who is responsible for overall medical direction of an emergency medical services program and who has completed a medical director workshop, sponsored by the department, within one year of assuming duties. An emergency medical services medical director who receives no compensation for the performance of the director's volunteer duties under this chapter shall be considered a state volunteer as provided in section 669.24 while performing volunteer duties as an emergency medical services medical director.

Sec. 4. Section 149.7, Code 2009, is amended to read as follows:

149.7 TEMPORARY ~~CERTIFICATE~~ LICENSE.

1. The board may issue a temporary ~~certificate~~ license authorizing the licensee ~~named in the certificate~~ to practice podiatry if, in the opinion of the board, a need exists and the person possesses the qualifications prescribed by the board for the ~~certificate~~ temporary license, which shall be substantially equivalent to those required for ~~regular~~ permanent licensure under this chapter. The board shall determine in each instance the applicant's eligibility for the ~~certificate~~ temporary license, whether or not an examination shall be given, and the type of examination. The requirements of the law pertaining to ~~regular~~ permanent licensure shall not be mandatory for ~~this~~ temporary ~~certificate~~ licensure except as specifically designated by the board. The granting of a temporary ~~certificate~~ license does not in any way indicate that the person licensed is necessarily eligible for ~~regular~~ permanent licensure, and the board is not obligated to issue a permanent license to the person.

2. ~~The temporary certificate shall be issued for one year and may be renewed, but a person shall not be entitled to practice podiatry in excess of three years while holding a temporary~~

~~certificate.~~ The board shall determine the duration of time a person is qualified to practice podiatry while holding a temporary license. The fee for this ~~certificate~~ license shall be set by the board, and if extended beyond one year, a renewal fee per year shall be set by the board. The fees shall be based on the administrative costs of issuing and renewing the ~~certificates~~ temporary licenses.

Sec. 5. Section 153.13, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Persons who offer to perform, perform, or assist with any phase of any operation incident to tooth whitening, including the instruction or application of tooth whitening materials or procedures at any geographic location. For purposes of this subsection, "tooth whitening" means any process to whiten or lighten the appearance of human teeth by the application of chemicals, whether or not in conjunction with a light source.

Sec. 6. Section 158.1, subsection 1, paragraph d, Code 2009, is amended to read as follows:

d. Applying cosmetic preparations, antiseptics, powders, oils, clays, waxes, or lotions to scalp, face, or neck.

Sec. 7. Section 158.3, subsection 3, Code 2009, is amended by striking the subsection.

Sec. 8. Section 158.7, Code 2009, is amended to read as follows:

158.7 LICENSING BARBER SCHOOLS.

1. It is unlawful for a barber school to operate unless the owner has obtained a license issued by the department. The owner shall file a verified application with the department on forms prescribed by the board.

2. Any person employed as a barbering instructor in a licensed barber school shall be a licensed barber and shall possess a separate instructor's license which shall be renewed ~~annually~~ biennially. An instructor shall file an application with the department on forms prescribed by the board.

3. The barber school must pass a sanitary inspection, and the course of study of the school must be approved by the board under the provisions of section 158.8.

4. An annual inspection of each barber school, including the educational activities of each school, shall be conducted and completed by the board prior to renewal of the license.

5. The application shall be accompanied by the annual license fee determined under the provisions of section 147.80 and shall state the name and location of the school, name of the owner, name of the manager, and such other additional information as the board may require. The license is valid for one year and may be renewed.

6. A license for a barber school shall not be issued for any space in any location where the same space is licensed as a school of cosmetology.

Sec. 9. Section 158.8, Code 2009, is amended to read as follows:

158.8 COURSE OF STUDY.

1. The course of study of a barber school shall consist of at least two thousand one hundred hours of instruction as prescribed by the board and shall include instruction in all phases of the practice of barbering as defined in section 158.1, subsection 1. The course shall require at least ten months of instruction for completion. The course shall include not less than three hundred hours of demonstrations and lectures in the following areas: ~~Law~~ law; ethics; equipment; shop management; history of barbering; sanitation; sterilization; personal hygiene; first aid; bacteriology; anatomy; scalp, skin, hair and their common disorders; electricity as applied to barbering; chemistry and pharmacology; scalp care; hair body processing; hairpieces; honing and stropping; shaving; facials, massage and packs; haircutting; hair tonics; dyeing and bleaching; instruments; soaps; and shampoos, creams, lotions, waxes, and tonics. It shall include not less than one thousand four hundred hours of supervised practical instruction in the following areas: ~~Scalp~~ scalp care and shampooing, honing and stropping, shaving, haircutting, hairstyling and blow waving, dyeing and bleaching, hair body processing, facials, waxing, massage and packs, beard and mustache trimming, and hairpieces.

2. A person licensed under section 157.3 who enrolls in a barber school shall be granted full credit for each course successfully completed which meets the requirements of the barber school, which shall be credited toward the two thousand one hundred hour requirement, and the ten-month period does not apply. A person who has been a student in a school of cosmetology arts and sciences licensed under chapter 157 may enroll in a barber school and shall be granted, at the discretion of the school, at least half credit and up to full credit for each course successfully completed which meets the requirements of the barber school.

Sec. 10. Section 158.16, Code 2009, is amended to read as follows:

158.16 PENALTY.

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

Sec. 11. Section 691.6C, Code 2009, is amended to read as follows:

691.6C STATE MEDICAL EXAMINER ADVISORY COUNCIL.

A state medical examiner advisory council is established to advise and consult with the state medical examiner on a range of issues affecting the organization and functions of the office of the state medical examiner and the effectiveness of the medical examiner system in the state. Membership of the state medical examiner advisory council shall be determined by the state medical examiner, in consultation with the director of public health, and shall include, but not necessarily be limited to, representatives from the office of the attorney general, the Iowa county attorneys association, the Iowa medical society, the Iowa association of pathologists, the Iowa association of county medical examiners, the departments of public safety and public health, the statewide emergency medical system, and the Iowa funeral directors association. The advisory council shall meet ~~on a quarterly or more frequent basis~~ on a regular basis, and shall be organized and function as established by the state medical examiner by rule.

Sec. 12. Sections 135.30, 148B.8, 155.7, 155.17, and 155.18, Code 2009, are repealed.

Sec. 13. EFFECTIVE DATE. The section of this Act amending section 153.13, being deemed of immediate importance, takes effect upon enactment.

Approved April 10, 2009

CHAPTER 57

ELECTIONS AND VOTER REGISTRATION

H.F. 475

AN ACT making technical changes to the laws relating to elections and voter registration, making a penalty applicable, and including effective date and applicability date provisions.

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

Section 1. Section 2.27, Code 2009, is amended to read as follows:

2.27 CANVASS OF VOTES FOR GOVERNOR.

The general assembly shall meet in joint session on the same day the assembly first convenes in January of 1979 and every four years thereafter as soon as both houses have been organized, and canvass the votes cast for governor and lieutenant governor and determine the election.

When the canvass is completed, the oath of office shall be administered to the persons ~~or person~~ so declared elected. Upon being inaugurated the governor shall deliver to the joint assembly any message the governor may deem expedient.

Sec. 2. Section 8A.412, subsection 11, Code 2009, is amended to read as follows:

11. Professional employees under the supervision of the attorney general, the state public defender, the secretary of state, the auditor of state, the treasurer of state, and the public employment relations board. However, employees of the consumer advocate division of the department of justice, other than the consumer advocate, are subject to the merit system.

Sec. 3. Section 39A.2, subsection 1, paragraph f, Code 2009, is amended to read as follows:

f. VOTING EQUIPMENT TAMPERING. Intentionally alters or damages any computer software or any physical part of ~~a~~ voting ~~machine~~ equipment, automatic tabulating equipment, or any other part of a voting system.

Sec. 4. Section 43.4, unnumbered paragraph 4, Code 2009, is amended to read as follows:

Within fourteen days after the date of the caucus the county central committee shall certify to the county commissioner the names of those elected as party committee members and delegates to the county convention. The commissioner shall retain precinct caucus records for twenty-two months. In addition, within fourteen days after the date of the precinct caucus, the chairperson of the county central committee shall deliver to the county commissioner all completed voter registration forms received at the caucus.

Sec. 5. Section 43.5, Code 2009, is amended to read as follows:

43.5 APPLICABLE STATUTES.

The provisions of chapters 39, 39A, 47, 48A, 49, 50, 51, 52, 53, 57, 58, 59, 61, 62, 68A, and 722 shall apply, so far as applicable, to all primary elections, except as hereinafter provided.

Sec. 6. NEW SECTION. 43.31 FORM OF OFFICIAL BALLOT — IMPLEMENTATION BY RULE.

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

Sec. 7. Section 43.45, subsection 3, Code 2009, is amended by striking the subsection.

Sec. 8. Section 43.77, subsection 4, Code 2009, is amended to read as follows:

4. A vacancy has occurred in the office of senator in the Congress of the United States, ~~lieutenant governor,~~ secretary of state, auditor of state, treasurer of state, secretary of agriculture, or attorney general, under the circumstances described in section 69.13, less than eighty-nine days before the primary election and not less than eighty-nine days before the general election.

Sec. 9. Section 44.5, Code 2009, is amended to read as follows:

44.5 NOTICE OF OBJECTIONS.

When objections are filed notice shall ~~forthwith~~ immediately be given to the affected candidate ~~affected thereby,~~. The notice shall be addressed to the candidate's place of residence as given in the certificate of nomination, stating that objections have been made to ~~said~~ the certificate~~, also stating~~. The notice shall include the time and place ~~such~~ of the hearing at which the objections will be considered. The hearing shall be held not later than one week after the objection is filed.

Sec. 10. Section 45.1, subsections 2, 3, 4, 5, and 6, Code 2009, are amended to read as follows:

2. Nominations for candidates for a representative in the United States house of representatives may be made by nomination petitions signed by not less than the number of eligible electors equal to the number of signatures required in subsection 1 divided by the number of con-

gressional districts. Signers of the petition shall be eligible electors who are residents of the congressional district.

3. Nominations for candidates for the state senate may be made by nomination petitions signed by not less than one hundred eligible electors who are residents of the senate district.

4. Nominations for candidates for the state house of representatives may be made by nomination petitions signed by not less than fifty eligible electors who are residents of the representative district.

5. Nominations for candidates for offices filled by the voters of a whole county may be made by nomination petitions signed by eligible electors who are residents of the county equal in number to at least one percent of the number of registered voters in the county on July 1 in the year preceding the year in which the office will appear on the ballot, or by at least two hundred fifty eligible electors who are residents of the county, whichever is less.

6. Nominations for candidates for the office of county supervisor elected by the voters of a supervisor district may be made by nomination petitions signed by eligible electors who are residents of the supervisor district equal in number to at least one percent of the number of registered voters in the supervisor district on July 1 in the year preceding the year in which the office will appear on the ballot, or by at least one hundred fifty eligible electors who are residents of the supervisor district, whichever is less.

Sec. 11. Section 46.22, Code 2009, is amended to read as follows:

46.22 VOTING.

Voting at judicial elections shall be by separate paper ballot~~,~~ or optical scan ballot~~, or by voting machine~~ in the space provided for public measures. If separate paper ballots are used, the election judges shall offer a ballot to each voter. If optical scan ballots are used, either a separate ballot or a distinct heading may be used to distinguish the judicial ballot. Separate ballot boxes for the general election ballots and the judicial election ballots are not required. The general election ballot and the judicial election ballot may be voted in the same voting booth.

Sec. 12. Section 47.3, Code 2009, is amended to read as follows:

47.3 ELECTION EXPENSES.

1. The costs of conducting a special election called by the governor, general election, and the primary election held prior to the general election shall be paid by the county.

2. The cost of conducting other elections shall be paid by the political subdivision for which the election is held. The costs shall include, but not be limited to, the printing of the ballots and the election register, publication of notices, printing of declaration of eligibility affidavits, compensation for precinct election boards, canvass materials, and the preparation and installation of voting ~~machines~~ equipment. The county commissioner of elections shall certify to the county board of supervisors a statement of cost for an election. The cost shall be assessed by the county board of supervisors against the political subdivision for which the election was held.

3. a. Costs of registration and administrative and clerical costs shall not be charged as a part of the election costs.

b. If ~~voting machines are~~ automatic tabulating equipment is used in any election, the county commissioner of elections shall not charge any political subdivision of the state a rental fee for the use of any ~~voting machines~~ automatic tabulating equipment.

4. The cost of maintenance of voter registration records and of preparation of election registers and any other voter registration lists required by the commissioner in the discharge of the duties of that office shall be paid by the county. Administrative and clerical costs, incurred by the registrar in discharging the duties of that office shall be paid by the state.

Sec. 13. Section 47.6, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. A city council ~~or a~~, county board of supervisors, school district board of directors, or merged area board of directors that has authorized a public measure to be submitted to the voters at a special election held pursuant to section 39.2, subsection 4, shall file the full text

of the public measure with the commissioner no later than 5:00 p.m. on the forty-sixth day before the election.

Sec. 14. Section 48A.2, subsection 5, Code 2009, is amended to read as follows:

5. "Voter registration form" means an application to register to vote which must be completed by or on behalf of any person registering to vote. The voter registration form may also be used to make changes to an existing voter registration record.

Sec. 15. Section 48A.8, subsection 1, Code 2009, is amended to read as follows:

1. An eligible elector may ~~register to vote by completing a mail~~ request that a voter registration form be mailed to the elector. The completed form may be mailed or delivered by the registrant or the registrant's designee to the commissioner in the county where the person resides. A separate voter registration form shall be signed by each individual registrant.

Sec. 16. Section 48A.25A, subsection 1, Code 2009, is amended to read as follows:

1. a. Upon receipt of an application for voter registration ~~by mail~~, the ~~state registrar of voters~~ commissioner of registration shall compare the Iowa driver's license number, the Iowa nonoperator's identification card number, or the last four numerals of the social security number provided by the registrant with the records of the state department of transportation. To be verified, the voter registration record shall contain the same name, date of birth, and Iowa driver's license number or Iowa nonoperator's identification card number or whole or partial social security number as the records of the state department of transportation. If the information cannot be verified, the application shall be ~~rejected~~ recorded and ~~the registrant shall be notified of the reason for the rejection~~ the status of the voter's record shall be designated as pending status. The commissioner of registration shall notify the applicant that the applicant is required to present identification described in section 48A.8, subsection 2, before voting for the first time in the county. If the information can be verified, a record shall be made of the verification and the ~~application shall be accepted~~ status of the voter's record shall be designated as active status.

b. This subsection shall not apply to applications received from registrants pursuant to section 48A.7A.

Sec. 17. Section 48A.26, subsections 1 and 3, Code 2009, are amended to read as follows:

1. a. ~~Within~~ Except as otherwise provided in paragraph "b", within seven working days of receipt of a voter registration form or change of information in a voter registration record the commissioner shall send an acknowledgment to the registrant at the mailing address shown on the registration form. The acknowledgment shall be sent by nonforwardable mail.

b. For a voter registration form or change of information in a voter registration record submitted at a precinct caucus, the commissioner shall send an acknowledgment within forty-five days of receipt of the form or change of information.

3. If the registration form is missing required information pursuant to section 48A.11, subsection 8, the acknowledgment shall advise the applicant what additional information is required. The commissioner shall enclose a new registration ~~by mail~~ form for the applicant to use. If the registration form has no address, the commissioner shall make a reasonable effort to determine where the acknowledgment should be sent. ~~If the incomplete application is received during the twelve days before the close of registration for an election, the commissioner shall provide the registrant with an opportunity to complete the form before the close of registration.~~ If the incomplete registration form is received during the period in which registration is closed pursuant to section 48A.9 but by 5:00 p.m. on the Saturday before the election for general and primary elections or by 5:00 p.m. on the Friday before the election for all other elections, the commissioner shall send a notice advising the applicant of election day and in-person absentee registration procedures under section 48A.7A.

Sec. 18. Section 48A.27, subsection 4, paragraphs b and c, Code 2009, are amended to read as follows:

b. If the information provided by the vendor indicates that a registered voter has moved to

another address within the county, the commissioner shall change the registration records to show the new residence address, and shall also mail a notice of that action to ~~both~~ the ~~former and~~ new ~~addresses~~ address. The notice shall be sent by forwardable mail, and shall include a postage prepaid preaddressed return form by which the registered voter may verify or correct the address information.

c. If the information provided by the vendor indicates that a registered voter has moved to an address outside the county, the commissioner shall make the registration record inactive, and shall mail a notice to the registered voter at ~~both~~ the ~~former and~~ new ~~addresses~~ address.

(1) The notice shall be sent by forwardable mail, and shall include a postage paid preaddressed return card on which the registered voter may state the registered voter's current address.

(2) The notice shall contain a statement in substantially the following form:

"Information received from the United States postal service indicates that you are no longer a resident of, and therefore not eligible to vote in (name of county) County, Iowa. If this information is not correct, and you still live in (name of county) County, please complete and mail the attached postage paid card at least ten days before the primary or general election and at least eleven days before any other election at which you wish to vote. If the information is correct and you have moved, please contact a local official in your new area for assistance in registering there. If you do not mail in the card, you may be required to show identification before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in an election in (name of county) County, Iowa, on or before (date of second general election following the date of the notice) your name will be removed from the list of voters in that county~~. To ensure you receive this notice, it is being sent to both your most recent registration address and to your new address as reported by the postal service~~."

Sec. 19. Section 48A.31, Code 2009, is amended to read as follows:

48A.31 DECEASED PERSONS RECORD.

The state registrar of vital statistics shall transmit or cause to be transmitted to the state registrar of voters, once each calendar quarter, a certified list of all persons seventeen and one-half years of age and older in the state whose deaths have been reported to the bureau of vital records of the Iowa department of public health since the previous list of decedents was certified to the state registrar of voters. The list shall be submitted according to the specifications of the state registrar of voters~~, who shall determine whether each listed decedent was registered to vote in this state. If the decedent was registered in a county which uses its own data processing facilities for voter registration recordkeeping, the registrar shall notify the commissioner in that county who shall cancel the decedent's registration. If the decedent was registered in a county for which voter registration recordkeeping is performed under contract by the registrar, the registrar shall immediately cancel the registration and notify the commissioner of the county in which the decedent was registered to vote of the cancellation.~~ The commissioner shall, in the month following the end of a calendar quarter, run the statewide voter registration system's matching program to determine whether a listed decedent was registered to vote in the county and shall immediately cancel the registration of any person named on the list of decedents.

Sec. 20. Section 48A.37, subsection 2, Code 2009, is amended to read as follows:

2. Electronic records shall include a status code designating whether the records are active, inactive, incomplete, pending, or canceled. Inactive records are records of registered voters to whom notices have been sent pursuant to section 48A.28, subsection 3, and who have not returned the card or otherwise responded to the notice, and those records have been designated inactive pursuant to section 48A.29. Inactive records are also records of registered voters to whom notices have been sent pursuant to section 48A.26A and who have not responded to the notice. Incomplete records are records missing required information pursuant to section 48A.11, subsection 8. Pending records are records of applicants whose applications have not been verified pursuant to section 48A.25A. Canceled records are records that have been can-

celed pursuant to section 48A.30. All other records are active records. An inactive record shall be made active when the registered voter requests an absentee ballot, votes at an election, registers again, or reports a change of name, address, telephone number, or political party or organization affiliation. An incomplete record shall be made active when a completed application is received from the applicant and verified pursuant to section 48A.25A. A pending record shall be made active upon verification or upon the voter providing identification pursuant to section 48A.8.

Sec. 21. Section 48A.38, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The registrar shall update information on participation in an election no later than sixty days after each election.

Sec. 22. Section 49.19, Code 2009, is amended to read as follows:

49.19 UNPAID OFFICIALS, PAPER BALLOTS OPTIONAL FOR CERTAIN CITY ELECTIONS.

The commissioner may appoint unpaid election precinct officials to election boards, as provided by sections 49.15, 49.16, and 49.20, or elect not to use ~~voting machines~~ automatic tabulating equipment even though ~~they are~~ it is available, as permitted by section 49.26, or both, for any election held for a city, even if the city has a population of more than three thousand five hundred, if there is no contest for any office on the ballot and no public question is being submitted to the voters at that election.

Sec. 23. Section 49.25, subsections 1, 2, and 3, Code 2009, are amended to read as follows:

1. ~~In any county or portion of a county for which voting machines have been acquired under section 52.2 the~~ The commissioner shall determine pursuant to section 49.26, subsection 2, in advance of ~~each~~ an election ~~conducted for a city of three thousand five hundred or less population, or any school district, and individually for each precinct,~~ whether ~~voting~~ ballots voted in that election shall be counted by ~~machine~~ automatic tabulating equipment or by ~~paper ballot~~ precinct election officials. ~~In counties in which conventional paper ballots are not used~~ If automatic tabulating equipment will be used, the commissioner shall furnish voting equipment for use by voters with disabilities.

2. The commissioner shall furnish to each precinct, in advance of each election, ~~voting machines meeting the requirements of chapter 52 or~~ voting booths~~, as the case may be,~~ in the following number:

a. At each regularly scheduled election, at least one for every three hundred fifty voters who voted in the last preceding similar election held in the precinct.

b. At any special election at which the ballot contains only a single public measure or only candidates for a single office or position, the number determined by the commissioner.

3. The commissioner shall furnish to each precinct ~~where voting is to be by paper ballot or optical scan ballot, rather than by voting machine,~~ the necessary ballot boxes, suitably equipped with seals or locks and keys, and voting booths. The voting booths shall ~~be approved by the board of examiners for voting machines and optical scan voting systems and shall~~ provide for voting in secrecy. At least one voting booth in each precinct shall be accessible to persons with disabilities. ~~If the lighting in the polling place is inadequate, the voting booths used in that precinct shall include lights.~~ Ballot boxes shall be locked or sealed before the polls open and shall remain locked or sealed until the polls are closed, except as provided in section 51.7 or to provide necessary service to ~~a~~ malfunctioning ~~portable vote tallying device~~ automatic tabulating equipment. If a ballot box is opened prior to the closing of the polls, two precinct election officials not of the same party shall be present and observe the ballot box being opened.

Sec. 24. Section 49.26, Code 2009, is amended to read as follows:

49.26 COMMISSIONER TO DECIDE METHOD OF VOTING — COUNTING OF BALLOTS.

1. In all elections regulated by this chapter, the voting shall be by paper ballots printed and distributed as provided by law, or by voting ~~machines~~ systems meeting the requirements of chapter 52.

2. a. ~~When voting machines are available for an election precinct, the~~ The commissioner shall determine in advance of each election conducted for a city of three thousand five hundred or less population or for any school district ~~in which voting occurs in that precinct whether voting there shall be by machine or paper ballot~~ whether the ballots will be counted by automatic tabulating equipment or by the precinct election officials. ~~If~~ In making such a determination, the commissioner ~~concludes, on the basis of~~ shall consider voter turnout for recent similar elections and factors considered likely to affect voter turnout for the forthcoming election~~,~~.

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

~~3. In counties in which automatic tabulating equipment is available, the commissioner shall determine in advance of each election whether the ballots will be counted by the automatic tabulating equipment or by the precinct election officials. The commissioner may use ballots and instructions similar to those used when the ballots are counted by automatic tabulating equipment.~~

Sec. 25. Section 49.28, subsection 3, Code 2009, is amended by striking the subsection.

Sec. 26. Section 49.43, Code 2009, is amended to read as follows:

49.43 CONSTITUTIONAL AMENDMENT OR OTHER PUBLIC MEASURE.

1. If possible, all public measures and constitutional amendments to be voted upon by an elector shall be included on a single ballot which shall also include all offices to be voted upon. However, if it is necessary, a separate ballot may be used as provided in section 49.30, subsection 1.

~~In precincts using paper ballots all public measures to be voted upon by a voter at a given election shall be printed upon one ballot of some color other than white. In precincts using voting machines all public measures shall be placed on the machine.~~

2. Constitutional amendments and other public measures may be summarized by the commissioner as provided in sections 49.44 and 52.25.

Sec. 27. Section 49.44, unnumbered paragraph 2, Code 2009, is amended by striking the paragraph.

Sec. 28. Section 49.48, Code 2009, is amended to read as follows:

49.48 NOTICE FOR JUDICIAL OFFICERS AND CONSTITUTIONAL AMENDMENTS.

The state commissioner of elections shall prescribe a notice to inform voters of the location on the ballot of the form for retaining or removing judicial officers and for ratifying or defeating proposed constitutional amendments. The notice shall be conspicuously attached to the ~~voting machine or to the~~ ballot.

Sec. 29. Section 49.53, subsection 1, Code 2009, is amended to read as follows:

1. The commissioner shall not less than four nor more than twenty days before the day of each election, except those for which different publication requirements are prescribed by law, publish notice of the election. The notice shall contain a facsimile of the portion of the ballot containing the first rotation as prescribed by section 49.31, subsection 2, and shall show the names of all candidates or nominees and the office each seeks, and all public questions, to be voted upon at the election. The sample ballot published as a part of the notice may at the discretion of the commissioner be reduced in size relative to the actual ballot but such reduction shall not cause upper case letters appearing in candidates' names or in summaries of public measures on the published sample ballot to be less than ~~ninety percent of the size of such upper case letters appearing on the actual ballot~~ nine point type. The notice shall also state the date of the election, the hours the polls will be open, the location of each polling place at which voting is to occur in the election, ~~the location of the polling places designated as early~~

~~ballot pick-up sites,~~ and the names of the precincts voting at each polling place, but the statement need not set forth any fact which is apparent from the portion of the ballot appearing as a part of the same notice. The notice shall include the full text of all public measures to be voted upon at the election.

Sec. 30. Section 49.56, Code 2009, is amended to read as follows:

49.56 MAXIMUM COST OF PRINTING.

The cost of printing the official election ballots and printed supplies ~~for voting machines~~ shall not exceed the usual and customary rates that the printer charges its regular customers.

Sec. 31. Section 49.57, subsections 5 and 6, Code 2009, are amended to read as follows:

5. On ballots that will be counted by ~~electronic~~ automatic tabulating equipment, ballots shall include a voting target next to the name of each candidate. The position, shape, and size of the targets shall be appropriate for the equipment to be used in counting the votes. Where paper ballots are used, a square may be printed at the beginning of each line in which the name of a candidate is printed, except as otherwise provided.

6. A portion of the ballot~~, which can be shown to the precinct officials without revealing any of the marks made by the voter,~~ shall include the words "Official ballot", the unique identification number or name assigned by the commissioner to the ballot style, the date of the election, and a facsimile of the signature of the commissioner who has caused the ballot to be printed pursuant to section 49.51.

Sec. 32. NEW SECTION. 49.57A FORM OF OFFICIAL BALLOT — IMPLEMENTATION BY RULE.

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

Sec. 33. Section 49.77, subsection 3, paragraph b, Code 2009, is amended to read as follows:

b. A precinct election official may require of the voter unknown to the official, identification ~~upon which the voter's signature or mark appears~~ in the form prescribed by the state commissioner by rule. If identification is established to the satisfaction of the precinct election officials, the person may then be allowed to vote.

Sec. 34. Section 49.84, Code 2009, is amended to read as follows:

49.84 MARKING AND RETURN OF BALLOT.

1. a. After receiving the ballot, the voter shall immediately go ~~alone~~ to ~~one of~~ the next available voting ~~booths~~ booth, and without delay mark the ballot. All voters shall vote in booths. ~~No special lines shall be used to separate voters who state that they wish to vote only a portion of the ballot.~~

b. Before leaving the voting booth, the voter ~~shall fold the ballot or~~ may enclose ~~it~~ the ballot in a secrecy folder to conceal the marks on the ballot. ~~The voter shall deliver the ballot to one of the precinct election officials. No identifying mark or symbol shall be endorsed on the back of the voter's ballot.~~

c. If the precinct has ~~a portable vote tallying system which~~ automatic tabulating equipment that will not permit more than one ballot to be inserted at a time, the voter may insert the ballot into the tabulating device; otherwise, the election official shall place the ballot in the ballot box. An identifying mark or symbol shall not be endorsed on the voter's ballot.

2. This section does not prohibit a voter from taking minor children into the voting booth with the voter.

Sec. 35. Section 49.90, Code 2009, is amended to read as follows:

49.90 ASSISTING VOTER.

Any voter who may declare upon oath that the voter is blind, cannot read the English lan-

guage, or is, by reason of any physical disability other than intoxication, unable to cast a vote without assistance, shall, upon request, be assisted by the two officers as provided in section 49.89, or alternatively by any other person the voter may select in casting the vote. The officers, or the person selected by the voter, shall cast the vote of the voter requiring assistance, and shall thereafter give no information regarding the vote cast. If any elector because of a disability cannot enter the building where the polling place for the elector's precinct of residence is located, the two officers shall take a paper ballot to the vehicle occupied by the elector with a disability and allow the elector to cast the ballot in the vehicle. ~~If an elector with a disability cannot cast a ballot on a voting machine, the elector shall be allowed to cast a paper ballot, which shall be opened immediately after the closing of the polling place by the two precinct election officials designated under section 49.89, who shall register the votes cast thereon on a voting machine in the polling place before the votes cast there are tallied pursuant to section 50.16. To preserve so far as possible the confidentiality of each ballot of an elector with a disability, the two officers shall proceed substantially in the same manner as provided in section 53.24. In precincts where all voters use paper ballots, those~~ Ballots cast by voters with disabilities shall be deposited in the regular ballot box, or inserted in the tabulating device, and counted in the usual manner.

Sec. 36. Section 49.99, subsection 2, Code 2009, is amended to read as follows:

2. If a voter writes the name of a person more than once in the proper places on a ballot ~~or on a voting machine~~ for an office to which more than one person is to be elected, all but one of those votes for that person for that office are void and shall not be counted.

Sec. 37. Section 49.127, Code 2009, is amended to read as follows:

49.127 COMMISSIONER TO EXAMINE ~~MACHINES~~ EQUIPMENT.

It shall be the duty of each commissioner to determine that all voting ~~machines are~~ equipment is operational and functioning properly and that all materials necessary for the conduct of the election are in the commissioner's possession and are correct.

Sec. 38. Section 50.15A, subsection 1, Code 2009, is amended to read as follows:

1. In order to provide the public with an early source of election results before the official canvass of votes, the state commissioner of elections, in cooperation with the commissioners of elections, shall conduct an unofficial canvass of election results following the closing of the polls on the day of a general election. The unofficial canvass shall report election results for national offices, statewide offices, the office of state representative, the office of state senator, and other offices or public measures at the discretion of the state commissioner of elections. The unofficial canvass shall also report the total number of ballots cast at the general election.

Sec. 39. Section 50.22, unnumbered paragraph 3, Code 2009, is amended to read as follows:

If a provisional ballot is rejected, the person casting the ballot shall be notified by the commissioner within ten days of the reason for the rejection, on the form prescribed by the state commissioner pursuant to section 53.25, and the envelope containing the provisional ballot shall be preserved unopened and disposed of in the same manner as spoiled ballots. The provisional ballots which are accepted shall be counted in the manner prescribed by section ~~53.24~~ 53.23, subsection 5. The commissioner shall make public the number of provisional ballots rejected and not counted, at the time of the canvass of the election.

Sec. 40. Section 50.24, Code 2009, is amended to read as follows:

50.24 CANVASS BY BOARD OF SUPERVISORS.

1. The county board of supervisors shall meet to canvass the vote on the first Monday or Tuesday after the day of each election to which this chapter is applicable, unless the law authorizing the election specifies another date for the canvass. If that Monday or Tuesday is a public holiday, section 4.1, subsection 34, controls.

2. Upon convening, the board shall open and canvass the tally lists and shall prepare ab-

stracts stating~~, in words written at length,~~ the number of votes cast in the county, or in that portion of the county in which the election was held, for each office and on each question on the ballot for the election. The board shall contact the chairperson of the special precinct board before adjourning and include in the canvass any absentee ballots which were received after the polls closed in accordance with section 53.17 and which were canvassed by the special precinct board after election day. The abstract shall further indicate the name of each person who received votes for each office on the ballot, and the number of votes each person named received for that office, and the number of votes for and against each question submitted to the voters at the election. The votes of all write-in candidates who each received less than ~~two~~ five percent of the votes cast for an office shall be reported collectively under the heading "scattering".

3. The board shall certify an election canvass summary report prepared by the commissioner. The election canvass summary report shall include the results of the election, including scatterings, overvotes, and undervotes, by precinct for each contest and public measure that appeared on the ballot of the election being canvassed.

4. The board shall ~~also~~ prepare a certificate showing the total number of people who cast ballots in the election. For general elections and elections held pursuant to section 69.14, a copy of the certificate shall be forwarded to the state commissioner.

5. Any obvious clerical errors in the tally lists from the precincts shall be corrected by the supervisors. Complete records of any changes shall be recorded in the minutes of the canvass.

Sec. 41. Section 50.30, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The commissioner shall, within ~~ten~~ thirteen days after the election, forward to the state commissioner one of the duplicate abstracts of votes for each of the following offices:

Sec. 42. NEW SECTION. 50.30A ELECTION CANVASS SUMMARY FORWARDED TO STATE COMMISSIONER.

The commissioner shall, within thirteen days after each primary and general election, forward to the state commissioner a true and exact copy of the election canvass summary report certified by the county board of canvassers.

Sec. 43. Section 50.39, Code 2009, is amended to read as follows:

50.39 ABSTRACT.

It shall make an abstract stating~~, in words written at length,~~ the number of ballots cast for each office, the names of all the persons voted for, for what office, the number of votes each received, and whom it declares to be elected, and if a public question has been submitted to the voters of the state, the number of ballots cast for and against the question and a declaration of the result as determined by the canvassers; which abstract shall be signed by the canvassers in their official capacity and as state canvassers, and have the seal of the state affixed.

Sec. 44. Section 50.48, subsection 4, paragraphs a and c, Code 2009, are amended to read as follows:

a. When all members of the recount board have been selected, the board shall undertake and complete the required recount as expeditiously as reasonably possible. The commissioner or the commissioner's designee shall supervise the handling of ballots ~~or voting machine documents~~ to ensure that the ballots ~~and other documents~~ are protected from alteration or damage. The board shall open only the sealed ballot containers from the precincts specified to be recounted in the request or by the recount board. The board shall recount only the ballots which were voted and counted for the office in question, including any disputed ballots returned as required in section 50.5. If ~~an electronic~~ automatic tabulating ~~system~~ equipment was used to count the ballots, the recount board may request the commissioner to retabulate the ballots using the ~~electronic~~ automatic tabulating ~~system~~ equipment. The same program used for tabulating the votes on election day shall be used at the recount unless the program is believed

or known to be flawed. ~~If a voting machine was used, the paper record required in section 52.7, subsection 2, shall be the official record used in the recount. However, if the commissioner believes or knows that the paper records produced from a machine have been compromised due to damage, mischief, malfunction, or other cause, the printed ballot images produced from the internal audit log for that machine shall be the official record used in the recount.~~

c. The ballots ~~or voting machine documents~~ shall be resealed by the recount board before adjournment and shall be preserved as required by section 50.12. At the conclusion of the recount, the recount board shall make and file with the commissioner a written report of its findings, which shall be signed by at least two members of the recount board. The recount board shall complete the recount and file its report not later than the eighteenth day following the county board's canvass of the election in question.

Sec. 45. Section 51.15, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

51.15 APPLICABILITY OF LAW.

This chapter shall apply to all elections in which the commissioner has determined that paper ballots shall be used and counted by precinct election officials pursuant to section 49.26.

Sec. 46. Section 52.1, subsection 1, Code 2009, is amended to read as follows:

1. At all elections conducted under chapter 49, and at any other election unless ~~specifically prohibited by the statute authorizing the election~~ the commissioner directs otherwise pursuant to section 49.26, votes ~~may~~ shall be cast, registered, recorded, and counted by means of ~~either voting machines or~~ optical scan voting systems, in accordance with this chapter.

Sec. 47. Section 52.1, subsection 2, paragraph g, Code 2009, is amended by striking the paragraph.

Sec. 48. Section 52.3, Code 2009, is amended to read as follows:

52.3 TERMS OF PURCHASE — TAX LEVY.

The county board of supervisors, on the adoption and purchase of ~~a voting machine or~~ an optical scan voting system, may issue bonds under section 331.441, subsection 2, paragraph "b", subparagraph (1).

Sec. 49. Section 52.4, Code 2009, is amended to read as follows:

52.4 EXAMINERS — TERM — REMOVAL.

1. The state commissioner of elections shall appoint three members to a board of examiners for voting systems, not more than two of whom shall be from the same political party. The examiners shall hold office for staggered terms of six years, subject to removal at the pleasure of the state commissioner of elections.

2. At least one of the examiners shall have been trained in computer programming and operations. The other two members shall be directly involved in the administration of elections and shall have experience in the use of ~~voting machines and~~ optical scan voting systems.

Sec. 50. Section 52.5, Code 2009, is amended to read as follows:

52.5 TESTING AND EXAMINATION OF VOTING EQUIPMENT.

1. A person or corporation owning or being interested in ~~a voting machine or~~ an optical scan voting system may request that the state commissioner call upon the board of examiners to examine and test the ~~machine or~~ system. Within seven days of receiving a request for examination and test, the state commissioner shall notify the board of examiners of the request in writing and set a time and place for the examination and test.

2. The state commissioner shall formulate, with the advice and assistance of the examiners, and adopt rules governing the testing and examination of any ~~voting machine or~~ optical scan voting system by the board of examiners. The rules shall prescribe the method to be used in determining whether the ~~machine or~~ system is suitable for use within the state and perfor-

mance standards for voting equipment in use within the state. The rules shall provide that all optical scan voting systems ~~and voting machines~~ approved for use by the examiners after April 9, 2003, shall meet voting systems performance and test standards, as adopted by the federal election commission on April 30, 2002, and as deemed adopted by Pub. L. No. 107-252, § 222. The rules shall include standards for determining when recertification is necessary following modifications to the equipment or to the programs used in tabulating votes, and a procedure for rescinding certification if a system ~~or machine~~ is found not to comply with performance standards adopted by the state commissioner.

3. The state commissioner may employ a competent person or persons to assist the examiners in their evaluation of the equipment and to advise the examiners as to the sufficiency of the equipment. Consultant fees shall be paid by the person who requested the certification. Following the examination and testing of the ~~voting machine or~~ optical scan voting system, the examiners shall report to the state commissioner describing the testing and examination of the ~~machine or~~ system and upon the capacity of the ~~machine or~~ system to register the will of voters, its accuracy and efficiency, and with respect to its mechanical perfections and imperfections. Their report shall be filed in the office of the state commissioner and shall state whether in their opinion the kind of ~~machine or~~ system so examined can be safely used by voters at elections under the conditions prescribed in this chapter. If the report states that the ~~machine or~~ system can be so used, it shall be deemed approved by the examiners, and ~~machines or~~ systems of its kind may be adopted for use at elections as provided in this section. Any form of ~~voting machine or~~ system not so approved cannot be used at any election.

4. Before actual use by a county of a particular optical scan voting system which has been approved for use in this state, the state commissioner shall formulate, with the advice and assistance of the examiners, and adopt rules governing the development of vote counting programs and all procedures used in actual counting of votes by means of that system.

Sec. 51. Section 52.6, Code 2009, is amended to read as follows:

52.6 COMPENSATION.

1. Each examiner is entitled to one hundred fifty dollars for compensation and expenses in making ~~such~~ an examination and report under section 52.5, to be paid by the person or corporation applying for ~~such~~ the examination. ~~No examiner shall have any interest whatever in any machine or system reported upon. Provided that~~ However, each examiner shall receive not to exceed fifteen hundred dollars and reasonable expenses in any one year; and all sums collected for such examinations over and above said maximum salaries and expenses shall be turned in to the state treasury.

2. An examiner shall not have any interest whatever in any optical scan voting system reported upon.

Sec. 52. Section 52.8, Code 2009, is amended to read as follows:

52.8 EXPERIMENTAL USE.

The board of supervisors of any county may provide for the experimental use at an election in one or more districts, of ~~a voting machine or~~ an optical scan voting system which it might lawfully adopt, without a formal adoption ~~thereof~~ of the system; and its use at such election shall be as valid for all purposes as if it had been lawfully adopted.

Sec. 53. Section 52.19, Code 2009, is amended to read as follows:

52.19 INSTRUCTIONS.

In case any elector after entering the voting ~~machine~~ booth shall ask for further instructions concerning the manner of voting, two precinct election officials of opposite political parties shall give such instructions to the elector; but no precinct election official or other election officer or person assisting an elector shall in any manner request, suggest, or seek to persuade or induce any such elector to vote any particular ticket, or for any particular candidate, or for or against any particular amendment, question, or proposition. After receiving such instructions, ~~such~~ the elector shall vote as in the case of an unassisted voter.

Sec. 54. Section 52.23, Code 2009, is amended to read as follows:

52.23 WRITTEN STATEMENTS OF ELECTION ~~— OTHER PAPERS~~.

~~1.~~ After the total vote for each candidate has been ascertained, and before leaving the room or voting place, the precinct election officials shall make and sign the tally list required in section 50.16. One copy of the printed results from each tabulating device shall be signed by all precinct election officials present and shall be attached to the tally list from the precinct. The printed results attached to the tally list shall reflect all votes cast in the precinct, including overvotes and undervotes, for each candidate and public measure on the ballot.

~~2. The inspection sheets from each machine used in the election and one copy of the printed results from each machine shall be signed by all precinct election officials and, with any paper or papers upon which write-in votes were recorded by voters, shall be securely sealed in an envelope marked with the name and date of the election, the precinct, and the serial numbers of the machines from which the enclosed results were removed. This envelope shall be preserved, unopened, for twenty-two months following elections for federal offices and for six months following elections for all other offices unless a recount is requested pursuant to section 50.48 or an election contest is pending. The envelope shall be destroyed in the same manner as ballots pursuant to section 50.13. Additional copies of the results, if any, shall be delivered to the commissioner with the other supplies from the election pursuant to section 50.17.~~

Sec. 55. Section 52.24, Code 2009, is amended to read as follows:

52.24 ~~WHAT STATUTES APPLY —~~ SEPARATE BALLOTS.

~~All of the provisions of the election law not inconsistent with the provisions of this chapter shall apply with full force to all counties adopting the use of voting machines.~~ Nothing in this chapter shall be construed as prohibiting the use of a separate ballot for public measures.

Sec. 56. Section 52.25, Code 2009, is amended to read as follows:

52.25 SUMMARY OF AMENDMENT OR PUBLIC MEASURE.

1. The question of a constitutional convention, amendments, and public measures including bond issues may be voted ~~on voting machines and~~ on ballots in the following manner:

~~1.~~ a. The entire convention question, amendment, or public measure shall be printed and displayed prominently in at least ~~four places~~ one place within the voting precinct, and inside each voting booth, the printing to be in conformity with the provisions of chapter 49.

~~2.~~ b. The question, amendment, or measure, and summaries thereof, shall be printed on the ~~special paper~~ ballots ~~or on the inserts used in the voting machines~~. In no case shall the font size be less than ten point type.

~~3.~~ 2. The public measure shall be summarized by the commissioner, except that:

a. In the case of the question of a constitutional convention, or of an amendment or measure to be voted on in the entire state, the summary shall be worded by the state commissioner of elections as required by section 49.44.

b. In the case of a public question to be voted on in a political subdivision lying in more than one county, the summary shall be worded by the commissioner responsible under section 47.2 for conducting that election.

Sec. 57. Section 52.27, Code 2009, is amended to read as follows:

52.27 COMMISSIONER TO PROVIDE OPTICAL SCAN VOTING EQUIPMENT.

The commissioner having jurisdiction of any precinct for which the board of supervisors has adopted voting by means of an optical scan voting system shall, as soon as practicable thereafter, provide for use at each election held in the precinct optical scan ballots and ballot marking devices in appropriate numbers. The commissioner shall have custody of all equipment required for use of the optical scan voting system, and shall be responsible for maintaining it in good condition and for storing it between elections. ~~All provisions of chapter 49 relative to times and circumstances under which voting machines are to be used in any election and the number of voting machines to be provided shall also govern the use of optical scan voting systems, when applicable.~~

Sec. 58. Section 52.28, Code 2009, is amended to read as follows:

52.28 OPTICAL SCAN VOTING SYSTEM BALLOT FORMS.

The commissioner of each county in which the use of an optical scan voting system in one or more precincts has been authorized shall print optical scan ballots using black ink on white paper and shall determine the arrangement of candidates' names and public questions upon the ballot or ballots used with the system. The ballot information shall be arranged as required by chapters 43 and 49, and by any relevant provisions of any statutes which specify the form of ballots for special elections, so far as possible within the constraints of the physical characteristics of the optical scan voting system in use in that county. The state commissioner may adopt rules requiring a reasonable degree of uniformity among counties in arrangement of optical scan voting system ballots.

Sec. 59. Section 52.29, Code 2009, is amended to read as follows:

52.29 OPTICAL SCAN VOTING SYSTEM SAMPLE BALLOTS.

The commissioner shall provide for each precinct where an optical scan voting system is in use at least ~~four~~ one sample optical scan ~~ballots~~ ballot which shall be an exact ~~copies~~ copy of the official ballots as printed for that precinct. ~~The sample ballots shall be arranged in the form of a diagram showing the optical scan ballot as it will appear to the voter in that precinct on election day.~~ The sample ~~ballots~~ ballot shall be posted prominently within the polling place, and shall be open to public inspection during the hours the polls are open on election day. If the ballot used on election day has offices or questions appearing on the back of the ballot, both sides of the sample ballot shall be displayed.

Sec. 60. Section 52.41, Code 2009, is amended to read as follows:

52.41 ELECTRONIC TRANSMISSION OF ELECTION RESULTS.

With the advice of the board of examiners for voting ~~machines and electronic voting~~ systems, the state commissioner shall adopt by rule standards for the examination and testing of devices for the electronic transmission of election results. All voting systems which contain devices for the electronic transmission of election results submitted to the examiners for examination and testing after July 1, 2003, shall comply with these standards.

Sec. 61. Section 53.2, subsections 5, 6, and 7, Code 2009, are amended to read as follows:

5. An application for a primary election ballot which specifies a party different from that recorded on the registered voter's voter registration record, or if the voter's voter registration record does not indicate a party affiliation, shall be accepted as a change or declaration of party affiliation. The commissioner shall approve the change or declaration and enter a notation of the change on the registration records at the time the absentee ballot request is noted on the voter's registration record. A notice shall be sent with the ballot requested informing the voter that the voter's registration record will be changed to show that the voter is now affiliated with the party whose ballot the voter requested. If an application for a primary election ballot does not specify a party and the voter registration record of the voter from whom the application is received shows that the voter is affiliated with a party, the voter shall be mailed the ballot of the party indicated on the voter's registration record.

6. If an application for an absentee ballot is received from an eligible elector who is not a registered voter the commissioner shall send the eligible elector a voter registration form ~~under section 48A.8~~ and ~~an~~ another absentee ballot application form ~~to the eligible elector~~. ~~If the application is received so late that it is unlikely that the registration form can be returned in time to be effective on election day, the commissioner shall enclose with the absentee ballot a notice to that effect, informing the voter of the registration time limits in section 48A.9. The commissioner shall record on the elector's application that the elector is not currently registered to vote. If the registration form is properly returned by the time provided by section 48A.9, the commissioner shall record on the elector's application the date of receipt of the registration form and enter a notation of the registration on the registration records.~~ If the application is received after the time registration closes pursuant to section 48A.9 but by 5:00 p.m.

on the Saturday before the election for general and primary elections or by 5:00 p.m. on the Friday before the election for all other elections, the commissioner shall notify the applicant by mail of the election day and in-person absentee registration provisions of section 48A.7A. In addition to notification by mail, the commissioner shall also attempt to contact the applicant by any other method available to the commissioner.

7. A registered voter who has not moved from the county in which the elector is registered to vote may submit a change of name, telephone number, or address on the absentee ballot application form ~~prescribed in section 48A.8~~ when ~~casting~~ requesting an absentee ballot. Upon receipt of a properly completed form, the commissioner shall enter a notation of the change on the registration records.

Sec. 62. Section 53.8, subsection 1, Code 2009, is amended to read as follows:

1. Upon receipt of an application for an absentee ballot and immediately after the absentee ballots are printed, the commissioner shall mail an absentee ballot to the applicant within twenty-four hours, except as otherwise provided in subsection 3. The absentee ballot shall be enclosed in an unsealed envelope bearing a serial number and affidavit. The absentee ballot and unsealed envelope shall be enclosed in or with a ~~carrier~~ return envelope marked postage paid which bears the same serial number as the unsealed envelope. The absentee ballot, unsealed envelope, and ~~carrier~~ return envelope shall be enclosed in a third envelope to be sent to the registered voter. If the ballot cannot be folded so that all of the votes cast on the ballot will be hidden, the commissioner shall also enclose a secrecy envelope with the absentee ballot.

Sec. 63. Section 53.8, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. The commissioner shall enclose with the absentee ballot a statement informing the applicant that the sealed ~~carrier~~ return envelope may be mailed to the commissioner by the registered voter or the voter's designee or may be personally delivered to the commissioner's office by the registered voter or the voter's designee. The statement shall also inform the voter that the voter may request that the voter's designee complete a receipt when retrieving the ballot from the voter. A blank receipt shall be enclosed with the absentee ballot.

Sec. 64. Section 53.17, subsections 1 and 2, Code 2009, are amended to read as follows:

1. The sealed envelope containing the absentee ballot shall be enclosed in a ~~carrier~~ return envelope which shall be securely sealed. The sealed ~~carrier~~ return envelope shall be returned to the commissioner by one of the following methods:

a. The sealed ~~carrier~~ return envelope may be delivered by the registered voter, by the voter's designee, or by the special precinct election officials designated pursuant to section 53.22, subsection 1, to the commissioner's office no later than the time the polls are closed on election day. However, if delivered by the voter's designee, the envelope shall be delivered within seventy-two hours of retrieving it from the voter or before the closing of the polls on election day, whichever is earlier.

b. The sealed ~~carrier~~ return envelope may be mailed to the commissioner by the registered voter or by the voter's designee. If mailed by the voter's designee, the envelope must be mailed within seventy-two hours of retrieving it from the voter or within time to be postmarked not later than the day before the election, whichever is earlier.

2. In order for the ballot to be counted, the ~~carrier~~ return envelope must be received in the commissioner's office before the polls close on election day or be clearly postmarked by an officially authorized postal service not later than the day before the election and received by the commissioner not later than noon on the Monday following the election.

Sec. 65. Section 53.18, subsections 1 and 2, Code 2009, are amended to read as follows:

1. When the return ~~carrier~~ envelope containing the completed absentee ballot is received by the commissioner, the commissioner shall at once record receipt of such ballot. Absentee ballots shall be stored in a secure place until they are delivered to the absentee and special voters precinct board.

2. If the commissioner receives the return ~~carrier~~ envelope containing the completed absentee ballot by ~~five~~ 5:00 p.m. on the Saturday before the election for general and primary elections and by ~~five~~ 5:00 p.m. on the Friday before the election for all other elections, the commissioner shall open the envelope to review the affidavit for any deficiencies. If the affidavit contains a deficiency that would cause the ballot to be rejected, the commissioner shall, within twenty-four hours of the time the envelope was received, notify the voter of that fact and that the voter may correct the deficiency by ~~five~~ 5:00 p.m. on the day before the election.

Sec. 66. Section 53.20, subsection 2, Code 2009, is amended to read as follows:

2. Results from the special precinct shall be reported separately from the results of the ballots cast at the polls on election day. The commissioner shall for general elections also report the results of the special precinct by the resident precincts of the voters who cast absentee and provisional ballots. For all other elections, the commissioner may report the results of the special precinct by the resident precincts of the voters who cast absentee and provisional ballots, or may report the absentee results as a single precinct. ~~The separate residence precinct reports shall be provided in one of the following ways:~~

~~a. The commissioner may manually sort the absentee ballots by precinct upon receipt of completed ballots. Each group of ballots from an individual precinct shall be tallied together.~~

~~b. The commissioner may prepare a separate absentee ballot style for each precinct in the county and shall program the voting system to produce reports by the resident precincts of the voters.~~ For the general election and for any election in which the commissioner determines in advance of the election to report the results of the special precinct by the resident precincts of the voters who cast absentee and provisional ballots, the commissioner shall prepare a separate absentee ballot style for each precinct in the county and shall program the voting system to produce reports by the resident precincts of the voters.

Sec. 67. Section 53.21, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. The voter shall enclose one copy of the above statement in the return ~~carrier~~ envelope with the affidavit envelope and retain a copy for the voter's records.

Sec. 68. Section 53.22, subsection 5, paragraph b, Code 2009, is amended to read as follows:

b. Absentee ballots voted under this subsection shall be delivered to the commissioner no later than the time the polls are closed on election day. If the ballot is returned by mail the ~~carrier~~ return envelope must be received by the time the polls close, or clearly postmarked by an officially authorized postal service not later than the day before the election and received by the commissioner no later than the time established for the canvass by the board of supervisors for that election.

Sec. 69. Section 53.25, Code 2009, is amended to read as follows:

53.25 REJECTING BALLOT.

1. If the absentee voter's affidavit ~~is found to be insufficient~~ lacks the voter's signature, if the applicant is not a duly registered voter on election day in ~~such~~ the precinct where the absentee ballot was cast, if the affidavit envelope contains more than one ballot of any one kind, or if the voter has voted in person, such vote shall ~~not~~ be ~~accepted or counted~~ rejected by the absentee and special voters precinct board. If the affidavit envelope is open, or has been opened and resealed, or if the ballot is not enclosed in the affidavit envelope, and an affidavit envelope with the same serial number and marked "Replacement ballot" is not attached as provided in section 53.18, the vote shall ~~not~~ be ~~accepted or counted~~ rejected by the absentee and special voters precinct board.

2. If the absentee ballot is rejected prior to the opening of the affidavit envelope, the voter casting the ballot shall be notified by a precinct election official by the time the canvass is completed of the reason for the rejection on a form prescribed by the state commissioner of elections.

Sec. 70. Section 53.30, Code 2009, is amended to read as follows:

53.30 BALLOTS, BALLOT ENVELOPES, AND OTHER INFORMATION PRESERVED.

At the conclusion of each meeting of the absentee and special voter's precinct board, the board shall securely seal all ballots counted by them in the manner prescribed in section 50.12. The ballot envelopes, including the envelope having the registered voter's affidavit on it, the return ~~carrier~~ envelope, and secrecy envelope bearing the signatures of precinct election officials, as required by section 53.23, shall be preserved. All applications for absentee ballots, ballots rejected without being opened, absentee ballot logs, and any other documents pertaining to the absentee ballot process shall be preserved until such time as the documents may be destroyed pursuant to section 50.19.

Sec. 71. Section 53.40, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. A request shall show the residence (including street address, if any) of the voter~~,~~ and the age of the voter~~, and length of residence in the city or township, county and state,~~ and shall designate the address to which the ballot is to be sent~~, and in~~. In the case of the primary election, the request shall also show the party affiliation of ~~such~~ the voter. ~~Such~~ The request shall be made to the commissioner of the county of the voter's residence~~, provided that~~. However, if the request is made by the voter to any elective state, city, or county official, the ~~said~~ official shall forward it to the commissioner of the county of the voter's residence, and such request so forwarded shall have the same force and effect as if made ~~direct~~ directly to the commissioner by the voter.

Sec. 72. Section 53.53, subsection 4, paragraph b, Code 2009, is amended to read as follows:

b. The voter's application for a regular absentee ballot was received by the commissioner less than fourteen days prior to the election. However, if the voter's application for a regular absentee ballot is not received by the commissioner and if the federal write-in absentee ballot is not prohibited by another provision of this subsection, a federal write-in absentee ballot cast by the voter and received by the commissioner is valid.

Sec. 73. Section 69.8, subsection 2, Code 2009, is amended to read as follows:

2. STATE OFFICES. In all state offices, judges of courts of record, officers, trustees, inspectors, and members of all boards or commissions, and all persons filling any position of trust or profit in the state, by the governor, except when some other method is specially provided. An appointment by the governor to fill a vacancy in the office of lieutenant governor shall be for the balance of the unexpired term. An appointment made under this subsection to a state office subject to section 69.13 shall be for the period until the vacancy is filled by election pursuant to law.

Sec. 74. Section 256.11, subsection 5, paragraph b, Code 2009, is amended to read as follows:

b. Five units of the social studies including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting ~~machines~~ systems in the election process, and the method of acquiring and casting an absentee ballot. All students shall complete a minimum of one-half unit of United States government and one unit of United States history. The one-half unit of United States government shall include the voting procedure as described in this lettered paragraph and section 280.9A. The government instruction shall also include a study of the Constitution of the United States and the Bill of Rights contained in the Constitution and an assessment of a student's knowledge of the Constitution and the Bill of Rights.

Sec. 75. Section 260C.15, subsection 1, Code 2009, is amended to read as follows:

1. Regular elections held by the merged area for the election of members of the board of directors as required by section 260C.11~~, for the renewal of the twenty and one-fourth cents per~~

~~thousand dollars of assessed valuation levy authorized in section 260C.22,~~ or for any other matter authorized by law and designated for election by the board of directors of the merged area, shall be held on the date of the school election as fixed by section 277.1. However, elections held for the renewal of the twenty and one-fourth cents per thousand dollars of assessed valuation levy authorized in section 260C.22 shall be held either on the date of the school election as fixed by section 277.1 or at a special election held on the second Tuesday in September of the even-numbered year. The election notice shall be made a part of the local school election notice published as provided in section 49.53 in each local school district where voting is to occur in the merged area election and the election shall be conducted by the county commissioner of elections pursuant to chapters 39 through 53 and section 277.20.

Sec. 76. Section 260C.22, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. In addition to the tax authorized under section 260C.17, the voters in a merged area may at the regular school election or at a special election held on the second Tuesday in September of the even-numbered year vote a tax not exceeding twenty and one-fourth cents per thousand dollars of assessed value in any one year for a period not to exceed ten years for the purchase of grounds, construction of buildings, payment of debts contracted for the construction of buildings, purchase of buildings and equipment for buildings, and the acquisition of libraries, for the purpose of paying costs of utilities, and for the purpose of maintaining, remodeling, improving, or expanding the community college of the merged area. If the tax levy is approved under this section, the costs of utilities shall be paid from the proceeds of the levy. The tax shall be collected by the county treasurers and remitted to the treasurer of the merged area as provided in section 331.552, subsection 29. The proceeds of the tax shall be deposited in a separate and distinct fund to be known as the voted tax fund, to be paid out upon warrants drawn by the president and secretary of the board of directors of the merged area district for the payment of costs incurred in providing the school facilities for which the tax was voted.

Sec. 77. Section 275.18, subsection 3, Code 2009, is amended to read as follows:

3. The area education agency administrator shall furnish to the commissioner a map of the proposed reorganized area which must be approved by the commissioner as suitable for posting. The map shall be displayed prominently in at least ~~four places~~ one place within the voting precinct, and inside each voting booth~~, or on the left-hand side inside the curtain of each voting machine~~.

Sec. 78. Section 280.9A, subsections 1 and 2, Code 2009, are amended to read as follows:

1. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall require that all students in grades nine through twelve complete, as a condition of graduation, instruction in American history and the governments of Iowa and the United States, including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting ~~machines~~ systems in the election process, and the method of acquiring and casting an absentee ballot.

2. The county auditor, upon request and at a site chosen by the county auditor, shall make available to schools within the county voting ~~machines~~ equipment or sample ballots that are generally used within the county, at times when ~~these machines~~ this equipment or sample ballots are not in use for their recognized purpose.

Sec. 79. Section 294.8, Code 2009, is amended to read as follows:

294.8 PENSION SYSTEM.

~~Any~~ A school district located in whole or in part within a city having a population of twenty-five thousand one hundred or more may establish a pension and annuity retirement system for the public school teachers of such district ~~provided said system,~~. However, in cities having a population less than seventy-five thousand, establishment of the system shall be ratified by a vote of the people at a ~~general~~ regular school election.

Sec. 80. Section 298.2, subsection 4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The board may on its own motion, and upon the written request of not less than one hundred eligible electors or thirty percent of the number of eligible electors voting at the last regular school election, whichever is greater, shall, direct the county commissioner of elections to provide for submitting the proposition of levying the voter-approved physical plant and equipment levy for a period of time authorized by the voters in the notice of election, not to exceed ten years, in the notice of the regular school election. The proposition is adopted if a majority of those voting on the proposition at the election approves it. The voter-approved physical plant and equipment levy shall be funded either by a physical plant and equipment property tax or by a combination of a physical plant and equipment property tax and a physical plant and equipment income surtax, as determined by the board. However, if the board intends to enter into a rental or lease arrangement under section 279.26, or intends to enter into a loan agreement under section 297.36, only a property tax shall be levied for those purposes. Subject to the limitations of section 298.14, if the board uses a combination of a physical plant and equipment property tax and a physical plant and equipment surtax, for each fiscal year the board shall determine the percent of income surtax to be imposed expressed as full percentage points, not to exceed twenty percent.

Sec. 81. Section 298.9, Code 2009, is amended to read as follows:

298.9 SPECIAL LEVIES.

If the voter-approved physical plant and equipment levy, consisting solely of a physical plant and equipment property tax levy, is approved by the voters at ~~the regular school~~ an election held on a date specified in section 39.2, subsection 4, paragraph "c", and certified to the board of supervisors after the regular levy is made, the board shall at its next regular meeting levy the tax and cause it to be entered upon the tax list to be collected as other school taxes. If the certification is filed prior to May 1, the annual levy shall begin with the tax levy of the year of filing. If the certification is filed after May 1 in a year, the levy shall begin with the levy of the fiscal year succeeding the year of the filing of the certification.

Sec. 82. Section 301.24, Code 2009, is amended to read as follows:

301.24 PETITION — ELECTION.

Whenever a petition signed by one hundred eligible electors residing in the school district or a number of eligible electors residing in the school district equal to at least ten percent of the number of voters in the last preceding regular school election, whichever is greater, is filed with the secretary ~~thirty~~ sixty days or more before the regular school election, asking that the question of providing free textbooks for the use of pupils in the school district's attendance centers be submitted to the voters at the next regular school election, the secretary shall cause notice of ~~such~~ the proposition to be given in the notice of ~~such~~ the election.

Sec. 83. Section 331.201, subsection 3, Code 2009, is amended to read as follows:

3. The office of supervisor is an elective office except that if a vacancy occurs on the board, a successor ~~shall~~ may be appointed to the unexpired term as provided in ~~chapter 69~~ section 69.14A.

Sec. 84. Section 331.383, Code 2009, is amended to read as follows:

331.383 DUTIES AND POWERS RELATING TO ELECTIONS.

The board shall ensure that the county commissioner of elections conducts primary, general, city, school, and special elections in accordance with applicable state law. The board shall canvass elections in accordance with sections 43.49 to 43.51, 43.60 to 43.62, 46.24, 50.13, 50.24 to 50.29, 50.44 to 50.47, 260C.39, 275.25, 277.20, 376.1, 376.7, and 376.9. The board shall prepare and deliver a list of persons nominated in accordance with section 43.55, provide for a recount in accordance with section 50.48, provide for election precincts in accordance with sections 49.3, 49.4, 49.6 to 49.8, and 49.11, pay election costs as provided in section 47.3, participate in election contests as provided in sections 62.1A and 62.9, and perform other election

duties required by state law. The board may authorize additional precinct election officials as provided in section 51.1, provide for the use of ~~a voting machine or~~ an optical scan voting system as provided in sections 52.2, 52.3, and 52.8, and exercise other election powers as provided by state law.

Sec. 85. Section 331.425, subsection 2, Code 2009, is amended to read as follows:

2. The election shall be held on the ~~second~~ first Tuesday in March and be conducted by the county commissioner of elections in accordance with the law.

Sec. 86. Section 331.427, subsection 3, paragraph c, Code 2009, is amended to read as follows:

c. Purchase of voting ~~machines~~ systems and equipment under chapter 52.

Sec. 87. Section 331.441, subsection 2, paragraph b, subparagraph (1), Code 2009, is amended to read as follows:

(1) ~~Voting machines or an~~ An optical scan voting system.

Sec. 88. Section 331.502, subsection 17, Code 2009, is amended to read as follows:

17. Make available to schools, voting ~~machines~~ equipment or sample ballots for instructional purposes as provided in section 280.9A.

Sec. 89. Section 364.2, subsection 4, paragraph b, Code 2009, is amended to read as follows:

b. Such an ordinance shall not become effective unless approved at an election. The proposal may be submitted by the council on its own motion to the voters at any city election. Upon receipt of a valid petition as defined in section 362.4 requesting that a proposal be submitted to the voters, the council shall submit the proposal at the next regular city election or at a special election called for that purpose before the next regular city election. However, the city council may dispense with such election as to the grant, amendment, extension, or renewal of an electric light and power, heating, or gasworks franchise unless there is a valid petition requesting submission of the proposal to the voters, or the party seeking such franchise, grant, amendment, extension, or renewal requests an election. If a majority of those voting approves the proposal, the city may proceed as proposed. The complete text of the ordinance shall be included on the ballot if conventional paper ballots are used. If an optical scan voting system ~~or voting machine~~ is used, the proposal shall be stated on the optical scan ballot ~~and on the machine~~, and the full text of the ordinance posted for the voters pursuant to section 52.25. All absentee voters shall receive the full text of the ordinance.

Sec. 90. Section 368.19, subsection 2, Code 2009, is amended to read as follows:

2. The city shall provide to the commissioner of elections a map of the area to be incorporated, discontinued, annexed, severed, or consolidated, which must be approved by the commissioner as suitable for posting. The map shall be displayed prominently in at least ~~four places~~ one place within the voting precinct, and inside each voting booth~~, or on the left-hand side inside the curtain of each voting machine~~.

Sec. 91. Section 372.13, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. (1) By a special election held to fill the office for the remaining balance of the unexpired term. If the council opts for a special election or a valid petition is filed under paragraph "a", the special election may be held concurrently with any pending election as provided by section 69.12 if by so doing the vacancy will be filled not more than ninety days after it occurs. Otherwise, a special election to fill the office shall be called by the council at the earliest practicable date. The council shall give the county commissioner at least thirty-two days' written notice of the date chosen for the special election. The council of a city where a primary election may

be required shall give the county commissioner at least sixty days' written notice of the date chosen for the special election. A special election held under this subsection is subject to sections 376.4 through 376.11, but the dates for actions in relation to the special election shall be calculated with regard to the date for which the special election is called. However, a nomination petition must be filed not less than twenty-five days before the date of the special election and, where a primary election may be required, a nomination petition must be filed not less than ~~fifty-two~~ fifty-three days before the date of the special election.

(2) If there are concurrent vacancies on the council and the remaining council members do not constitute a quorum of the full membership, a special election shall be called by the county commissioner at the earliest practicable date. The remaining council members shall give notice to the county commissioner of the absence of a quorum. If there are no remaining council members, the city clerk shall give notice to the county commissioner of the absence of a council. If the office of city clerk is vacant, the city attorney shall give notice to the county commissioner of the absence of a clerk and a council. Notice of the need for a special election shall be given under this paragraph by the end of the following business day.

Sec. 92. Section 373.6, subsection 1, Code 2009, is amended to read as follows:

1. If a proposed charter for consolidation is received not later than ~~sixty~~ seventy-eight days before the next general election, the council of the participating city with the largest population shall, not later than sixty-nine days before the general election, direct the county commissioner of elections to submit to the registered voters of the participating cities at the next general election the question of whether the proposed charter shall be adopted. A summary of the proposed charter shall be published in a newspaper of general circulation in each city participating in the charter commission process at least ten but not more than twenty days before the date of the election. The proposed charter shall be effective in regard to a city only if a majority of the electors of the city voting approves the proposed charter.

Sec. 93. Section 376.4, Code 2009, is amended to read as follows:

376.4 CANDIDACY.

1. a. An eligible elector of a city may become a candidate for an elective city office by filing with the city clerk a valid petition requesting that the elector's name be placed on the ballot for that office. The petition must be filed not more than seventy-one days and not less than forty-seven days before the date of the election, and must be signed by eligible electors equal in number to at least two percent of those who voted to fill the same office at the last regular city election, but not less than ten persons. However, for those cities which may be required to hold a primary election, the petition must be filed not more than eighty-five days and not less than sixty-eight days before the date of the regular city election. ~~A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office.~~ Nomination petitions shall be filed not later than ~~five o'clock~~ 5:00 p.m. on the last day for filing.

b. The petitioners for an individual seeking election from a ward must be residents of the ward at the time of signing the petition. An individual is not eligible for election from a ward unless the individual is a resident of the ward at the time the individual files the petition and at the time of election.

2. a. The petition must include space for the ~~signature~~ signatures of the petitioners, a statement of their place of residence, and the date on which they signed the petition. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office.

b. The petition must include the affidavit of the individual for whom it is filed, stating the individual's name, the individual's residence, that the individual is a candidate and eligible for the office, and that if elected the individual will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the

candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

3. If the city clerk is not readily available during normal office hours, the city clerk shall designate other employees or officials of the city who are ordinarily available to accept nomination papers under this section. On the final date for filing nomination papers the office of the city clerk shall remain open until ~~five~~ 5:00 p.m.

4. The city clerk shall review each petition and affidavit of candidacy for completeness following the standards in section 45.5 and shall accept the petition for filing if on its face it appears to have the requisite number of signatures and if it is timely filed. The city clerk shall note upon each petition and affidavit accepted for filing the date and time that they were filed. The clerk shall return any rejected nomination papers to the person on whose behalf the nomination papers were filed.

5. Nomination papers filed with the city clerk shall be available for public inspection. The city clerk shall deliver all nomination ~~petitions~~ papers together with the text of any public measure being submitted by the city council to the electorate to the county commissioner of elections not later than ~~five o'clock~~ 5:00 p.m. on the day following the last day on which nomination petitions can be filed.

6. Any person on whose behalf nomination petitions have been filed under this section may withdraw as a candidate by filing a signed statement to that effect as prescribed in section 44.9. Objections to the legal sufficiency of petitions shall be filed in accordance with the provisions of sections 44.4, 44.5, and 44.8.

Sec. 94. Section 384.12, subsection 20, paragraphs a and b, Code 2009, are amended to read as follows:

a. The election may be held as specified in this subsection if notice is given by the city council, not later than thirty-two days before the ~~second~~ first Tuesday in March, to the county commissioner of elections that the election is to be held.

b. An election under this subsection shall be held on the ~~second~~ first Tuesday in March and be conducted by the county commissioner of elections in accordance with the law.

Sec. 95. Section 468.511, subsections 2 and 3, Code 2009, are amended to read as follows:

2. For the purpose of this subchapter, applications for ballots shall be made on blanks substantially in the following form:

Application for ballot to be voted at the . . . . . .
(Name of District) District Election on . . . . . (Date)

State of . . . . .)
. . . . . County) ss.

I, ... (Applicant), do solemnly swear that I am a landowner in the . . . . . (Name of District) District and that I am a duly qualified voter entitled to vote in said election, and ~~that on account of . . . . . (business, illness, residence outside of the county, etc.) I cannot be at the polls on election day, and~~ I hereby make application for an official ballot or ballots to be voted by me at such election, and that I will return said ballot or ballots to the officer issuing same before the day of said election.

Signed . . . . . .
Date . . . . . .
Residence (street number if any) . . . . . .
City . . . . . State . . . . . .

Subscribed and sworn to before me this . . . . . day of . . . . . (month), ... (year)

3. For the purpose of this subchapter, the affidavit on the reverse side of the envelopes used for enclosing the marked ballots shall be substantially as follows:

State of . . . . .)
. . . . . County) ss.

I, ... (Applicant), do solemnly swear that I am a landowner in the . . . . . (Name of District) District and that I am a duly qualified voter to vote in the election of trustees

of said district ~~and that I shall be prevented from attending the polls on the day of election because of . . . . . (business, illness, residence outside of the county, etc.)~~ and that I have marked the enclosed ballot in secret.

Signed . . . . . .

Subscribed and sworn to before me this . . . . . day of . . . . . (month), ... (year), and that I hereby certify that the affiant exhibited the enclosed ballot to me unmarked; that the affiant then in my presence and in the presence of no other person and in such manner that I could not see the affiant's vote, marked such ballot, enclosed and sealed the same in this envelope; and that the affiant was not solicited or advertised by me for or against any candidate or measure.

. . . . . .

. . . . . .

(Official Title)

Sec. 96. Sections 43.26, 48A.40, 49.35, 49.42A, 50.2, 52.7, 52.9, 52.10, 52.17, 52.18, 52.20, and 53.24, Code 2009, are repealed.

Sec. 97. EFFECTIVE AND APPLICABILITY DATES.

1. The section of this Act amending section 48A.27, being deemed of immediate importance, takes effect upon enactment and applies to notices mailed on or after the effective date.

2. The section of this Act amending section 298.9, being deemed of immediate importance, takes effect upon enactment.

Approved April 10, 2009

CHAPTER 58

PROPERTY TAX ABATEMENTS OR REFUNDS
— RELIGIOUS, LITERARY, OR CHARITABLE SOCIETY

S.F. 43

AN ACT relating to the abatement or refund of property taxes for certain religious, literary, and charitable societies and including effective and retroactive applicability date provisions.

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

Section 1. ABATEMENT OR REFUND OF PROPERTY TAXES. Notwithstanding the requirement for the filing of a claim for property tax exemption by February 1, as provided in section 427.1, subsection 14, the board of supervisors of a county having a population of more than twenty-one thousand but not more than twenty-one thousand three hundred, based upon the latest federal decennial census, shall abate or refund the property taxes owed, with all interest, fees, and costs that were due and payable during the fiscal years beginning July 1, 2007, and July 1, 2008, on the land and buildings of a religious, literary, or charitable society that acquired the property by gift or purchase and that did not receive a property tax exemption due to the inability or failure to file for the exemption. To receive the abatement or refund provided for in this section, the religious, literary, or charitable society shall apply to the county board of supervisors by August 1, 2009, and provide appropriate information establishing that the lands and buildings for which the abatement or refund is sought were used by the society

for its appropriate objects during the fiscal years beginning July 1, 2007, and July 1, 2008. The abatement or refund allowed under this section only applies to property taxes, with all interest, fees, and costs, due and payable in the fiscal years beginning July 1, 2007, and July 1, 2008. Upon the filing and allowance of the claim for abatement or refund under this section, the claim for exemption shall be allowed on the property for successive years without further filing as long as the property continues to qualify for the exemption.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to property taxes due and payable in the fiscal years beginning July 1, 2007, and July 1, 2008.

Approved April 15, 2009

CHAPTER 59

STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM —
PURCHASE OF SERVICE CREDITS

S.F. 225

AN ACT allowing the purchase of service credit under the statewide fire and police retirement system for prior service under the retirement system.

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

Section 1. NEW SECTION. 411.10A PURCHASE OF SERVICE CREDIT FOR PRIOR SERVICE.

1. An active member of the system who has been a member of the retirement system five or more years and who received a refund of the member's contributions for a prior period of service under the system may elect to purchase up to five years of service credit for that prior period of service, that will be recognized by the retirement system for purposes of calculating a member's benefit, pursuant to Internal Revenue Code section 415(n) and the requirements of this section.

2. a. A member seeking to purchase service credit pursuant to this section shall file a written application with the system requesting an actuarial determination of the cost of a purchase of service credit. Upon receipt of the cost estimate for the purchase of service from the system, the member may make contributions to the system in an amount equal to the actuarial cost of the service credit purchase.

b. For purposes of this subsection, the actuarial cost of the service credit purchase is an amount determined by the system in accordance with actuarial tables, as reported to the system by the system's actuary, which reflects the actuarial cost necessary to fund an increased retirement allowance resulting from the purchase of service credit.

3. The system shall ensure that the member, in exercising an option provided in this section, does not exceed the amount of annual additions to a member's account permitted pursuant to section 415 of the federal Internal Revenue Code.

4. The board of trustees shall adopt rules providing for the implementation and administration of this section.

Approved April 15, 2009

CHAPTER 60

TAXATION —
ADMINISTRATION AND RELATED CHANGES

S.F. 322

AN ACT relating to the technical administration of the tax and related laws by the department of revenue, including administration of income taxes, sales and use taxes, fees for new vehicle registrations, and property taxes and including a retroactive applicability date provision.

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

Section 1. Section 257.22, Code 2009, is amended to read as follows:

257.22 STATUTES APPLICABLE.

The director of revenue shall administer the instructional support income surtax imposed under this chapter, and sections 422.4, 422.20, 422.22 to 422.31, 422.68, 422.70, and 422.72 to 422.75 shall apply with respect to administration of the instructional support income surtax.

Sec. 2. Section 321.105A, subsection 4, paragraph a, Code 2009, is amended to read as follows:

a. The director of revenue in consultation with the department of transportation shall administer and enforce the fee for new registration as nearly as possible in conjunction with the administration and enforcement of the state use tax law, except that portion of the law which implements the streamlined sales and use tax agreement. ~~The director shall provide appropriate forms, or provide on the annual registration forms provided by the department of transportation, for reporting the fee for new registration liability.~~

Sec. 3. Section 321.105A, subsection 5, paragraph a, Code 2009, is amended to read as follows:

a. A licensed vehicle dealer maintaining a place of business in this state who sells a vehicle subject to registration for use in this state shall collect the fee for new registration at the time of making the sale. A dealer required to collect the fee for new registration shall give to the purchaser a receipt for the fee ~~in the manner and form prescribed by the director~~ collected. Fees collected by a dealer under this section shall be forwarded to the county treasurer in the same manner as annual registration fees.

Sec. 4. Section 422.9, subsection 4, Code 2009, is amended to read as follows:

4. Where married persons file separately, both must use the optional standard deduction if either elects to use it, and both must claim itemized deductions if either elects to claim itemized deductions.

Sec. 5. Section 422.12K, subsection 2, Code 2009, is amended to read as follows:

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the child abuse prevention program fund on the tax return. The department of revenue, on or before January 31, shall transfer the total amount designated on the tax return forms due in the preceding calendar year to the child abuse prevention program fund. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of ~~revenue~~ administrative services and accounts identified as owing under section ~~421.17~~ 8A.504 and the political contribution allowed under section 68A.601 shall be satisfied.

Sec. 6. Section 422.32, subsection 3, Code 2009, is amended to read as follows:

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

Sec. 7. Section 423.4, subsection 5, paragraphs b and f, Code 2009, are amended to read as follows:

b. The owner or operator of an automobile racetrack facility may apply to the department for a rebate of sales tax imposed and collected by retailers upon sales of ~~any goods, wares, merchandise,~~ tangible personal property or services furnished to purchasers at the automobile racetrack facility.

f. ~~Only the state sales tax is subject to rebate.~~ Notwithstanding the state sales tax imposed in section 423.2, a rebate issued pursuant to this section[1] shall not exceed an amount equal to five percent of the sales price of the tangible personal property or services furnished to purchasers at the automobile racetrack facility. Any local option taxes paid and collected shall not be subject to rebate under this subsection.

Sec. 8. Section 428.29, Code 2009, is amended to read as follows:

428.29 ASSESSMENT AND CERTIFICATION.

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

Sec. 9. Section 433.4, Code 2009, is amended to read as follows:

433.4 ASSESSMENT.

The director of revenue shall on ~~the second Monday in July of~~ or before October 31 each year, proceed to find the actual value of the property of these companies in this state, taking into consideration the information obtained from the statements required, and any further information the director can obtain, using the same as a means for determining the actual cash value of the property of these companies within this state. The director shall also take into consideration the valuation of all property of these companies, including franchises and the use of the property in connection with lines outside the state, and making these deductions as may be necessary on account of extra value of property outside the state as compared with the value of property in the state, in order that the actual cash value of the property of the company within this state may be ascertained. The assessment shall include all property of every kind and character whatsoever, real, personal, or mixed, used by the companies in the transaction of telegraph and telephone business; and the property so included in the assessment shall not be taxed in any other manner than as provided in this chapter.

Sec. 10. Section 433.7, Code 2009, is amended to read as follows:

433.7 HEARING.

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

Sec. 11. Section 434.2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

On ~~the second Monday in July of~~ or before October 31 each year, the director of revenue shall assess all the property of each railway corporation in the state, excepting the lands, lots, and other real estate belonging thereto not used in the operation of any railway, and excepting railway bridges across the Mississippi and Missouri rivers, and excepting grain elevators; and for the purpose of making such assessment its president, vice president, general manager, general superintendent, receiver, or such other officer as the director of revenue may designate, shall,

[1] See chapter 179, §39 herein

on or before the first day of April in each year, furnish the department of revenue a verified statement showing in detail for the year ended December 31 next preceding:

Sec. 12. Section 434.17, Code 2009, is amended to read as follows:

434.17 CERTIFICATION TO COUNTY AUDITORS.

On or before ~~the third Monday in August of~~ October 31 each year, the director of revenue shall transmit to the county auditor of each county, through and into which any railway may extend, a statement showing the length of the main track within the county, and the assessed value per mile of the same, as fixed by a ratable distribution per mile of the assessed valuation of the whole property.

Sec. 13. Section 437.6, Code 2009, is amended to read as follows:

437.6 ACTUAL VALUE.

On ~~the second Monday in July of~~ or before October 31 each year, the director of revenue shall proceed to find the actual value of that part of such transmission line or lines referred to in section 437.2, owned or operated by any company, that is located within this state but outside cities, including the whole of such line or lines when all of such line or lines owned or operated by said company is located wholly outside of cities, taking into consideration the information obtained from the statements required by this chapter, and any further information obtainable, using the same as a means of determining the actual cash value of such transmission line or lines or part thereof, within this state, located outside of cities. The director shall then ascertain the value per mile of such transmission line or lines owned or operated by each company specified in section 437.2, by dividing the total value as above ascertained by the number of miles of line of such company within the state located outside of cities, and the result shall be deemed and held to be the actual value per mile of said transmission line or lines of each of said companies within the state located outside of cities.

Sec. 14. Section 437A.19, subsection 2, paragraph f, unnumbered paragraph 3, Code 2009, is amended to read as follows:

The director, on or before ~~August~~ October 31 of each assessment year, shall report to the department of management and to the auditor of each county the adjusted assessed value of taxpayer property as of January 1 of such assessment year for each local taxing district. For purposes of this subsection, the assessed value of taxpayer property in each local taxing district subject to adjustment under this section by the director means the assessed value of such property as of the preceding January 1 as determined and allocated among the local taxing districts by the director.

Sec. 15. Section 438.14, Code 2009, is amended to read as follows:

438.14 VALUATION AND CERTIFICATION ~~THEREOF~~.

The director of revenue shall on or before ~~the third Monday in August of~~ October 31 each year determine the value of pipeline property located in each taxing district of the state, and in fixing ~~said~~ the value shall take into consideration the structures, equipment, pumping stations, etc., located in ~~said~~ the taxing district, and shall transmit to the county auditor of each such county through and into which any pipeline may extend, a statement showing the assessed value of ~~said~~ the property in each of the taxing districts of ~~said~~ the county. The ~~said~~ property shall then be taxed in ~~said~~ the county and lesser taxing districts, based upon the valuation so certified, in the same manner as in other property.

Sec. 16. CODE CHAPTER 423 TITLE RENAMED — CODE EDITOR DIRECTIVE. The Code editor is directed to rename the title of chapter 423 as the "Streamlined Sales and Use Tax Act".

Sec. 17. RETROACTIVE APPLICABILITY. The section of this Act amending section 422.9 applies retroactively to January 1, 2009, for tax years beginning on or after that date.

Approved April 15, 2009

CHAPTER 61

REGULATION OF LENDERS AND LENDING PRACTICES

S.F. 355

AN ACT relating to mortgage lending by establishing licensing requirements applicable to mortgage loan originators; making specified modifications to existing licensing provisions relating to mortgage bankers and brokers, regulated loans, and industrial loans; and providing penalties and effective dates.

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

DIVISION I
MORTGAGE LOAN ORIGINATORS

Section 1. NEW SECTION. 535D.1 TITLE.

This chapter shall be known and may be cited as the "Iowa Secure and Fair Enforcement for Mortgage Licensing Act".

Sec. 2. NEW SECTION. 535D.2 LEGISLATIVE FINDINGS AND PURPOSE.

The activities of mortgage loan originators and the origination or offering of financing for residential real property have a direct, valuable, and immediate impact upon this state's consumers, its economy, the neighborhoods and communities of this state, and the housing and real estate industry. The general assembly finds that accessibility to mortgage credit is vital to the state's citizens. The general assembly also finds that it is essential for the protection of the citizens of this state and the stability of the state's economy that reasonable standards for licensing and regulation of the business practices of mortgage loan originators be imposed. The general assembly further finds that the obligations of mortgage loan originators to consumers in connection with originating or making residential mortgage loans are such as to warrant the regulation of the mortgage lending process. The purpose of this chapter is to protect consumers seeking mortgage loans and to ensure that the mortgage lending industry is operating without unfair, deceptive, or fraudulent practices on the part of mortgage loan originators.

Sec. 3. NEW SECTION. 535D.3 DEFINITIONS.

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

1. "Clerical or support duties" means, subsequent to the receipt of a residential mortgage loan application, the receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan; and communicating with a consumer to obtain the information necessary for the processing or underwriting of a residential mortgage loan, to the extent that such communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.

2. "Depository institution" means a depository institution as defined in 12 U.S.C. § 1813(c) and a credit union organized under the laws of this state, another state, or the United States.

3. "Federal banking agencies" means the board of governors of the federal reserve system, the comptroller of the currency, the director of the office of thrift supervision, the national credit union administration, and the federal deposit insurance corporation.

4. "Immediate family member" means a spouse, child, sibling, parent, grandparent, or grandchild. This includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

5. "Individual" means a natural person.

6. "Loan processor or underwriter" means an individual who performs clerical or support duties as an employee at the direction of and subject to the supervision and instruction of a person licensed, or exempt from licensing, under chapter 535B, 536, 536A, or this chapter.

7. "Loss mitigation efforts" means, when a residential mortgage loan borrower is in default or default is reasonably foreseeable, working with the borrower on behalf of the residential

mortgage loan servicer to modify either temporarily or permanently the obligation or otherwise mitigate loss on an existing residential mortgage loan.

8. "Mortgage loan originator" means an individual who for compensation or gain or in the expectation of compensation or gain takes a residential mortgage loan application or offers or negotiates terms of a residential mortgage loan. "Mortgage loan originator" does not include any of the following:

a. An individual engaged solely as a loan processor or underwriter except as otherwise provided in section 535D.4, subsection 2.

b. An individual who only performs real estate brokerage activities and is licensed in accordance with state law, unless the individual is compensated by a lender, a mortgage broker, or mortgage loan originator or by any agent of such lender, mortgage broker, or mortgage loan originator.

c. An individual solely involved in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C. § 101(53D).

d. An individual employed by a residential mortgage loan servicer if the individual is involved solely in loss mitigation efforts.

9. "Nationwide mortgage licensing system and registry" means a mortgage licensing system developed and maintained by the conference of state bank supervisors and the American association of residential mortgage regulators for the licensing and registration of licensed mortgage loan originators.

10. "Nontraditional mortgage product" means any mortgage product other than a thirty-year fixed rate mortgage.

11. "Real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including the following:

a. Acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property.

b. Bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property.

c. Negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property other than in connection with providing financing with respect to any such transaction.

d. Engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law.

e. Offering to engage in any activity, or act in any capacity, described in paragraphs "a" through "d".

12. "Registered mortgage loan originator" means a mortgage loan originator who is an employee of a depository institution, a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency, or an institution regulated by the farm credit administration; and is registered with and maintains a unique identifier through the nationwide mortgage licensing system and registry.

13. "Residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling as defined in section 103(v) of the federal Truth in Lending Act or on residential real estate.

14. "Residential real estate" means any real property located in this state, upon which is constructed or intended to be constructed a dwelling as defined in section 103(v) of the federal Truth in Lending Act.

15. "Superintendent" means the superintendent of banking appointed pursuant to section 524.201.

16. "Unique identifier" means a number or other identifier assigned by protocols established by the nationwide mortgage licensing system and registry.

Sec. 4. NEW SECTION. 535D.4 LICENSE AND REGISTRATION REQUIRED.

1. On or after January 1, 2010, an individual shall not engage in the business of a mortgage

loan originator with respect to any residential real estate located in this state without first obtaining and maintaining annually a license under this chapter. Each licensed mortgage loan originator must register with and maintain a valid unique identifier issued by the nationwide mortgage licensing system and registry.

2. A loan processor or underwriter who is an independent contractor may not engage in the activities of a loan processor or underwriter unless such independent contractor loan processor or underwriter obtains and maintains a license pursuant to this section, and registers with and maintains a valid unique identifier issued by the nationwide mortgage licensing system and registry.

3. An individual engaging solely in loan processor or underwriter activities shall not represent to the public, through advertising or other means of communicating or providing information including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that the individual can or will perform any of the activities of a mortgage loan originator.

Sec. 5. NEW SECTION. 535D.4A EXEMPTIONS.

This chapter does not apply to any of the following:

1. A registered mortgage loan originator when acting for an employer described in section 535D.3, subsection 11.[1]

2. An individual who offers or negotiates terms of a residential mortgage loan with or on behalf of an immediate family member of the individual.

3. An individual who offers or negotiates terms of a residential mortgage loan secured by a dwelling that served as the individual's residence.

4. A licensed attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator.

5. A licensed manufactured housing retailer selling mobile, manufactured, or modular homes, if the retailer only assists the consumer in filling out a loan application and does not offer or negotiate loan rates or terms, and does not do any counseling with consumers about residential mortgage loan rates or terms and does not receive any payment or fee from any company or individual for assisting the consumer.

Sec. 6. NEW SECTION. 535D.5 LICENSE AND REGISTRATION — APPLICATION AND ISSUANCE.

1. An applicant for licensure shall submit an application on a form prescribed by the superintendent.

2. The superintendent may enter into a contract with the nationwide mortgage licensing system and registry or other entities designated by the nationwide mortgage licensing system and registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to this chapter.

3. For the purpose of participating in the nationwide mortgage licensing system and registry, the superintendent may adopt rules which waive or modify, in whole or in part, requirements of this chapter and replace them with requirements reasonably necessary to participate in the nationwide mortgage licensing system and registry.

4. In connection with an application for licensing as a mortgage loan originator, the applicant shall, at a minimum, furnish to the nationwide mortgage licensing system and registry information concerning the applicant's identity, including all of the following:

a. Fingerprints for submission to the federal bureau of investigation, and any governmental agency or entity authorized to receive such information for a state, national, and international criminal history background check.

b. Personal history and experience in a form prescribed by the nationwide mortgage licensing system and registry, including the submission of authorization for the nationwide mortgage licensing system and registry and the superintendent to obtain an independent credit re-

[1] See chapter 179, §42 herein

port obtained from a consumer reporting agency described in section 603(p) of the federal Fair Credit Reporting Act; and information related to any administrative, civil, or criminal findings by any governmental jurisdiction.

c. Any other information requested by the superintendent.

5. For the purposes of this section and in order to reduce the points of contact which the federal bureau of investigation may have to maintain for purposes of subsection 4, the superintendent may use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to the United States department of justice or other governmental agency, or to or from any other source so directed by the superintendent.

Sec. 7. NEW SECTION. 535D.6 CONDITIONS OF LICENSURE.

An applicant for licensure as a mortgage loan originator shall demonstrate qualifications as follows:

1. The applicant has never had a mortgage loan originator license revoked in any governmental jurisdiction, except that a subsequent formal vacation of such revocation shall not be deemed a revocation.

2. The applicant has not been convicted of, or pled guilty or no contest to, a felony in a domestic, foreign, or military court during the seven-year period preceding the date of the application for licensure; or at any time preceding such date of application, if such felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering. A pardon of a conviction shall not constitute a conviction for purposes of this subsection.

3. The applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the applicant will operate honestly, fairly, and efficiently within the purposes of this chapter. For purposes of this subsection, a person has shown that the person is not financially responsible when the person has shown a disregard in the management of their own financial condition. The superintendent shall not deny a license on the sole basis of an applicant's credit score. A determination that an individual has not shown financial responsibility may include but not be limited to current outstanding judgments, except judgments solely as a result of medical expenses; current outstanding tax liens or other government liens or filings; foreclosures within the past three years; or a pattern of seriously delinquent accounts within the past three years.

4. The applicant has completed the prelicensing education requirements pursuant to section 535D.7.

5. The applicant has passed a written test that meets the requirements of section 535D.8.

6. The applicant has met the surety bond requirement or paid into a recovery fund as required pursuant to section 535D.14.

7. There are no other grounds to deny the applicant a license pursuant to rules adopted by the superintendent. Such rules may include discretionary grounds for license denial.

Sec. 8. NEW SECTION. 535D.7 PRELICENSING EDUCATION OF LOAN ORIGINATORS.

1. An applicant for licensure shall complete at least twenty hours of prelicensing education approved in accordance with subsection 2, which shall include at a minimum the following:

a. Three hours of federal laws and regulations pertaining to residential mortgage loan origination.

b. Three hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues.

c. Two hours of training related to lending standards for the nontraditional mortgage product marketplace.

2. Prelicensing education courses shall be reviewed and approved by the nationwide mortgage licensing system and registry based upon reasonable standards. Review and approval of a prelicensing education course shall include review and approval of the course provider.

3. A prelicensing education course that is approved by the nationwide mortgage licensing system and registry, and is provided by the employer of the applicant or an entity which is affiliated with the applicant by an agency contract, or any subsidiary or affiliate of such employer or entity, shall meet the requirements of this section.

4. Prelicensing education may be offered either in a classroom, online, or by any other means approved by the nationwide mortgage licensing system and registry.

5. Prelicensing education requirements approved by the nationwide mortgage licensing system and registry for any state shall be accepted as credit towards completion of prelicensing education requirements in this state.

Sec. 9. NEW SECTION. 535D.8 TEST REQUIREMENTS.

1. An applicant for licensure shall pass a qualified written test developed by the nationwide mortgage licensing system and registry and administered by a test provider approved by the nationwide mortgage licensing system and registry based upon reasonable standards.

2. A written test shall not be treated as a qualified written test for purposes of subsection 1 unless the test, in the determination of the nationwide mortgage licensing system and registry, adequately measures the applicant's knowledge and comprehension in appropriate subject areas including the following:

a. Ethics.

b. Federal laws and regulations pertaining to residential mortgage loan origination.

c. State laws and regulations pertaining to residential mortgage loan origination.

d. Other relevant federal and state laws and regulations, including instruction on fraud, consumer protection, the nontraditional mortgage marketplace, and fair lending issues.

3. Nothing in this section shall prohibit a test provider approved by the nationwide mortgage licensing system and registry from providing a test at the location of the employer of the applicant or the location of any subsidiary or affiliate of the employer of the applicant, or the location of any entity with which the applicant holds an exclusive arrangement to conduct the business of a mortgage loan originator.

4. An applicant shall not be considered to have passed a qualified written test unless the applicant achieves a test score of not less than seventy-five percent correct answers to questions. An applicant who fails to achieve a test score of not less than seventy-five percent correct answers to questions may retake the test three consecutive times with each consecutive retake occurring at least thirty days after the preceding test. After three consecutive failed tests, an individual shall be required to wait at least six months before taking the test again. A licensed mortgage loan originator who fails to maintain a valid license for a period of five years or longer shall be required to retake and successfully pass the test, not taking into account any time during which such individual is a registered mortgage loan originator.

Sec. 10. NEW SECTION. 535D.9 STANDARDS FOR LICENSE RENEWAL AND NONRENEWAL.

1. The minimum standards for license renewal for a mortgage loan originator include the following:

a. The mortgage loan originator continues to meet the conditions for licensure under section 535D.6.

b. The mortgage loan originator has satisfied the annual continuing education requirements described in section 535D.10.

c. The mortgage loan originator has paid all required fees for renewal of the license.

2. The license of a mortgage loan originator failing to satisfy the minimum standards for license renewal shall not be renewed. The superintendent may adopt rules for the reinstatement of a license not renewed pursuant to this subsection consistent with the standards established by the nationwide mortgage licensing system and registry.

Sec. 11. NEW SECTION. 535D.10 CONTINUING EDUCATION.

1. A licensed mortgage loan originator shall annually complete at least eight hours of educa-

tion approved in accordance with subsection 2, which shall include at a minimum the following:

a. Three hours of federal laws and regulations pertaining to residential mortgage loan origination.

b. Two hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues.

c. Two hours of training related to lending standards for the nontraditional mortgage product marketplace.

2. Continuing education courses shall be reviewed and approved by the nationwide mortgage licensing system and registry based upon reasonable standards. Review and approval of a continuing education course shall include review and approval of the course provider.

3. A continuing education course that is approved by the nationwide mortgage licensing system and registry and is provided by the employer of the mortgage loan originator or an entity which is affiliated with the mortgage loan originator by an agency contract, or any subsidiary or affiliate of such employer or entity, shall meet the requirements of this section.

4. Continuing education may be offered either in a classroom, online, or by any other means approved by the nationwide mortgage licensing system and registry.

5. A licensed mortgage loan originator, other than an originator subject to license nonrenewal pursuant to section 535D.9, subsection 2, or making up continuing education pursuant to subsection 9 of this section may only receive credit for a continuing education course in the year in which the course is taken, and may not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

6. A licensed mortgage loan originator who is an approved instructor of an approved continuing education course may receive credit for the licensed mortgage loan originator's own annual continuing education requirement at the rate of two hours credit for every one hour taught.

7. Completion of continuing education requirements that have been approved by the nationwide mortgage licensing system and registry for any state shall be accepted as credit towards completion of continuing education requirements in this state.

8. A licensed mortgage loan originator who subsequently becomes unlicensed must complete the continuing education requirements for the last year in which the license was held prior to issuance of a new or renewed license.

9. A person meeting the requirements of section 535D.9, subsection 1, paragraphs "a" and "c", may make up any deficiency in continuing education as established by rule of the superintendent.

Sec. 12. NEW SECTION. 535D.11 DUTIES AND POWERS OF SUPERINTENDENT.

In addition to any other duties imposed upon the superintendent by law, the superintendent shall require mortgage loan originators to be licensed and registered, as provided in this chapter, through the nationwide mortgage licensing system and registry. In order to carry out this requirement the superintendent may participate in the nationwide mortgage licensing system and registry. For this purpose, the superintendent may establish by rule requirements as necessary, including but not limited to the following:

1. Applicant background checks for criminal history through fingerprint or other databases or through civil or administrative records; applicant background checks for credit history; or applicant background checks for any other information as deemed necessary by the nationwide mortgage licensing system and registry.

2. The payment of application and renewal fees for licenses through the nationwide mortgage licensing system and registry and any additional fees as determined by the superintendent based on the actual cost of the operation of the finance bureau of the banking division of the department of commerce, including the proportionate share of administrative expenses in the operation of the banking division attributable to the finance bureau as determined by the superintendent, incurred in the discharge of duties imposed by this chapter.

3. Establishment of licensure renewal or reporting dates.

4. Requirements for amending or surrendering a license or any other such activities as the superintendent deems necessary for participation in the nationwide mortgage licensing system and registry.

Sec. 13. NEW SECTION. 535D.12 NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY INFORMATION — CHALLENGE PROCESS.

The superintendent shall establish a process by rule whereby mortgage loan originators may challenge information entered into the nationwide mortgage licensing system and registry by the superintendent.

Sec. 14. NEW SECTION. 535D.13 DISCIPLINARY ACTION AND CIVIL ENFORCEMENT AUTHORITY.

1. The superintendent may, pursuant to chapter 17A, take disciplinary action against a licensed mortgage loan originator if the superintendent finds any of the following:

a. The licensee has violated a provision of this chapter or a rule adopted pursuant to this chapter or any other state or federal law or regulation applicable to the conduct of the licensee's business including but not limited to chapters 535 and 535A.

b. A fact or condition exists which, had it existed at the time of the original application for the license, would have warranted the superintendent to refuse to issue the original license.

c. The licensee fails at any time to meet the requirements of section 535D.6 or 535D.9, or withholds information or makes a material misstatement in an application for a license or renewal of a license.

d. The licensee has violated an order of the superintendent.

2. The superintendent may impose one or more of the following disciplinary actions against a licensee:

a. Revoke a license.

b. Suspend a license until further order of the superintendent or for a specified period of time.

c. Impose a period of probation under specified conditions.

d. Impose civil penalties in an amount not to exceed five thousand dollars for each violation.

e. Issue a citation and warning concerning licensee behavior.

f. Order a licensee to cease and desist from conducting business or from any harmful activities or violations of law or rule.

g. Order the licensee to pay restitution.

3. The superintendent may order an emergency suspension of a licensee's license or issue an order to immediately cease and desist from conducting business or from any harmful activities or violations of law or rule pursuant to section 17A.18A. A written order containing the facts or conduct which warrants the emergency action shall be timely sent to the licensee by restricted certified mail. Upon issuance of an emergency suspension order, the licensee must also be notified of the right to an evidentiary hearing. A suspension proceeding shall be promptly instituted and determined.

4. A licensee may surrender a license by delivering to the superintendent written notice of surrender, but a surrender does not affect the licensee's civil or criminal liability for acts committed before the surrender.

5. A revocation, suspension, or surrender of a license does not impair or affect the obligation of a preexisting lawful contract between the licensee and any person, including a mortgagor.

6. The superintendent may issue an order to a person who is not licensed under this chapter to require compliance with this chapter, including to cease and desist from conducting business or from any harmful activities or violations of law or rule, may impose a civil penalty against such person for any violation of this chapter in an amount up to five thousand dollars for each violation, and may order the person to pay restitution.

7. Before issuing an order under subsection 6, the superintendent shall provide the person written notice and the opportunity to request a hearing. The hearing must be requested within thirty days after receipt of the notice and shall be conducted in the same manner as provided for disciplinary proceedings involving a licensee under this chapter.

8. A person aggrieved by the imposition of a civil penalty under subsection 6 may seek judicial review pursuant to section 17A.19.

9. An action to enforce an order under this section may be joined with an action for an injunction.

Sec. 15. NEW SECTION. 535D.14 SURETY BOND REQUIRED OR RECOVERY FUND.

1. a. A mortgage loan originator shall be covered by a surety bond in accordance with this section unless the superintendent establishes a recovery fund pursuant to subsection 4 into which the mortgage loan originator makes payments. In the event that the mortgage loan originator is an employee or exclusive agent of a person subject to chapter 535B, 536, or 536A, the surety bond of such person can be used in lieu of the mortgage loan originator's surety bond requirement.

b. The surety bond shall provide coverage for each mortgage loan originator in an amount as prescribed in subsection 2. The surety bond shall be in a form as prescribed by the superintendent. The superintendent may, pursuant to rule, determine requirements for such surety bonds as are necessary to accomplish the purposes of this chapter.

2. The bond shall be maintained in an amount that reflects the dollar value of loans originated as determined by the superintendent.

3. When an action is commenced on a licensee's bond the superintendent may require the filing of a new bond. Immediately upon recovery upon any action on the bond the licensee shall file a new bond.

4. If the superintendent determines it is not feasible to establish surety bonding requirements that reflect the dollar amount of loans originated by a mortgage loan originator, as provided in subsection 1508(d)(6) of the federal Housing and Economic Recovery Act of 2008, Pub. L. No. 110-289(1508), the superintendent may establish by rule a recovery fund to be paid into by mortgage loan originators. The rules shall provide for the amounts to be paid into the fund by mortgage loan originators. In the event the superintendent establishes a recovery fund, the fund shall be established as a separate fund in the state treasury. Moneys deposited in the fund shall be administered by the superintendent and used for the purposes of compensating members of the public for losses caused by licensees. In addition, the superintendent may use moneys from the fund for the purpose of investigating and prosecuting violations of this chapter or any other state or federal law, rule, or regulation applicable to the conduct of a licensee's business. Notwithstanding section 12C.7, interest earned on amounts deposited in the fund, if established, shall be credited to the fund. Any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

Sec. 16. NEW SECTION. 535D.15 CONFIDENTIALITY.

1. Except as otherwise provided in section 1512 of the federal Housing and Economic Recovery Act of 2008, Pub. L. No. 110-289(1512), the requirements under any federal law or chapter 22 or 692 regarding the privacy or confidentiality of any information or material provided to the nationwide mortgage licensing system and registry, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the nationwide mortgage licensing system and registry. Such information and material may be shared with any state or federal regulatory official with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by federal law or chapter 22 or 692.

2. The superintendent may enter into agreements or sharing arrangements with other governmental agencies, the conference of state bank supervisors, the American association of residential mortgage regulators, or other associations representing governmental agencies.

3. Information or material that is subject to privilege or confidentiality under subsection 1 shall not be subject to any of the following:

a. Disclosure under any federal or state law governing the disclosure to the public of information held by an officer or an agency of the federal government or this state.

b. Subpoena or discovery, or admission into evidence, in any private civil action or adminis-

trative process, unless with respect to any privilege held by the nationwide mortgage licensing system and registry with respect to such information or material, the person to whom such information or material pertains waives, in whole or in part, that privilege.

4. This section supersedes any provision of chapter 22 relating to the disclosure of confidential supervisory information or any information or material described in subsection 1 of this section that is inconsistent with subsection 1.

5. This section shall not apply with respect to information or material relating to the employment history of, and publicly adjudicated disciplinary and enforcement actions against, mortgage loan originators that are included in the nationwide mortgage licensing system and registry for access by the public.

Sec. 17. NEW SECTION. 535D.16 INVESTIGATION AND EXAMINATION AUTHORITY.

The superintendent may conduct investigations and examinations as follows:

1. For purposes of initial licensing, license renewal, license suspension, license conditioning, license revocation or termination, or general or specific inquiry or investigation to determine compliance with this chapter, the superintendent may access, receive, and use any relevant books, accounts, records, files, documents, information, or evidence including but not limited to:

a. Criminal, civil, and administrative history information, which is accessible to licensing authorities.

b. Personal history and experience information including independent credit reports obtained from a consumer reporting agency described in section 603(p) of the federal Fair Credit Reporting Act.

c. Any other documents, information, or evidence the superintendent deems relevant to the inquiry or investigation regardless of the location, possession, control, or custody of such documents, information, or evidence.

2. For the purposes of investigating violations or complaints arising under this chapter, or for the purposes of examination, the superintendent may review, investigate, or examine any licensee, individual, or person subject to this chapter, as often as necessary in order to carry out the purposes of this chapter. The superintendent may direct, subpoena, or order the attendance of and examine under oath all persons whose testimony may be required about the loans or the business or subject matter of any such examination or investigation, and may direct, subpoena, or order such person to produce books, accounts, records, files, and any other documents the superintendent deems relevant to the inquiry.

3. Each licensee, individual, or person subject to this chapter shall make available to the superintendent upon request the books and records relating to the operations of such licensee, individual, or person. The superintendent shall have access to such books and records and interview the officers, principals, mortgage loan originators, employers, employees, independent contractors, agents, and customers of the licensee, individual, or person subject to this chapter concerning their business.

4. Each licensee, individual, or person subject to this chapter shall make or compile reports or prepare other information as directed by the superintendent in order to carry out the purposes of this section including but not limited to the following:

a. Accounting compilations.

b. Information lists and data concerning loan transactions in a format prescribed by the superintendent.

c. Such other information deemed necessary to carry out the purposes of this section.

5. In making any examination or investigation authorized by this chapter, the superintendent may control access to any documents and records of the licensee or person under examination or investigation. The superintendent may take possession of the documents and records or place a person in exclusive charge of the documents and records in the place where they are usually kept. During the period of control, an individual or person shall not remove or attempt to remove any of the documents or records except pursuant to a court order or with

the consent of the superintendent. Unless the superintendent has reasonable grounds to believe the documents or records of the licensee have been or are at risk of being altered or destroyed for purposes of concealing a violation of this chapter, the licensee or owner of the documents or records shall have access to the documents or records as necessary to conduct its ordinary business affairs.

6. In order to carry out the purposes of this section, the superintendent may:

a. Retain attorneys, accountants, or other professionals or specialists as examiners, auditors, or investigators to conduct or assist in the conduct of examinations or investigations.

b. Enter into agreements or relationships with other government officials or regulatory associations in order to improve efficiencies and reduce regulatory burden by sharing resources, standardized or uniform methods or procedures, and documents, records, information, or evidence obtained under this section.

c. Use, hire, contract, or employ publicly or privately available analytical systems, methods, or software to examine or investigate the licensee, individual, or person subject to this chapter.

d. Accept and rely on examination or investigation reports made by other government officials, within or without this state.

e. Accept audit reports made by an independent certified public accountant for the licensee, individual, or person subject to this chapter in the course of that part of the examination covering the same general subject matter as the audit and may incorporate the audit report in the report of the examination, report of investigation, or other writing of the superintendent.

7. The authority of this section shall remain in effect, whether such a licensee, individual, or person subject to this chapter acts or claims to act under any licensing or registration law of this state, or claims to act without such authority.

8. A licensee, individual, or person subject to investigation or examination under this section shall not knowingly withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information.

Sec. 18. NEW SECTION. 535D.17 PROHIBITED ACTS AND PRACTICES.

It is a violation of this chapter for a person or individual subject to this chapter to engage in any of the following activities:

1. Directly or indirectly employ any scheme, device, or artifice to defraud or mislead borrowers or lenders or to defraud any person.

2. Engage in any unfair or deceptive practice toward any person.

3. Obtain property by fraud or misrepresentation.

4. Solicit or enter into a contract with a borrower that provides in substance that the person or individual subject to this chapter may earn a fee or commission through "best efforts" to obtain a loan even though no loan is actually obtained for the borrower.

5. Solicit, advertise, or enter into a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time of soliciting, advertising, or contracting.

6. Conduct any business covered by this chapter without holding a valid license as required under this chapter, or assist or aid and abet any person in the conduct of business under this chapter without a valid license as required under this chapter.

7. Fail to make disclosures as required by this chapter or any other applicable state or federal law including regulations thereunder.

8. Fail to comply with this chapter or rules or regulations promulgated under this chapter, or fail to comply with any other state or federal law, including the rules and regulations thereunder, applicable to any business authorized or conducted under this chapter.

9. Make, in any manner, any false or deceptive statement or representation.

10. Negligently make any false statement or knowingly and willfully make any omission of material fact in connection with any information or reports filed with a governmental agency or the nationwide mortgage licensing system and registry or in connection with any investigation conducted by the superintendent or another governmental agency.

11. Make any payment, threat, or promise, directly or indirectly, to any person for the pur-

poses of influencing the independent judgment of the person in connection with a residential mortgage loan, or make any payment, threat, or promise, directly or indirectly, to any appraiser of a property, for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property.

12. Collect, charge, attempt to collect or charge, or use or propose any agreement purporting to collect or charge any fee prohibited by this chapter.

13. Cause or require a borrower to obtain property insurance coverage in an amount that exceeds the replacement cost of the improvements as established by the property insurer.

14. Fail to truthfully account for moneys belonging to a party to a residential mortgage loan transaction.

Sec. 19. NEW SECTION. 535D.18 REPORT TO NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY.

The superintendent shall regularly report violations of this chapter, as well as enforcement actions and other relevant information, to the nationwide mortgage licensing system and registry subject to the confidentiality provisions of section 535D.15.

Sec. 20. NEW SECTION. 535D.19 UNIQUE IDENTIFIER SHOWN.

The unique identifier of any person originating a residential mortgage loan shall be clearly shown on all residential mortgage loan application forms, solicitations, or advertisements, including business cards or internet websites, and any other documents as established by rule, regulation, or order of the superintendent.

Sec. 21. NEW SECTION. 535D.20 OPERATING WITHOUT A LICENSE — PENALTY.

A person who, without first obtaining a license under this chapter, engages in the business or occupation of, or advertises or holds the person out as, or claims to be, or temporarily acts as, a mortgage loan originator in this state is guilty of a class "D" felony and may be prosecuted by the attorney general or a county attorney.

Sec. 22. NEW SECTION. 535D.21 ADMINISTRATIVE AUTHORITY.

The superintendent shall have broad administrative authority to administer, interpret, and enforce this chapter and to promulgate rules implementing this chapter.

Sec. 23. NEW SECTION. 535D.22 COMPLIANCE WITH FEDERAL LAW.

If the United States department of housing and urban development determines in writing that any provision of this chapter or its application to any person or circumstance is invalid under Title V of the federal Housing and Economic Recovery Act of 2009,[2] Pub. L. No. 110-289, the superintendent is authorized to adopt rules which waive or modify, in whole or in part, requirements of this chapter as necessary to achieve a determination by the United States department of housing and urban development that this state is in compliance with the federal law.

Sec. 24. TRANSITION PROVISIONS. If an individual registrant who was registered under chapter 535B before January 1, 2010, meets the qualifications for licensure in section 535D.6, subsections 1, 2, 3, 6, and 7, as enacted by this Act, but has not completed the prelicensing education requirements pursuant to section 535D.7, as enacted by this Act, or passed a written test that meets the requirements of section 535D.8, as enacted by this Act, by January 1, 2010, the superintendent may issue the individual a temporary mortgage loan originator license under chapter 535D, as enacted by this division of this Act. The temporary mortgage loan originator license shall expire on December 31, 2010, and beginning January 1, 2011, the individual must meet all of the qualifications for licensure specified in section 535D.6, as enacted by this Act, to obtain a license.

Sec. 25. EFFECTIVE DATE. This division of this Act takes effect July 1, 2009.

[2] According to enrolled Act; the year "2008" probably intended

DIVISION II
MORTGAGE
BANKERS AND BROKERS

Sec. 26. Section 535B.1, subsection 2, Code 2009, is amended by striking the subsection.

Sec. 27. Section 535B.1, subsections 4 and 5, Code 2009, are amended to read as follows:

4. "Mortgage banker" means a person who does one or more of the following:

a. Makes at least four mortgage loans on residential real property located in this state in a calendar year.

b. Originates at least four mortgage loans on residential real property located in this state in a calendar year and sells four or more such loans in the secondary market.

c. Services at least four mortgage loans on residential real property located in this state. However, a natural person, who services less than fifteen mortgage loans on residential real estate within the state and who does not sell or transfer mortgage loans, is exempt from this paragraph if that person is otherwise exempt from the provisions of this chapter.

"Mortgage banker" does not include a person ~~whose job responsibilities on behalf of a licensee or individual registrant are to process mortgage loans, are solely clerical in nature, or otherwise do not involve direct contact with loan applicants~~ who is a licensed mortgage loan originator under chapter 535D.

5. "Mortgage broker" means a person who arranges or negotiates, or attempts to arrange or negotiate, at least four mortgage loans or commitments for four or more such loans on residential real property located in this state in a calendar year. "Mortgage broker" does not include a person ~~whose job responsibilities on behalf of a licensee or individual registrant are to process mortgage loans, are solely clerical in nature, or otherwise do not involve direct contact with loan applicants~~ who is a licensed mortgage loan originator under chapter 535D.

Sec. 28. Section 535B.4, subsection 7, Code 2009, is amended to read as follows:

7. Applications for renewals of licenses ~~and individual registrations~~ under this chapter must be filed with the administrator before December 1 of the year of expiration on forms prescribed by the administrator. A renewal application must be accompanied by a fee of two hundred dollars for a license to transact business solely as a mortgage broker, and four hundred dollars for a license to transact business as a mortgage banker. ~~The fee to renew an individual registration shall be the fee determined pursuant to section 535B.4A.~~ The administrator may assess a late fee of ten dollars per day for applications or registrations accepted for processing after December 1.

Sec. 29. Section 535B.7, Code 2009, is amended to read as follows:

535B.7 DISCIPLINARY ACTION.

1. The administrator may, pursuant to chapter 17A, take disciplinary action against a licensee ~~or individual registrant~~ if the administrator finds any of the following:

a. The licensee ~~or individual registrant~~ has violated a provision of this chapter or a rule adopted under this chapter or any other state or federal law applicable to the conduct of its business including but not limited to chapters 535 and 535A.

b. A fact or condition exists which, if it had existed at the time of the original application for the license ~~or individual registration~~, would have warranted the administrator to refuse originally to issue the license ~~or individual registration~~.

c. The licensee is found upon investigation to be insolvent, in which case the license shall be revoked immediately.

d. The licensee ~~or individual registrant~~ has violated an order of the administrator.

2. The administrator may impose one or more of the following disciplinary actions against a licensee ~~or individual registrant~~:

a. Revoke a license ~~or individual registration~~.

b. Suspend a license ~~or individual registration~~ until further order of the administrator or for a specified period of time.

c. Impose a period of probation under specified conditions.

d. Impose civil penalties in an amount not to exceed five thousand dollars for each violation.

e. Issue a citation and warning respecting licensee ~~or individual registrant~~ behavior.

f. Order the licensee ~~or individual registrant~~ to pay restitution.

3. The administrator may order an emergency suspension of a licensee's license ~~or an individual's registration~~ pursuant to section 17A.18A. A written order containing the facts or conduct which warrants the emergency action shall be timely sent to the licensee ~~or individual registrant~~ by restricted certified mail. Upon issuance of the suspension order, the licensee ~~or individual registrant~~ must also be notified of the right to an evidentiary hearing. A suspension proceeding shall be promptly instituted and determined.

4. Except as provided in this section, a license ~~or individual registration~~ shall not be revoked or suspended except after notice and a hearing thereon in accordance with chapter 17A.

5. A licensee may surrender a license ~~and an individual registrant may surrender an individual registration~~ by delivering to the administrator written notice of surrender, but a surrender does not affect the licensee's ~~or individual registrant's~~ civil or criminal liability for acts committed before the surrender.

6. A revocation, suspension, or surrender of a license ~~or individual registration~~ does not impair or affect the obligation of a preexisting lawful contract between the licensee ~~or individual registrant~~ and any person, including a mortgagor.

Sec. 30. NEW SECTION. 535B.7A PROHIBITED ACTS.

It is a violation of this chapter for a licensee to engage in any of the prohibited acts or practices in section 535D.16.[3]

Sec. 31. Section 535B.8, Code 2009, is amended to read as follows:

535B.8 OPERATING WITHOUT A LICENSE ~~OR REGISTRATION~~.

A person who, without first obtaining a license ~~or individual registration~~ under this chapter, engages in the business or occupation of, or advertises or holds the person out as, or claims to be, or temporarily acts as, a mortgage banker or mortgage broker in this state is guilty of a class "D" felony and may be prosecuted by the attorney general or a county attorney.

Sec. 32. Section 535B.9, subsection 1, Code 2009, is amended to read as follows:

1. An applicant for a license shall file with the administrator a bond furnished by a surety company authorized to do business in this state, together with evidence of whether the applicant is seeking to transact business as a mortgage broker or as a mortgage banker. ~~The~~ Until such time as the superintendent pursuant to administrative rule determines a bond amount that reflects the dollar value of loans originated, the bond shall be in the amount of one hundred thousand dollars. The bond shall be continuous in nature until canceled by the surety with not less than thirty days' notice in writing to the mortgage broker or mortgage banker and to the administrator indicating the surety's intention to cancel the bond on a specific date. The bond shall be for the use of the state and any persons who may have causes of action against the applicant. The bond shall be conditioned upon the applicant's faithfully conforming to and abiding by this chapter and any rules adopted under this chapter and shall require that the surety pay to the state and to any persons all moneys that become due or owing to the state and to the persons from the applicant by virtue of this chapter.

Sec. 33. Section 535B.10, subsection 2, Code 2009, is amended to read as follows:

2. For the purposes of discovering violations of this chapter or any related rules or for securing information lawfully required under this chapter, the administrator may at any time and as often as the administrator deems necessary, but in no event less frequently than once during each two-year period, investigate the business and examine the books, accounts, records, and files used by a licensee ~~or individual registrant~~.

Sec. 34. Section 535B.14, Code 2009, is amended to read as follows:

535B.14 RULEMAKING AUTHORITY.

The administrator may adopt, amend, or repeal rules to aid in the administration and en-

[3] See chapter 179, §43 herein

forcement of this chapter, including rules providing the grounds for denial of ~~an individual registration~~ a license based on information received as a result of a background check, character and fitness grounds, and any other grounds for which ~~an individual registrant or~~ a licensee may be disciplined.

Sec. 35. Section 535B.17, Code 2009, is amended to read as follows:

535B.17 POWERS AND DUTIES OF THE ADMINISTRATOR — WAIVER AUTHORITY.

In addition to any other duties imposed upon the administrator by law, the administrator may participate in a multistate automated licensing system for mortgage bankers, mortgage brokers, and ~~individual registrants~~ mortgage loan originators. For this purpose, the administrator may establish by rule or order new requirements as necessary, including but not limited to requirements that license applicants ~~and individual registrants~~ submit to fingerprinting and criminal history checks, and pay fees therefor.

Sec. 36. NEW SECTION. 535B.18 MORTGAGE CALL REPORTS.

Each licensee shall submit to the nationwide mortgage licensing system and registry, as defined in section 535D.3, reports of condition, which shall be in such form and shall contain such information as the nationwide mortgage licensing system and registry may require.

Sec. 37. Section 535B.4A, Code 2009, is repealed.

Sec. 38. Section 535B.9A, Code 2009, is repealed.

Sec. 39. EFFECTIVE DATES.

1. The sections of this division of this Act amending section 535B.9 and enacting sections 535B.7A and 535B.18 take effect July 1, 2009.

2. The sections of this division of this Act amending sections 535B.1, 535B.4, 535B.7, 535B.8, 535B.10, 535B.14, and 535B.17 to eliminate the classification of "individual registrant" and repealing sections 535B.4A and 535B.9A take effect January 1, 2010.

DIVISION III
REGULATED AND INDUSTRIAL LOANS

Sec. 40. Section 536.3, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

536.3 BOND.

An applicant for a license shall file with the superintendent a bond furnished by a surety company authorized to do business in this state. Until such time as the superintendent through the administrative rule process determines a bond amount that reflects the dollar value of loans originated, the bond shall be in the amount of twenty-five thousand dollars. The bond shall be continuous in nature until canceled by the surety with not less than thirty days' notice in writing to the licensee and to the superintendent indicating the surety's intention to cancel the bond on a specific date. The bond shall be for the use of the state and any persons who may have causes of action against the applicant. The bond shall be conditioned upon the applicant's faithfully conforming to and abiding by this chapter and any rules adopted under this chapter and shall require that the surety pay to the state and to any persons all moneys that become due or owing to the state and to the persons from the applicant by virtue of this chapter.

Sec. 41. Section 536.6, subsection 1, Code 2009, is amended to read as follows:

1. If the superintendent ~~shall find~~ finds at any time that the bond is insecure or exhausted or otherwise of doubtful validity or collectibility, an additional bond to be approved by the superintendent, with one or more sureties and of the character specified in section 536.3, in ~~the~~ a sum ~~of not more than twenty-five thousand dollars~~ not to exceed that amount determined pursuant to section 536.3, shall be filed by the licensee within ten days after written demand upon the licensee by the superintendent.

Sec. 42. Section 536.11, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Each licensee making residential mortgage loans shall submit to the nationwide mortgage licensing system and registry reports of condition, which shall be in such form and shall contain such information as the nationwide mortgage licensing system and registry may require. For purposes of this subsection, "nationwide mortgage licensing system and registry" and "residential mortgage loan" mean the same as defined in section 535D.3.

Sec. 43. NEW SECTION. 536.30 POWERS AND DUTIES OF THE SUPERINTENDENT — NATIONWIDE SYSTEM.

In addition to any other duties imposed upon the superintendent by law, the superintendent may require applicants and licensees to be licensed through the nationwide mortgage licensing system and registry as defined in section 535D.3. In order to carry out this requirement, the superintendent may participate in the nationwide mortgage licensing system and registry. For this purpose, the superintendent may establish by rule or order new requirements as necessary, including but not limited to requirements that applicants, including officers and directors and those who have control of the applicant, submit to fingerprinting, criminal history checks, and pay fees therefor.

Sec. 44. Section 536A.7A, subsection 1, Code 2009, is amended to read as follows:

1. An applicant for a license shall file with the superintendent a bond furnished by a surety company authorized to do business in this state. ~~The~~ Until such time as the superintendent pursuant to administrative rule determines a bond amount that reflects the dollar value of the loans originated, the bond shall be in the amount of twenty-five thousand dollars. The bond shall be continuous in nature until canceled by the surety with not less than thirty days' notice in writing to the applicant and to the superintendent indicating the surety's intention to cancel the bond on a specific date. The bond shall be for the use of the state and any persons who may have causes of action against the applicant. The bond shall be conditioned upon the applicant's faithfully conforming to and abiding by this chapter and any rules adopted under this chapter and shall require that the surety pay to the state and to any persons all moneys that become due or owing to the state and to the persons from the applicant by virtue of this chapter.

Sec. 45. Section 536A.14, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Each licensee making residential mortgage loans shall submit to the nationwide mortgage licensing system and registry reports of condition, which shall be in such form and shall contain such information as the nationwide mortgage licensing system and registry may require. For purposes of this subsection, "nationwide mortgage licensing system and registry" and "residential mortgage loan" mean the same as defined in section 535D.3.

Sec. 46. NEW SECTION. 536A.32 POWERS AND DUTIES OF THE SUPERINTENDENT — NATIONWIDE SYSTEM.

In addition to any other duties imposed upon the superintendent by law, the superintendent may require applicants and licensees to be licensed through the nationwide mortgage licensing system and registry as defined in section 535D.3. In order to carry out this requirement, the superintendent may participate in the nationwide mortgage licensing system and registry. For this purpose, the superintendent may establish by rule or order new requirements as necessary, including but not limited to requirements that applicants, including officers and directors and those who have control of the applicant, submit to fingerprinting, criminal history checks, and pay fees therefor.

Sec. 47. EFFECTIVE DATE. This division of this Act takes effect July 1, 2009.

Approved April 15, 2009

CHAPTER 62

IOWA VETERANS HOME —
MEMBER RIGHTS AND RESPONSIBILITIES

S.F. 407

AN ACT relating to the rights and responsibilities of Iowa veterans home members.

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

Section 1. Section 35D.15, Code 2009, is amended to read as follows:

35D.15 RULES ENFORCED — POWER TO SUSPEND AND ~~EXPEL~~ DISCHARGE MEMBERS.

1. The commandant shall administer and enforce all rules adopted by the commission, including rules of discipline and, subject to these rules, may immediately suspend the membership of and ~~expel~~ discharge any person from the home for infraction of the rules when the commandant determines that the health, safety, or welfare of the residents of the home is in immediate danger and other reasonable alternatives have been exhausted. The suspension and ~~expulsion~~ discharge are temporary pending action by the commission. Judicial review of the action of the commission may be sought in accordance with chapter 17A.

2. a. The commandant shall, with the input and recommendation of the interdisciplinary resident care committee, involuntarily discharge a member for any of the following reasons:

(1) The member has been diagnosed with a substance use disorder but continues to abuse alcohol or an illegal drug in violation of the member's conditional or provisional agreement entered into at the time of admission, and all of the following conditions are met:

(a) The member has been provided sufficient notice of any changes in the member's collaborative care plan.

(b) The member has been notified of the member's commission of three offenses and has been given the opportunity to correct the behavior through either of the following options:

(i) Being given the opportunity to receive the appropriate level of treatment in accordance with best practices for standards of care.

(ii) By having been placed on probation by the Iowa veterans home for a second offense.

Notwithstanding the member meeting the criteria for discharge under this subparagraph (1), if the member has demonstrated progress toward the goals established in the member's collaborative care plan, the interdisciplinary resident care committee and the commandant may exercise discretion regarding the discharge. Notwithstanding any provision to the contrary, the member may be immediately discharged under this subparagraph (1) if the member's actions or behavior jeopardizes the life or safety of other members or staff.

(2) The member refuses to utilize the resources available to address issues identified in the member's collaborative care plan, and all of the following conditions are met:

(a) The member has been provided sufficient notice of any changes in the member's collaborative care plan.

(b) The member has been notified of the member's commission of three offenses and the member has been placed on probation by the Iowa veterans home for a second offense.

Notwithstanding the member meeting the criteria for discharge under this subparagraph (2), if the member has demonstrated progress toward the goals established in the member's collaborative care plan, the interdisciplinary resident care committee and the commandant may exercise discretion regarding the discharge. Notwithstanding any provision to the contrary, the member may be immediately discharged if the member's actions or behavior jeopardizes the life or safety of other members or staff.

(3) The member's medical or life skills needs have been met to the extent possible through the services provided by the Iowa veterans home and the member no longer requires a residential or nursing level of care, as determined by the interdisciplinary resident care committee.

(4) The member requires a level of licensed care not provided at the Iowa veterans home.

b. (1) If a member is discharged under this subsection, the discharge plan shall include

placement in a suitable living situation which may include but is not limited to a transitional living program approved by the commission or a living program provided by the United States veterans administration.

(2) If a member is involuntarily discharged under this subsection, the commission shall, to the greatest extent possible, ensure against the veteran being homeless and ensure that the domicile to which the veteran is discharged is fit and habitable and offers a safe and clean environment which is free from health hazards and provides appropriate heating, ventilation, and protection from the elements.

c. (1) An involuntary discharge of a member under this subsection shall be preceded by a written notice to the member. The notice shall state that unless the discharge is an immediate discharge due to the member's actions or behavior which jeopardizes the life or safety of other members or staff, the effective date of the discharge is thirty calendar days from the date of receipt of the discharge notice, and that the member has the right to appeal the discharge. If a member appeals such discharge, the member shall also be provided with the information relating to the appeals process as specified in this paragraph "c".

(2) If the member appeals the discharge under this subsection, the following provisions shall apply:

(a) The member shall file the appeal with the commission within five calendar days of receipt of the discharge notice.

(b) The commission shall render a decision on the appeal and notify the member of the decision, in writing, within ten calendar days of the filing of the appeal.

(c) If the member is not satisfied with the decision of the commission, the member may appeal the commission's decision by filing an appeal with the department of inspections and appeals within five calendar days of being notified in writing of the commission's decision.

(d) The department of inspections and appeals shall render a decision on the appeal of the commission's decision and notify the member of the decision, in writing, within fifteen calendar days of the filing of the appeal with the department.

(e) The maximum time period that shall elapse between receipt by the member of the discharge notice and actual discharge shall not exceed fifty-five days, which includes the thirty-day discharge notice period and any time during which any appeals to the commission or the department of inspections and appeals are pending.

(3) If a member is not satisfied with the decision of the department of inspections and appeals, the member may seek judicial review in accordance with chapter 17A. A member's discharge under this subsection shall be stayed while judicial review is pending.

d. Annually, by the fourth Monday of each session of the general assembly, the commandant shall submit a report to the veterans affairs committees of the senate and house of representatives specifying the number, circumstances, and placement of each member involuntarily discharged from the Iowa veterans home under this subsection during the previous calendar year.

e. The commission shall adopt rules to enforce this subsection.

f. Any involuntary discharge by the commandant under this subsection shall comply with the rules adopted by the commission under this subsection and by the department of inspections and appeals pursuant to section 135C.14, subsection 8, paragraph "f".

g. For the purposes of this subsection:

(1) "Collaborative care plan" means the plan of care developed for a member by the interdisciplinary resident care committee.

(2) "Interdisciplinary resident care committee" means the member, a social worker, a registered nurse, a dietitian, a medical provider, a recreation specialist, and other staff, as appropriate, who are involved in reviewing a member's assessment data and developing a collaborative care plan for the individual member.

Sec. 2. Section 135C.14, subsection 8, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. The involuntary discharge of a resident of the Iowa veterans home

including provisions for notice and agency hearings, the development of a resident discharge plan, and for providing counseling services to a resident being discharged. As used in this paragraph "f", "collaborative care plan" and "interdisciplinary resident care committee" mean as defined in section 35D.15, subsection 2. The rules shall provide that a resident shall be involuntarily discharged for any of the following reasons:

(1) The resident has been diagnosed with a substance use disorder but continues to abuse alcohol or an illegal drug in violation of the resident's conditional or provisional agreement entered into at the time of admission, and all of the following conditions are met:

(a) The resident has been provided sufficient notice of any changes in the resident's collaborative care plan.

(b) The resident has been notified of the resident's commission of three offenses and has been given the opportunity to correct the behavior through either of the following options:

(i) Being given the opportunity to receive the appropriate level of treatment in accordance with best practices for standards of care.

(ii) By having been placed on probation by the Iowa veterans home for a second offense.

Notwithstanding the resident meeting the criteria for discharge under this subparagraph (1), if the resident has demonstrated progress toward the goals established in the resident's collaborative care plan, the interdisciplinary resident care committee and the commandant may exercise discretion regarding the discharge. Notwithstanding any provision to the contrary, a resident may be immediately discharged under this subparagraph (1) if the resident's actions or behavior jeopardizes the life or safety of other residents or staff.

(2) The resident refuses to utilize the resources available to address issues identified in the resident's collaborative care plan, and all of the following conditions are met:

(a) The resident has been provided sufficient notice of any changes in the resident's collaborative care plan.

(b) The resident has been notified of the resident's commission of three offenses and the resident has been placed on probation by the Iowa veterans home for a second offense.

Notwithstanding the resident meeting the criteria for discharge under this subparagraph (2), if the resident has demonstrated progress toward the goals established in the resident's collaborative care plan, the interdisciplinary resident care committee and the commandant may exercise discretion regarding the discharge. Notwithstanding any provision to the contrary, the resident may be immediately discharged under this subparagraph (2) if the resident's actions or behavior jeopardizes the life or safety of other residents or staff.

(3) The resident's medical or life skills needs have been met to the extent possible through the services provided by the Iowa veterans home and the resident no longer requires a residential or nursing level of care, as determined by the interdisciplinary resident care committee.

(4) The resident requires a level of licensed care not provided at the Iowa veterans home.

Approved April 15, 2009

CHAPTER 63

PRESCRIPTION DRUG COVERAGE
FOR VETERANS IN HEALTH CARE FACILITIES

S.F. 440

AN ACT relating to prescription drug coverage for health care facility residents eligible for federal veterans affairs benefits.

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

Section 1. Section 135C.31A, Code 2009, is amended to read as follows:

135C.31A ASSESSMENT OF RESIDENTS — PROGRAM ELIGIBILITY — PRESCRIPTION DRUG COVERAGE.

1. A health care facility ~~receiving reimbursement through the medical assistance program under chapter 249A~~ shall assist the Iowa department of veterans affairs in identifying, upon admission of a resident, the resident's eligibility for benefits through the United States department of veterans affairs. The department of inspections and appeals, in cooperation with the department of human services, shall adopt rules to administer this section, including a provision that ensures that if a resident is eligible for benefits through the United States department of veterans affairs or other third-party payor, the payor of last resort for reimbursement to the health care facility is the medical assistance program. The rules shall also require the health care facility to request information from a resident or resident's personal representative regarding the resident's veteran status and to report to the Iowa department of veterans affairs only the names of residents identified as potential veterans along with the names of their spouses and any dependents. Information reported by the health care facility shall be verified by the Iowa department of veterans affairs. This section shall not apply to the admission of an individual to a state mental health institute for acute psychiatric care or to the admission of an individual to the Iowa veterans home.

2. a. If a resident is identified, upon admission to a health care facility, as eligible for benefits through the United States department of veterans affairs pursuant to subsection 1 or through other means, the health care facility shall allow the resident to access any prescription drug benefit included in such benefits for which the resident is also eligible. The health care facility shall also assist the Iowa department of veterans affairs in identifying individuals residing in such health care facilities on July 1, 2009, who are eligible for the prescription drug benefit.

b. The department of inspections and appeals, the department of veterans affairs, and the department of human services shall identify any barriers to residents in accessing such prescription drug benefits and shall assist health care facilities in adjusting their procedures for medication administration to comply with this subsection.

Approved April 15, 2009

CHAPTER 64

POLITICAL CAMPAIGN PRACTICES —
FALSE CALLER IDENTIFICATION

H.F. 776

AN ACT prohibiting the use of false caller identification for campaign purposes and providing penalties.

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

Section 1. NEW SECTION. 68A.407 USE OF FALSE CALLER IDENTIFICATION FOR CAMPAIGN PURPOSES PROHIBITED.

1. A person shall not knowingly use or provide to another person either of the following:

a. False caller identification information with intent to defraud for purposes related to expressly advocating the nomination, election, or defeat of a clearly identified candidate or for the passage or defeat of a clearly identified ballot issue.

b. Caller identification information pertaining to an actual person without that person's consent and with intent to deceive the recipient of a call about the identity of the caller.

2. This section shall not apply to conduct that was lawfully authorized as investigative, protective, or intelligence activity of a law enforcement agency of the United States, a state, or a political subdivision of a state.

3. As used in this section:

a. "Caller identification information" means information regarding the origination of the telephone call, such as the name or the telephone number of the caller.

b. "Telephone call" means a call made using or received on a telecommunications service or voice over internet protocol service.

c. "Voice over internet protocol service" means a service to which all of the following apply:

(1) The service provides real-time two-way voice communications transmitted using internet protocol, or a successor protocol.

(2) The service is offered to the public, or such classes of users as to be effectively available to the public.

(3) The service has the capability to originate traffic to, or terminate traffic from, the public switched telephone network or a successor network.

4. The board shall adopt rules pursuant to chapter 17A to administer this section.

5. A person who violates this section is subject to sections 68A.701 and 68B.32D.

Approved April 15, 2009

CHAPTER 65

DISASTER RELIEF FOR SCHOOL CORPORATIONS — PROCEDURES

S.F. 81

AN ACT relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property.

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

Section 1. Section 24.6, Code 2009, is amended to read as follows:

24.6 EMERGENCY FUND — LEVY.

1. A municipality may include in the estimate required, an estimate for an emergency fund. A municipality may assess and levy a tax for the emergency fund at a rate not to exceed twenty-seven cents per thousand dollars of assessed value of taxable property of the municipality~~, provided that~~. However, an emergency tax levy shall not be made until the municipality has first petitioned the state board and received its approval.

2. a. Transfers of moneys may be made from the emergency fund to any other fund of the municipality for the purpose of meeting deficiencies in a fund arising from any cause~~, provided that~~. However, a transfer shall not be made except upon the written approval of the state board, and then only when that approval is requested by a two-thirds vote of the governing body of the municipality.

b. Notwithstanding the requirements of paragraph "a", if the municipality is a school corporation, the school corporation may transfer money from the emergency fund to any other fund of the school corporation for the purpose of meeting deficiencies in a fund arising within two years of a disaster as defined in section 29C.2, subsection 1. However, a transfer under this paragraph "b" shall not be made without the written approval of the school budget review committee.

Sec. 2. Section 256.9, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 61. Grant to public school districts and accredited nonpublic schools waivers from statutory obligations with which the entities cannot reasonably comply within two years after a disaster as defined in section 29C.2, subsection 1.

Sec. 3. Section 256.9, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 62. Report to the general assembly annually by January 1, beginning January 1, 2010, about the necessity of waiving any statutory obligations for school districts, as authorized under section 256.7, due to a disaster as defined in section 29C.2, subsection 1. The department's report shall specify each waiver and the determination for granting each waiver. The department shall provide the report to the speaker of the house and president of the senate and to the chairpersons of the appropriate standing committees of the general assembly.

Sec. 4. Section 257.31, subsection 7, paragraph a, Code 2009, is amended to read as follows:

a. The committee may authorize a district to spend a reasonable and specified amount from its unexpended cash balance for ~~either of~~ the following purposes:

(1) Furnishing, equipping, and contributing to the construction of a new building or structure for which the voters of the district have approved a bond issue as provided by law or the tax levy provided in section 298.2.

(2) The costs associated with the demolition of an unused school building, or the conversion of an unused school building for community use, in a school district involved in a dissolution or reorganization under chapter 275, if the costs are incurred within three years of the dissolution or reorganization.

(3) The costs associated with the demolition or repair of a building or structure in a school district if such costs are necessitated by, and incurred within two years of, a disaster as defined in section 29C.2, subsection 1.

Sec. 5. Section 273.2, subsection 2, Code 2009, is amended to read as follows:

2. An area education agency established under this chapter is a body politic as a school corporation for the purpose of exercising powers granted under this chapter, and may sue and be sued. An area education agency may hold property and execute purchase agreements within two years of a disaster as defined in section 29C.2, subsection 1, and lease-purchase agreements pursuant to section 273.3, subsection 7, and if the ~~lease~~ lease-purchase agreement exceeds ten years or the purchase price of the property to be acquired pursuant to a purchase or lease-purchase agreement exceeds twenty-five thousand dollars, the area education agency shall conduct a public hearing on the proposed purchase or lease-purchase agreement and receive approval from the area education agency board of directors and the ~~director of the department~~ state board of education or its designee before entering into the agreement.

Sec. 6. Section 273.3, subsection 7, Code 2009, is amended to read as follows:

7. Be authorized to lease, purchase, or lease-purchase, subject to the approval of the ~~director of the department~~ state board of education or its designee and to receive by gift and operate and maintain facilities and buildings necessary to provide authorized programs and services. However, a lease for less than ten years and with an annual cost of less than twenty-five thousand dollars does not require the approval of the ~~director~~ state board. ~~If a lease requires approval, the director~~ The state board shall not approve ~~the~~ a lease, purchase, or lease-purchase until the ~~director~~ state board is satisfied by investigation that public school corporations within the area do not have suitable facilities available. A purchase of property that is not a lease-purchase may be made only within two years of a disaster as defined in section 29C.2, subsection 1, and subject to the requirements of this subsection.

Sec. 7. NEW SECTION. 273.14 EMERGENCY REPAIRS.

When emergency repairs costing more than the competitive bid threshold in section 26.3, or the adjusted competitive bid threshold established in section 314.1B, subsection 2, are necessary in order to ensure the use of an area education agency facility, the provisions of law with reference to advertising for bids shall not apply within two years of a disaster as defined in section 29C.2, subsection 1, and the area education agency board may contract for such emergency repairs without advertising for bids. However, before such emergency repairs can be made to an area education agency facility, the state board of education or its designee must certify that such emergency repairs are necessary to ensure the use of the area education agency facility.

Sec. 8. Section 297.8, Code 2009, is amended to read as follows:

297.8 EMERGENCY REPAIRS.

When emergency repairs costing more than the competitive bid threshold in section 26.3, or as established in section 314.1B, are necessary in order to ~~prevent the closing~~ ensure the continued use of any school or school facility, the provisions of the law with reference to advertising for bids shall not apply, and in that event the board may contract for such emergency repairs without advertising for bids. However, before such emergency repairs can be made to any schoolhouse or school facility, it shall be necessary to procure a certificate from the area education agency administrator that such emergency repairs are necessary to ~~prevent the closing~~ ensure the continued use of the school or school facility.

Sec. 9. Section 298.3, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 13. Demolition, clean up, and other costs if such costs are necessitated by, and incurred within two years of, a disaster as defined in section 29C.2, subsection 1.

Approved April 17, 2009

CHAPTER 66

ABBREVIATED ELECTRIC TRANSMISSION
FRANCHISE PROCESS

S.F. 279

AN ACT providing for the establishment of an abbreviated electric transmission franchise process, and providing an effective date.

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

Section 1. Section 478.1, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Notwithstanding any other provision of this chapter, if an existing transmission line, wire, or cable is operating at thirty-four and one-half kilovolts, it may be franchised, rebuilt, and upgraded to be capable of operation at sixty-nine kilovolts using an abbreviated franchise process if the upgraded line will meet required safety standards, will be on substantially the same right-of-way, and will have substantially the same effect on the underlying properties. The abbreviated franchise process shall not require published notice or a public informational meeting. The board may adopt rules defining relevant terms, setting forth the steps of the abbreviated process, and specifying the requirements for the petition and landowner notification. The petitioner shall provide written notice concerning the anticipated construction to the last known address of the owners of record of the property where construction will occur and to the parties residing on such property. The franchise may be granted if the board finds the upgraded line is necessary to serve a public use and represents a reasonable relationship to an overall plan of transmitting electricity in the public interest. The franchise shall not become effective until the petitioner has paid, or agreed to pay, all costs and expenses of the franchise proceeding specified in section 478.4.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 17, 2009

CHAPTER 67

STATEWIDE MUTUAL AID COMPACT
AND LOCAL EMERGENCY MANAGEMENT

S.F. 441

AN ACT relating to local emergency management by modifying provisions of the statewide mutual aid compact.

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

Section 1. Section 29C.22, unnumbered paragraph 1, Code 2009, is amended to read as follows:

This statewide mutual aid compact is entered into with all other emergency management commissions established pursuant to section 29C.9, counties, cities, and other political subdivisions that enter into this compact in substantially the following form:

Sec. 2. Section 29C.22, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. This compact is made and entered into by and between the participating emergency management commissions established pursuant to section 29C.9, counties, cities, and political subdivisions which enact this compact. For the purposes of this agreement, the term "participating governments" means emergency management commissions, counties, cities, townships, and other political subdivisions of the state which have not, through ordinance or resolution of the governing body, acted to ~~adopt~~ withdraw from this compact. The inclusion of emergency management commissions in the term "participating governments" shall not convey taxing authority or other legal authority to emergency management commissions that is not otherwise granted in this chapter.

Sec. 3. Section 29C.22, subsection 3, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. For purposes of this subsection, "authorized representative of a participating government" means a mayor or the mayor's designee, a member of the county board of supervisors or a representative of the board, or an emergency management coordinator or the coordinator's designee.

Sec. 4. Section 29C.22, subsection 11, paragraph a, Code 2009, is amended to read as follows:

a. This compact shall become operative ~~immediately upon its adoption by ordinance or resolution by the governing bodies of any two political subdivisions~~ July 1, 2009. ~~Thereafter, this compact shall become effective as to any other political subdivision upon its adoption by ordinance or resolution of the governing body of the political subdivision.~~

Approved April 17, 2009

CHAPTER 68

TEACHER COMPENSATION

S.F. 445

AN ACT relating to teacher compensation by requiring school corporations to incorporate teacher compensation into individual salary schedules and by eliminating the educational excellence program.

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

Section 1. Section 256.21, unnumbered paragraph 4, Code 2009, is amended to read as follows:

A sabbatical grant to a teacher shall be equal to the ~~costs to the school district of the teacher's regular compensation as defined in section 294A.2~~ annual salary specified in a teacher's contract pursuant to the salary schedule adopted by the board of directors or negotiated under chapter 20 plus the cost to the district of the fringe benefits of the teacher. The grant shall be paid to the school district, and the district shall continue to pay the teacher's regular compensation as well as the cost to the district of the substitute teacher. Teachers and boards of school districts are encouraged to seek funding from other sources to pay the costs of sabbaticals for teachers. Grant moneys are miscellaneous income for purposes of chapter 257.

Sec. 2. Section 257.9, subsection 6, Code 2009, is amended to read as follows:

6. TEACHER SALARY SUPPLEMENT STATE COST PER PUPIL. For the budget year beginning July 1, 2009, for the teacher salary supplement state cost per pupil, the department of management shall add together the teacher compensation allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph "h", and the phase II allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 294A.9, Code 2009, and divide that sum by the statewide total budget enrollment for the fiscal year beginning July 1, 2009. The teacher salary supplement state cost per pupil for the budget year beginning July 1, 2010, and succeeding budget years, shall be the amount calculated by the department of management under this subsection for the base year plus an allowable growth amount that is equal to the teacher salary supplement categorical state percent of growth, pursuant to section 257.8, subsection 2, for the budget year, multiplied by the amount calculated by the department of management under this subsection for the base year.

Sec. 3. Section 257.10, subsection 9, paragraph a, Code 2009, is amended to read as follows:

a. For the budget year beginning July 1, 2009, the department of management shall add together the teacher compensation allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph "h", and the phase II allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 294A.9, Code 2009, and divide that sum by the district's budget enrollment in the fiscal year beginning July 1, 2009, to determine the teacher salary supplement district cost per pupil. For the budget year beginning July 1, 2010, and succeeding budget years, the teacher salary supplement district cost per pupil for each school district for a budget year is the teacher salary supplement program district cost per pupil for the base year plus the teacher salary supplement state allowable growth amount for the budget year.

Sec. 4. Section 257.10, subsection 9, paragraph d, Code 2009, is amended to read as follows:

d. ~~The~~ For the budget year beginning July 1, 2009, the use of the funds calculated under this subsection shall comply with the requirements of ~~chapters~~ chapter 284 ~~and 294A~~ and shall be

distributed to teachers pursuant to section ~~284.7~~ 284.3A. For the budget year beginning July 1, 2010, and succeeding budget years, the use of the funds calculated under this subsection shall comply with the requirements of chapter 284 and shall be distributed to teachers pursuant to section 284.3A.

Sec. 5. Section 257.37A, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. For the budget year beginning July 1, 2009, the department of management shall add together the teacher compensation allocation made to each area education agency for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph "i", and the phase II allocation made to each area education agency for the fiscal year beginning July 1, 2008, pursuant to section 294A.9, Code 2009, and divide that sum by the special education support services weighted enrollment in the fiscal year beginning July 1, 2009, to determine the area education agency teacher salary supplement cost per pupil. For the budget year beginning July 1, 2010, and succeeding budget years, the area education agency teacher salary supplement district cost per pupil for each area education agency for a budget year is the area education agency teacher salary supplement district cost per pupil for the base year plus the area education agency teacher salary supplement state allowable growth amount for the budget year.

Sec. 6. Section 257.37A, subsection 1, paragraph d, Code 2009, is amended to read as follows:

d. ~~The~~ For the budget year beginning July 1, 2009, the use of the funds calculated under this subsection shall comply with requirements of ~~chapters~~ chapter 284 ~~and 294A~~ and shall be distributed to teachers pursuant to section ~~284.7~~ 284.3A. For the budget year beginning July 1, 2010, and succeeding budget years, the use of the funds calculated under this subsection shall comply with the requirements of chapter 284 and shall be distributed to teachers pursuant to section 284.3A.

Sec. 7. Section 257.51, Code 2009, is amended to read as follows:

257.51 CATEGORICAL STATE APPROPRIATIONS.

For the budget year beginning July 1, 2009, and succeeding budget years, if the general assembly makes an appropriation pursuant to section 284.13, subsection 1, paragraph "h" or "i", ~~or for the phase II allocation pursuant to section 294A.9,~~ or for professional development pursuant to section 284.13, subsection 1, paragraph "d", or for early intervention pursuant to section 256D.4, the department of management shall recalculate the formulas in section 257.9, subsections 6 through 10; section 257.10, subsections 9, 10, and 11; and section 257.37A.

Sec. 8. Section 284.7, subsection 5, Code 2009, is amended by striking the subsection.

Sec. 9. NEW SECTION. 284.3A TEACHER COMPENSATION — SINGLE SALARY SYSTEM.

1. a. For the school year beginning July 1, 2009, if the licensed employees of a school district or area education agency receiving funds pursuant to sections 257.10 and 257.37A are organized under chapter 20 for collective bargaining purposes, the school board and the certified bargaining representative for the licensed employees shall negotiate the distribution of the funds among the teachers employed by the school district or area education agency according to chapter 20.

b. If the licensed employees of a school district or area education agency are not organized for collective bargaining purposes, the board of directors shall determine the method of distribution of such funds.

c. For the school years beginning July 1, 2008, and July 1, 2009, a school district or area education agency receiving funds pursuant to sections 257.10 and 257.37A, shall determine the amount to be paid to teachers in accordance with this subsection and the amount determined

to be paid to an individual teacher shall be divided evenly by the appropriate number of pay periods and paid in each pay period of the fiscal year beginning with the October payroll.

2. a. For the school budget year beginning July 1, 2010, and each succeeding school year, school districts and area education agencies shall combine payments made to teachers under sections 257.10 and 257.37A with regular wages and create one salary system. If a school district or area education agency uses a salary schedule, one salary schedule shall be used for regular wages and for distribution of payments under sections 257.10 and 257.37A, incorporating the salary minimums required in section 284.7.

b. If the licensed employees of a school district or area education agency are organized under chapter 20 for collective bargaining purposes, the creation of the new salary system shall be subject to the scope of negotiations specified in section 20.9. A reduction in the teacher salary supplement per pupil amount shall also be subject to the scope of negotiations specified in section 20.9.

c. If the licensed employees of a school district or area education agency are not organized for collective bargaining purposes, the board of directors shall create the new salary system. The board of directors shall determine adjustments in salaries resulting from a reduction in the teacher salary supplement per pupil amount.

3. A school district or area education agency shall not be required to maintain a separate account within its budget based on source of funds for payments received and expenditures made pursuant to this section. The school district or area education agency shall annually certify to the department of education that funding received pursuant to sections 257.10 and 257.37A was expended on salaries for qualified teachers.

Sec. 10. Section 294A.9, subsection 9, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

9. This section is repealed June 30, 2009.[1]

Sec. 11.

1. Sections 294A.1 through 294A.6, 294A.8, 294A.21, and 294A.25, Code 2009, are repealed.

2. Any moneys remaining in the educational excellence fund established in section 294A.3, Code 2009, shall be distributed as directed pursuant to that section.

Approved April 17, 2009

CHAPTER 69

PRACTICE OF PHARMACY
AND INTERNET SITE TERMINOLOGY

H.F. 381

AN ACT relating to the practice of pharmacy by establishing a registration program for pharmacy support persons and regulating the internet sale of prescription products, including a program of registration of pharmacy internet sites, making penalties applicable, and establishing a general definition for the term "internet site".

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

Section 1. Section 4.1, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 9B. "Internet site" means a specific location on the internet that is determined by internet protocol numbers, by a domain name, or by both, including but not limited to domain names that use the designations ".com", ".edu", ".gov", ".org", and ".net".

[1] See chapter 179, §50, 53 herein

Sec. 2. Section 155A.2, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A family planning clinic is not regulated by this chapter when engaged in the dispensing of birth control drugs and devices pursuant to section 147.107, subsection 7.

Sec. 3. NEW SECTION. 155A.6B PHARMACY SUPPORT PERSON REGISTRATION.

1. The board shall establish a registration program for pharmacy support persons who work in a licensed pharmacy and who are not licensed pharmacists or registered pharmacy technicians for the purposes of identification, tracking, and disciplinary action for the violation of federal drug laws or regulations, state drug or pharmacy laws, or board rules. The registration shall not include any determination of the competency of the registered individual and, notwithstanding section 272C.2, subsection 1, shall not require continuing education for renewal.

2. A person registered with the board as a pharmacy support person may assist pharmacists by performing routine clerical and support functions. Such a person shall not perform any professional duties or any technical or dispensing duties. The ultimate responsibility for the actions of a pharmacy support person working under a licensed pharmacist's supervision shall remain with the licensed pharmacist.

3. Applicants for registration must apply to the board for registration on a form prescribed by the board.

4. The board shall adopt rules in accordance with chapter 17A on matters pertaining to pharmacy support persons, and pharmacy support person exemptions, registration, application, renewals, fees, termination of registration, training, and any other relevant matters.

5. The board may deny, suspend, or revoke the registration of a pharmacy support person or otherwise discipline the pharmacy support person for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs, or for any violation of this chapter or chapter 124, 124A, 124B, 126, 147, 205, or 272C, or any rule of the board.

Sec. 4. NEW SECTION. 155A.13B PHARMACY INTERNET SITES.

1. As used in this section:

a. "Electronic mail" means any message transmitted through the internet including but not limited to messages transmitted from or to any address affiliated with an internet site.

b. "Internet broker" means an entity that serves as an agent or intermediary or other capacity that causes the internet to be used to bring together a buyer and seller.

c. "Internet sale" means a transaction, initiated via an internet site, that includes the order of and the payment for a prescription drug product.

2. A pharmacy operating within or outside this state shall not sell, dispense, distribute, deliver, or participate in the sale, dispensing, distribution, or delivery of any prescription drug to any patient in this state through an internet site or by electronic mail unless all of the following are met:

a. All internet sites and electronic mail used by the pharmacy for purposes of sales or delivery of a prescription-only drug are in compliance with all requirements of federal law applicable to the site or electronic mail.

b. (1) The pharmacy that sells, dispenses, distributes, or delivers the prescription-only drugs is in compliance with all requirements of relevant state law.

(2) The pharmacy is properly licensed and regulated by the board to operate a pharmacy pursuant to section 155A.13 or 155A.13A.

c. The pharmacist who fills the prescription drug order is not in violation of subsection 4.

d. (1) The pharmacy is not in violation of subsection 6.

(2) The pharmacy is in compliance with an Iowa prescription drug monitoring program if an Iowa prescription drug monitoring program exists and the pharmacy is subject to reporting or other requirements of the program.

3. A practitioner who writes a prescription drug order through an internet site or electronic mail for a patient physically located in this state must be licensed by the applicable licensing authority and in compliance with all applicable laws.

4. A pharmacist practicing within or outside this state shall not fill a prescription drug order to dispense a prescription drug to a patient if the pharmacist knows or reasonably should have known under the circumstances that the prescription drug order was issued under both of the following:

a. Solely on the basis of an internet questionnaire, an internet consultation, or a telephonic consultation.

b. Without a valid patient-practitioner relationship.

5. An internet broker operating within or outside this state may participate in the sale of a prescription drug in this state only if the internet broker knows that the pharmacist who dispenses the drug is not in violation of subsection 4.

6. A pharmacy shall not sell, dispense, distribute, deliver, or participate in the sale, dispensing, distribution, or delivery of any prescription-only drug to a consumer in this state if any part of the transaction was conducted through an internet site unless the internet site displays in a clear and conspicuous manner all of the following:

a. The name of the pharmacy.

b. The address of the licensed physical location of the pharmacy.

c. The telephone number of the pharmacy.

d. The license number issued by the board to the pharmacy.

e. The certification issued by the national association of boards of pharmacy identifying the pharmacy as a verified internet pharmacy practice sites site, the verified internet pharmacy practice site's seal, and a link to the national association of boards of pharmacy's verification site, except that verified internet pharmacy practice sites certification shall not be required of a pharmacy that utilizes an internet site for the convenience of a patient to request a prescription refill or to request or retrieve drug information but requires that the filled prescription be delivered to the patient at the licensed physical location of the pharmacy.

f. The internet site registration number issued by the board.

7. A pharmacy that sells, dispenses, distributes, delivers, prescribes, or participates in the sale, dispensing, distribution, or delivery of any prescription drug to any patient in this state, if the patient submitted the purchase order for the prescription drug through an internet site or by electronic mail, shall not disclaim, limit, or waive any liability to which the pharmacy otherwise is subject under law for the act or practice of selling, dispensing, distributing, or delivering prescription drugs.

8. A disclaimer, limitation, or waiver in violation of this section is void.

9. An attempt to make a disclaimer, limitation, or waiver in violation of this section is a violation of this chapter.

10. For purposes of this section, the board shall adopt rules in accordance with chapter 17A on matters pertaining to internet site registration, application, forms, renewals, fees, termination of registration, and any other relevant matters.

Sec. 5. Section 155A.27, unnumbered paragraph 1, Code 2009, is amended to read as follows:

~~Each~~ To be valid, each prescription drug order issued or ~~filled~~ dispensed in this state must be based on a valid patient-practitioner relationship, and:

Sec. 6. Section 155A.29, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. An authorization to refill a prescription drug order may be transmitted to a pharmacist by a prescriber or the prescriber's agent through word of mouth, note, telephone, facsimile, or other means of communication initiated by or directed by the practitioner. The transmission shall include the information required pursuant to section 155A.27 and, if not transmitted directly by the practitioner, shall identify by name and title the practitioner's agent completing the transmission.

Approved April 17, 2009

CHAPTER 70

INDIVIDUAL DEVELOPMENT ACCOUNTS

H.F. 672

AN ACT relating to individual development accounts available to certain persons with low income and providing effective and applicability date provisions.

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

Section 1. Section 541A.2, subsection 1, Code 2009, is amended to read as follows:

1. a. To be eligible to open an account, a prospective account holder must have a household income that is equal to or less than two hundred percent of the federal poverty level.

b. The account ~~is~~ shall be kept in the name of an individual account holder.

Sec. 2. Section 541A.2, subsections 4 and 5, Code 2009, are amended to read as follows:

4. During a calendar year, with the approval of the operating organization, an account holder may ~~withdraw~~ make withdrawals from the account holder's account ~~the sum of the~~ for any of the following authorized purposes:

a. ~~With the approval of the operating organization, amounts withdrawn for any of the following approved purposes:~~

~~(1)~~ Educational costs at an accredited institution of higher education.

~~(2)~~ b. Training costs for an accredited or licensed training program.

~~(3)~~ c. Purchase of a primary residence.

~~(4)~~ d. Capitalization of a small business start-up.

~~(5)~~ e. An improvement to a primary residence which increases the tax basis of the property.

~~(6)~~ f. Emergency medical costs for the account holder or for a member of the account holder's family. However, a withdrawal for this purpose is limited to once during the life of the account and the amount of the withdrawal shall not exceed ten percent of the account balance at the time of the withdrawal.

~~(7)~~ g. A purpose ~~approved~~ authorized in accordance with rule for a refugee individual development account.

~~(8)~~ h. Purchase of an automobile.

~~(9)~~ i. Purchase of assistive technology, home or vehicle modification, or other device or physical improvement to assist an account holder or family member with a disability.

~~(10)~~ j. Other purpose ~~approved~~ authorized in accordance with rule that is intended to move the account holder or a family member toward a higher degree of self-sufficiency.

~~b. At the account holder's discretion, if the account holder is at least fifty-nine and one-half years of age, any amount.~~

~~5. An account holder shall not withdraw moneys from the holder's account unless the withdrawal is authorized under subsection 4.~~

Sec. 3. Section 541A.3, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. Payment by the state of a state savings match on amounts of up to two thousand dollars that an account holder deposits in the account holder's account. ~~To be eligible to receive a state match an account holder must have a household income that is equal to or less than two hundred percent of the federal poverty level.~~

Sec. 4. Section 541A.5, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. Subject to the availability of funding, the commission may adopt rules implementing an individual development account program for refugees. Rules shall identify purposes ~~approved~~ authorized for withdrawals to meet the special needs of refugee families.

Sec. 5. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. This Act, being deemed of immediate importance, takes effect upon enactment, is retroactively applicable to July 1, 2008.

Approved April 17, 2009

CHAPTER 71

STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM
— LINE OF DUTY DEATH BENEFIT

H.F. 707

AN ACT relating to eligible beneficiaries for a line of duty death benefit under the statewide fire and police retirement system and providing an effective date.

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

Section 1. Section 411.6, subsection 15, paragraph a, Code 2009, is amended to read as follows:

a. If, upon the receipt of evidence and proof from the chief of the police or fire department that the death of a member in service was the direct and proximate result of a traumatic personal injury incurred in the line of duty, the system decides that death was so caused, there shall be paid, to a person authorized to receive an accidental death benefit as provided in subsection 9, paragraph "b", the amount of one hundred thousand dollars, which shall be payable in a lump sum. However, for purposes of this subsection, a child who no longer meets the definition of child in section 411.1 shall be eligible to receive a line of duty death benefit pursuant to this subsection.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 17, 2009

CHAPTER 72

WATER AND WASTEWATER TREATMENT

S.F. 339

AN ACT relating to wastewater treatment and providing an effective date.

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

DIVISION I
WASTEWATER TREATMENT FINANCIAL ASSISTANCE PROGRAM

Section 1. Section 16.134, Code 2009, is amended to read as follows:

16.134 WASTEWATER TREATMENT FINANCIAL ASSISTANCE PROGRAM.

1. The Iowa finance authority shall establish and administer a wastewater treatment financial assistance program. The purpose of the program shall be to provide ~~grants~~ financial assistance to enhance water quality ~~and to assist communities to comply with water quality standards adopted by the department of natural resources~~. The program shall be administered in accordance with rules adopted by the authority pursuant to chapter 17A.

2. A wastewater treatment financial assistance fund is created under the authority of the Iowa finance authority. The fund shall consist of appropriations made to the fund and transfers of interest, earnings, and moneys from other funds as provided by law. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

3. Financial assistance under the program shall be used to install or upgrade wastewater treatment facilities and systems, and for engineering or technical assistance for facility planning and design.

4. The authority shall distribute financial assistance in the fund in accordance with the following:

0a. The goal of the program shall be to base awards on the impact of the grant combined with other sources of financing to ensure that sewer rates do not exceed one and one-half percent of a community's median household income.

a. Communities shall be eligible for financial assistance by qualifying as a disadvantaged community and seeking financial assistance for the installation or upgrade of wastewater treatment facilities due to regulatory activity ~~in response to water quality standards adopted~~ by the department of natural resources ~~in calendar year 2006~~. For purposes of this section, the term "disadvantaged community" means the same as defined by the department of natural resources for the drinking water facilities revolving loan fund established in section 455B.295. ~~Communities with a population of three thousand or more do not qualify for financial assistance under the program.~~

b. Priority shall be given to projects in which the financial assistance is used to obtain financing under the Iowa water pollution control works and drinking water facilities financing program pursuant to section 16.131 or other federal or state financing.

c. Priority shall also be given to projects whose completion will provide significant improvement to water quality in the relevant watershed.

d. Priority shall also be given to communities that employ an alternative wastewater treatment technology pursuant to section 455B.199C.

e. Priority shall be also given to those communities where sewer rates are the highest as a percentage of that community's median household income.

~~d. A community meeting the criteria of paragraph "a" shall be required to provide matching moneys in accordance with the following:~~

~~(1) Unsewered incorporated communities with a population of less than five hundred and communities with a population of less than five hundred shall be required to provide a five percent match.~~

~~(2) Communities with a population of five hundred or more but less than one thousand shall be required to provide a ten percent match.~~

~~(3) Communities with a population of one thousand or more but less than one thousand five hundred shall be required to provide a twenty percent match.~~

~~(4) Communities with a population of one thousand five hundred or more but less than two thousand shall be required to provide a thirty percent match.~~

~~(5) Communities with a population of two thousand or more but less than three thousand shall be required to provide a forty percent match.~~

~~e.~~ f. Financial assistance in the form of grants shall be issued on ~~a quarterly~~ an annual basis.

g. An applicant shall not receive a grant that exceeds five hundred thousand dollars.

5. The authority in cooperation with the department of natural resources shall share information and resources when determining the qualifications of a community for financial assistance from the fund.

6. The authority may use an amount of not more than four percent of any moneys appropriated for deposit in the fund for administration purposes.

~~7. It is the intent of the general assembly that for the fiscal period beginning July 1, 2007, and ending June 30, 2016, a minimum of four million dollars shall be appropriated each fiscal year to the authority for deposit in the wastewater treatment financial assistance fund.~~

Sec. 2. NEW SECTION. 16.135 WASTEWATER VIABILITY ASSESSMENT.

1. The authority, in cooperation with the department of natural resources and the department of economic development, shall require the use of a wastewater viability assessment for any wastewater treatment facility seeking a grant under the wastewater treatment financial assistance program. A wastewater viability assessment shall determine the long-term operational and financial capacity of the facility and its ratepayers. The authority shall develop minimum criteria for eligibility based on the viability assessment.

2. The authority, in cooperation with the department of natural resources, shall develop a wastewater viability assessment. The assessment shall include as part of the assessment all of the following factors:

a. The ability of the applicant to provide proper oversight and management through a certified operator.

b. The financial ability of the users to support the existing system, improvements to the system, and the long-term maintenance of the system.

DIVISION II
SPONSORED PROJECTS

Sec. 3. Section 384.80, subsection 12, Code 2009, is amended to read as follows:

12. "Project" means the acquisition, construction, reconstruction, extending, remodeling, improving, repairing, and equipping of all or part of a city utility, combined utility system, city enterprise, or combined city enterprise, or a water resource restoration project within or without the corporate limits of the city.

Sec. 4. Section 384.80, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 15. "Water resource restoration project" means the acquisition of real property or improvements or other activity or undertaking that will assist in improving the quality of the water in the watershed where a city water or wastewater utility is located.

Sec. 5. Section 384.82, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A city may carry out projects, borrow money, and issue revenue bonds and pledge orders to pay all or part of the cost of projects, which may include a qualified water resource restoration project, such revenue bonds and pledge orders to be payable solely and only out of the net revenues of the city utility, combined utility system, city enterprise, or combined city enterprise involved in the project. The cost of a project includes the construction contracts, interest

upon the revenue bonds and pledge orders during the period or estimated period of construction and for twelve months thereafter, or for twelve months after the acquisition date, such reserve funds as the governing body may deem advisable in connection with the project and the issuance of revenue bonds and pledge orders, and the costs of engineering, architectural, technical and legal services, preliminary reports, surveys, property valuations, estimates, plans, specifications, notices, acquisition of real and personal property, consequential damages or costs, easements, rights-of-way, supervision, inspection, testing, publications, printing and sale of bonds and provisions for contingencies. A city may sell revenue bonds or pledge orders at public or private sale in the manner prescribed by chapter 75 and may deliver revenue bonds and pledge orders to the contractors, sellers, and other persons furnishing materials and services constituting a part of the cost of the project in payment therefor.

Sec. 6. Section 384.84, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The governing body of a city water or wastewater utility may enter into an agreement with a qualified entity to use proceeds from revenue bonds for a water resource restoration project if the rate imposed is no greater than if there was not a water resource restoration project agreement. For purposes of this subsection, "qualified entity" is an entity created pursuant to chapter 28E or two entities that have entered into an agreement pursuant to chapter 28E, whose purpose is to undertake a watershed project that has been approved for water quality improvements in the watershed.

Sec. 7. NEW SECTION. 455B.199 WATER RESOURCE RESTORATION SPONSOR PROGRAM.

1. The department shall establish and administer a water resource restoration sponsor program to assist in enhancing water quality in the state through the provision of financial assistance to communities for a variety of impairment-based, locally directed watershed projects.

2. For purposes of this section, unless the context otherwise requires:

a. "Qualified entity" means the same as defined in section 384.84.

b. "Sponsor project" means a water resource restoration project as defined in section 384.80.

3. Moneys in the water pollution control works revolving loan fund created in section 455B.295, and the drinking water facilities revolving loan fund created in section 455B.295, shall be used for the water resource restoration sponsor program. The department shall establish on an annual basis the percentage of moneys available for the sponsor program from the funds.

4. The interest rate on the loan under the program for communities participating in a sponsor project shall be set at a level that requires the community to pay not more than the amount the community would have paid if they did not participate in a sponsor project.

5. Not more than ninety percent of the projected interest payments on bonds issued under section 384.84 or the total cost of the sponsor project shall be advanced to the community, whichever is lower.

6. A proposed sponsor project must be compatible with the goals of the water resource restoration sponsor program, shall include the application of best management practices for the primary purpose of water quality protection and improvement, and may include but not be limited to any of the following:

a. Riparian buffer acquisition, enhancement, expansion, or restoration.

b. Conservation easements.

c. Riparian zone or wetland buffer extension or restoration.

d. Wetland restoration in conjunction with an adjoining high-quality water resource.

e. Stream bank stabilization and natural channel design techniques.

f. In-stream habitat enhancements and dam removals.

7. A proposed sponsor project shall not include any of the following:

a. Passive recreation activities and trails including bike trails, playgrounds, soccer fields, picnic tables, and picnic grounds.

b. Parking lots.
c. Diverse habitat creation contrary to the botanical history of the area.
d. Planting of nonnative plant species.
e. Dredging.
f. Supplemental environmental projects required as a part of a consent decree.

8. A sponsor project must be approved by the department prior to participating in the water resource restoration sponsor program.

9. A resolution by the city council must be approved and included as part of an application for the water resource restoration sponsor program. After approval of the project, the city council shall enter into an agreement pursuant to chapter 28E with the qualified entity who shall implement the project.

10. A water resource restoration project shall not include the acquisition of property, an interest in property, or improvements to property through condemnation.

11. The commission shall adopt rules pursuant to chapter 17A necessary for the administration of this section.

Sec. 8. Section 455B.295, subsection 2, Code 2009, is amended to read as follows:

2. Each of the revolving loan funds shall include sums appropriated to the revolving loan funds by the general assembly, sums transferred by action of the governor under section 455B.296, subsection 3, sums allocated to the state expressly for the purposes of establishing each of the revolving loan funds under the Clean Water Act and the Safe Drinking Water Act, all receipts by the revolving loan funds, and any other sums designated for deposit to the revolving loan funds from any public or private source. All moneys appropriated to and deposited in the revolving loan funds are appropriated and shall be used for the sole purpose of making loans to eligible entities to finance all or part of the cost of projects, including sponsor projects under the water resource restoration sponsor program established in section 455B.199. The moneys appropriated to and deposited in the water pollution control works revolving loan fund shall not be used to pay the nonfederal share of the cost of projects receiving grants under the Clean Water Act. The moneys in the revolving loan funds are not considered part of the general fund of the state, are not subject to appropriation for any other purpose by the general assembly, and in determining a general fund balance shall not be included in the general fund of the state but shall remain in the revolving loan funds to be used for their respective purposes. The revolving loan funds are separate dedicated funds under the administration and control of the authority and subject to section 16.31. Moneys on deposit in the revolving loan funds shall be invested by the treasurer of state in cooperation with the authority, and the income from the investments shall be credited to and deposited in the appropriate revolving loan funds.

DIVISION III
PERMITTING — VARIANCES — ALTERNATIVE WASTEWATER TREATMENT TECHNOLOGIES

Sec. 9. NEW SECTION. 455B.199A PRIORITIZATION OF MUNICIPAL WATER QUALITY IMPROVEMENT PROJECTS.

1. The department may allow schedules of compliance to be included in permits whenever authorized by federal law or regulations. Such schedules shall be established to maximize benefits and minimize local financial impact while improving water quality, where such opportunities arise. If information is provided showing that the anticipated costs of compliance with a schedule have no reasonable relationship to environmental or public health needs or benefits, or may result in other detrimental environmental impacts, such as significant greenhouse gas emissions, the projects may be deferred, in whole or in part as determined appropriate by the department, and a variance granted, as consistent with applicable federal law or regulations.

2. Unless otherwise restricted by federal law or regulations, the department may allow com-

pliance schedules of up to thirty years in national pollutant discharge elimination system permits, particularly where the costs of compliance with federal program mandates will adversely impact the construction of other necessary local capital improvement projects. If the department determines an existing condition constitutes a significant public health or environmental threat, the schedule of compliance shall be based on the shortest practicable time frame for remedying the condition.

Sec. 10. NEW SECTION. 455B.199B DISADVANTAGED COMMUNITIES VARIANCE.

1. The department may provide for a variance of regulations pursuant to this part when it determines that regulations adopted pursuant to this part affect a disadvantaged community. Such a variance shall be consistent with federal rules and regulations. In considering an application for a variance, the department shall consider the substantial and widespread economic and social impact to the ratepayers and the affected community that may occur as a result of compliance with a federal regulation, a rule adopted by the department, or an order of the department pursuant to this part. In considering an application for a variance, the department shall take into account the rules adopted pursuant to this part with which a regulated entity and the commensurate affected community are required to comply.

2. The department shall find that a regulated entity and the affected community are a disadvantaged community by using all of the following criteria:

a. Median household income in the community as a percentage of statewide household income.

b. Annual water and sewer rates as a percentage of median household income.

c. Families below the poverty level in the community as a percentage of the statewide number of families below the poverty level.

d. Per capita outstanding debt of the system as a percentage of median household income.

e. Cost effectiveness calculated by determining construction costs per user.

3. The department may grant a regulated entity a variance from complying with a rule adopted pursuant to this part or as otherwise allowed by federal law or regulations, if the department determines that the regulated entity or the affected community will suffer substantial and widespread economic and social impact. The department shall ensure the conditions of any variance improve water quality and represent reasonable progress toward complying with rules adopted pursuant to this part, but do not result in substantial and widespread economic and social impact.

4. The Iowa finance authority, in cooperation with the department, shall utilize the disadvantaged community criteria in this section to determine the appropriate interest rates for loans awarded from the revolving loan funds created in sections 455B.291 through 455B.299, as allowed by federal law or regulations.

5. The department of economic development shall utilize the disadvantaged community criteria in this section to determine eligibility for water or sewer community development block grants as provided in section 15.108, subsection 1, paragraph "a".

Sec. 11. NEW SECTION. 455B.199C ALTERNATIVE WASTEWATER TREATMENT TECHNOLOGIES — LEGISLATIVE INTENT AND PURPOSE.

1. The intent of the general assembly is to address the rising costs of water and wastewater treatment compliance for regulated entities and affected communities by authorizing the use of alternative treatment technologies. The purpose of this section is to eliminate regulatory barriers that limit or prevent the use of new or innovative technologies.

2. The department shall produce and publish design guidance documents for alternative wastewater treatment technologies. The guidance documents shall be intended to encourage regulated entities to use such technologies and to assist design engineers with the submission of projects employing alternative wastewater treatment technologies that can be readily approved by the department.

3. In writing design guidance documents for alternative wastewater treatment technologies the department shall review all of the following:

a. The on-site sewage design and reference manual published by the department of natural resources.

b. The guidance manual for the management of on-site and decentralized wastewater systems published by the United States environmental protection agency.

c. Other credible sources of information on the design, operation, and performance of alternative wastewater treatment technologies.

Sec. 12. Section 455B.176A, subsection[1] 7, 8, and 9, Code 2009, are amended by striking the subsections.

DIVISION IV
SANITARY DISTRICTS

Sec. 13. Section 358.16, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

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

Sec. 14. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 20, 2009

CHAPTER 73

NATIVE WINE PERMITTEE EMPLOYEES —
EMPLOYMENT BY NATIVE BEER BREWERIES

S.F. 420

AN ACT concerning limitations on employment of persons employed by a wine permittee engaged in manufacturing and wholesaling native wine.

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

Section 1. Section 123.56, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. Notwithstanding any other provision of this chapter, a person employed by a class "A" native wine permittee may be employed by a brewery with a class "A" native beer permit provided the person has no ownership interest in either licensed premises.

Approved April 20, 2009

[1] According to enrolled Act; the word "subsections" probably intended

CHAPTER 74

LIQUOR CONTROL — RESEALED WINE BOTTLES
FOR OFF-PREMISES CONSUMPTION

S.F. 447

AN ACT concerning off-premises consumption of resealed bottles of wine.

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

Section 1. Section 123.30, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding any provision of this chapter to the contrary, a person holding a license to sell alcoholic liquors for consumption on the licensed premises may permit a customer to remove one unsealed bottle of wine for consumption off the premises if the customer has purchased and consumed a portion of the bottle of wine on the licensed premises. The licensee or the licensee's agent shall securely reseal such bottle in a bag designed so that it is visibly apparent that the resealed bottle of wine has not been tampered with and provide a dated receipt for the resealed bottle of wine to the customer. A wine bottle resealed pursuant to the requirements of this subsection is subject to the requirements of sections 321.284 and 321.284A.

Approved April 20, 2009

CHAPTER 75

RECORDING OF MAGISTRATE PROCEEDINGS

H.F. 266

AN ACT relating to recording proceedings before a magistrate.

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

Section 1. Section 631.11, subsection 3, Code 2009, is amended to read as follows:

3. RECORD. Upon the trial, the judicial magistrate shall make detailed minutes of the testimony of each witness and append the exhibits or copies thereof to the record. The proceedings upon trial shall not be reported by a certified court reporter, unless the party provides the reporter at such party's expense. ~~The~~ If the proceedings are not reported by a certified court reporter, the magistrate~~, in the magistrate's discretion, may~~ shall cause the proceedings upon trial to be ~~reported~~ recorded electronically~~. If the proceedings are being electronically recorded~~ and both parties shall be notified in advance of that recording. If the proceedings have been ~~reported~~ recorded electronically the recording shall be retained under the jurisdiction of the magistrate unless appealed, and upon appeal shall be transcribed only by a person designated by the court under the supervision of the magistrate.

Approved April 20, 2009

CHAPTER 76

UNSEWERED COMMUNITY REVOLVING LOAN PROGRAM

H.F. 468

AN ACT creating an unsewered community revolving loan program and fund.

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

Section 1. NEW SECTION. 16.191 UNSEWERED COMMUNITY REVOLVING LOAN PROGRAM — FUND.

1. The authority shall establish and administer an unsewered community revolving loan program. Assistance under the program shall consist of no-interest loans with a term not to exceed forty years and shall be used for purposes of installing sewage disposal systems in a city without a sewage disposal system or in an area where a cluster of homes is located.

2. An unsewered community may apply for assistance under the program. In awarding assistance, the authority shall encourage the use of innovative, cost-effective sewage disposal systems and technologies. The authority shall adopt rules that prioritize applications for disadvantaged unsewered communities.

3. For purposes of this section, "an area where a cluster of homes is located" means an area located in the unincorporated area of a county which includes six or more homes but less than five hundred homes.

4. An unsewered community revolving loan fund is created in the state treasury under the control of the authority and consisting of moneys appropriated by the general assembly and any other moneys available to and obtained or accepted by the authority for placement in the fund.

5. Repayments of moneys loaned and recaptures of loans shall be deposited in the fund.

6. Moneys in the fund shall be used to provide assistance under the unsewered community revolving loan program established in this section.

7. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

Approved April 20, 2009

CHAPTER 77

INTERFERENCE WITH JUDICIAL ACTS

H.F. 697

AN ACT relating to interference with judicial acts, and providing a penalty.

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

Section 1. NEW SECTION. 720.7 INTERFERENCE WITH JUDICIAL ACTS — PENALTY.

1. As used in this section:

a. "Court employee" means the same as defined in section 602.1101.

b. "Family member" means a spouse, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, grandfather, grandmother, father-in-law, mother-in-law, son-in-law, daugh-

ter-in-law, brother-in-law, sister-in-law, father, mother, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

c. "Judicial officer" means the same as defined in section 602.1101.

2. A person who harasses a judicial officer, court employee, or a family member of a judicial officer or a court employee in violation of section 708.7, with the intent to interfere with or improperly influence, or in retaliation for, the official acts of a judicial officer or court employee, commits an aggravated misdemeanor.

Approved April 20, 2009

CHAPTER 78

RESERVE PEACE OFFICERS

H.F. 762

AN ACT relating to reserve certified peace officers and training requirements.

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

Section 1. Section 80D.3, subsections 3 and 5, Code 2009, are amended to read as follows:

3. a. A person appointed to serve as a reserve peace officer who has received basic training as a peace officer and has been certified by the academy pursuant to chapter 80B and rules adopted pursuant to chapter 80B may be exempted from completing the minimum training course at the discretion of the appointing authority. However, such a person appointed to serve as a reserve peace officer shall meet mandatory in-service training requirements established by academy rules if the person has not served as an active peace officer within one hundred eighty days of appointment as a reserve peace officer.

b. A person appointed to serve as a reserve peace officer who has met the one-hundred-fifty-hour training requirement obtained[1] at a community college or other facility selected by the individual and approved by the law enforcement agency prior to July 1, 2007, shall be exempted from completing the minimum training course at the discretion of the appointing authority and shall continue to hold certification with the appointing authority.

5. A person is eligible for state certification as a reserve peace officer upon satisfactory completion of the training and testing requirements specified by academy rules. ~~A reserve peace officer enrolled in an academy-approved minimum course of training prior to July 1, 2007, shall obtain state certification by July 1, 2012.~~

Approved April 20, 2009

[1] See chapter 179, §33 herein

CHAPTER 79

JUMPSTART HOUSING ASSISTANCE PROGRAM —
LOAN FORGIVENESS

S.F. 289

AN ACT relating to loan forgiveness under the jumpstart housing assistance program and providing effective and retroactive applicability dates.

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

Section 1. JUMPSTART HOUSING ASSISTANCE PROGRAM. Under the jumpstart housing assistance program administered by the Iowa finance authority, forgivable loans made pursuant to the program shall be forgivable over a five-year period. One-fifth of the total principal amount loaned shall be forgiven following each full year the eligible resident owns the home for which the loan was made, beginning on the date of the final disbursement of forgivable loan proceeds.

Sec. 2. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. This Act, being deemed of immediate importance, takes effect upon enactment, and is retroactively applicable to September 1, 2008, and is applicable on and after that date.

Approved April 21, 2009

CHAPTER 80

WIND AND RENEWABLE ENERGY TAX CREDIT ELIGIBILITY

S.F. 456

AN ACT modifying provisions applicable to facilities qualifying for wind energy production and renewable energy tax credits and including effective and retroactive applicability date provisions.

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

Section 1. Section 476B.1, subsection 4, paragraph d, Code 2009, is amended to read as follows:

d. (1) For applications filed on or after March 1, 2008, consists of one or more wind turbines connected to a common gathering line which have a combined nameplate capacity of no less than two megawatts and no more than thirty megawatts.

(2) For applications filed on or after July 1, 2009, by a private college or university, community college, institution under the control of the state board of regents, public or accredited nonpublic elementary and secondary school, or public hospital as defined in section 249J.3, for the applicant's own use of qualified electricity, consists of wind turbines with a combined nameplate capacity of three-fourths of a megawatt or greater.

Sec. 2. Section 476B.4, Code 2009, is amended to read as follows:

476B.4 ~~LIMITATIONS~~ LIMITATION.

~~1. The wind energy production tax credit shall not be allowed for any kilowatt-hour of elec-~~

~~tricity produced on wind energy conversion property for which the owner has claimed or otherwise received for that property the benefit of special valuation under section 427B.26 or section 441.21, subsection 8, or the exemption from retail sales tax under section 422.45, subsection 48, Code Supplement 2003, or section 423.3, subsection 54, as applicable.~~

~~2.~~ The wind energy production tax credit shall not be allowed for any kilowatt-hour of electricity that is sold to a related person. For ~~purpose~~ purposes of this ~~subsection~~ section, persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b) of the Internal Revenue Code. In the case of a corporation that is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling electricity to an unrelated person if such electricity is sold to such a person by another member of such group.

Sec. 3. Section 476B.5, subsection 4, Code 2009, is amended to read as follows:

4. The maximum amount of nameplate generating capacity of all qualified facilities the board may find eligible under this chapter shall not exceed ~~four~~ one hundred fifty megawatts of nameplate generating capacity.

Sec. 4. Section 476B.6, subsection 1, Code 2009, is amended to read as follows:

1. a. If a city or a county in which a qualified facility is located has enacted an ordinance under section 427B.26 and an owner has filed for and received special valuation pursuant to that ordinance, the owner is not required to obtain approval from the city council or county board of supervisors to apply for the wind energy production tax credit pursuant to subsection 2.

~~a.~~ b. (1) ~~To be eligible to receive the wind energy production tax credit,~~ If neither a city nor a county in which a qualified facility is located has enacted an ordinance under section 427B.26, or a qualified facility is not eligible for special valuation pursuant to an ordinance adopted by a city or a county under section 427B.26, the owner must ~~first~~ receive approval of the applicable city council or county board of supervisors of the city or county in which the qualified facility is located in order to be eligible to receive the wind energy production tax credit. The application for approval may be submitted prior to commencement of the construction of the qualified facility but shall be submitted no later than the close of the owner's first taxable year for which the credit is to be applied for. The application must contain the owner's name and address, the address of the qualified facility, and the dates of the owner's first and last taxable years for which the credit will be applied for. Within forty-five days of the receipt of the application for approval, the city council or county board of supervisors, as applicable, shall either approve or disapprove the application. After the forty-five-day ~~limit~~ time period has expired, the application is deemed to be approved.

~~b.~~ (2) Upon approval of ~~the~~ an application submitted pursuant to subparagraph (1), the owner may apply for the tax credit as provided in subsection 2. In addition, approval of the application submitted pursuant to subparagraph (1) is acceptance by the applicant for the assessment of the qualified facility for property tax purposes for a period of twelve years and approval by the city council or county board of supervisors, as applicable, for the payment of the property taxes levied on the qualified property to the state. For purposes of property taxation, the qualified facility receiving approval of an application submitted pursuant to subparagraph (1) shall be centrally assessed and shall be exempt from any replacement tax under section 437A.6 for the period during which the facility is subject to property taxation. The property taxes to be paid to the state are those property taxes which make up the consolidated tax levied on the qualified facility and which are due and payable in the twelve-year period beginning with the first fiscal year beginning on or after the end of the owner's first taxable year for which the credit is applied for. Upon approval of the application, the city council or county board of supervisors, as applicable, shall notify the county treasurer to ~~state~~ designate on the tax statement which lists the taxes on the qualified facility ~~that~~ the amount of the property taxes ~~shall~~ to be paid to the department. Payment of the designated property taxes to the department shall be in the same manner as required for the payment of regular property taxes and failure to pay

designated property taxes to the department shall be treated the same as failure to pay property taxes to the county treasurer.

c. Once the owner of the qualified facility receives approval under paragraph ~~"a"~~ "b", subsequent approval under paragraph ~~"a"~~ "b" is not required for the same qualified facility for subsequent taxable years.

Sec. 5. Section 476C.3, subsection 3, Code 2009, is amended to read as follows:

3. A facility that is not operational within thirty months after issuance of an approval for the facility by the board shall cease to be an eligible renewable energy facility. However, a wind energy conversion facility that is approved as eligible under this section but is not operational within eighteen months due to the unavailability of necessary equipment shall be granted an additional ~~twelve~~ twenty-four months to become operational. A facility that is granted and thereafter loses approval may reapply to the board for a new determination.

Sec. 6. Section 476C.3, subsection 4, Code 2009, is amended to read as follows:

4. The maximum amount of nameplate generating capacity of all wind energy conversion facilities the board may find eligible under this chapter shall not exceed ~~one~~ three hundred ~~eighty~~ thirty megawatts of nameplate generating capacity. The maximum amount of energy production capacity equivalent of all other facilities the board may find eligible under this chapter shall not exceed a combined output of twenty megawatts of nameplate generating capacity and one hundred sixty-seven billion British thermal units of heat for a commercial purpose. Of the maximum amount of energy production capacity equivalent of all other facilities found eligible under this chapter, fifty-five billion British thermal units of heat for a commercial purpose shall be reserved for an eligible facility that is a refuse conversion facility for processed, engineered fuel from a multicounty solid waste management planning area. The maximum amount of energy production capacity the board may find eligible for a single refuse conversion facility is fifty-five billion British thermal units of heat for a commercial purpose.

Sec. 7. REFUNDS. Refunds of taxes, interest, or penalties which may arise from claims resulting from the amendment of section 476B.4 in this Act, for the exemption of sales of wind energy conversion property as provided in section 423.3, subsection 54, occurring between January 1, 2008, and the effective date of this Act, shall be limited to one hundred thousand dollars in the aggregate and shall not be allowed unless refund claims are filed prior to October 1, 2009, notwithstanding any other provision of law. If the amount of claims totals more than one hundred thousand dollars in the aggregate, the department of revenue shall prorate the one hundred thousand dollars among all claimants in relation to the amounts of the claimants' valid claims. Claimants shall not be entitled to interest on any refunds.

Sec. 8. RENEWABLE ENERGY TAX CREDIT ELIGIBILITY STUDY. The utilities board of the utilities division of the department of commerce shall conduct a study to evaluate whether procedures applicable to eligible renewable energy facilities which have been approved for the renewable energy tax credit but are not yet operational pursuant to section 476C.3, subsection 3, and eligible renewable energy facilities which have been placed on a waiting list for approval pursuant to section 476C.3, subsection 5, are in need of modification. The study shall include a survey of each facility which has been approved to determine the extent to which progress has been made toward achieving operational status. The study shall also include a survey of each facility which has been determined eligible and is awaiting approval, to ascertain whether the facility continues to seek approval and is committed to becoming operational once approval is obtained. Based on the results of the surveys, the board shall submit recommendations to the general assembly by January 1, 2010, regarding whether statutory or procedural modifications are necessary to ensure that facilities are being effectively and efficiently maintained in an approved or eligible status.

Sec. 9. EFFECTIVE AND APPLICABILITY DATES. The sections of this Act enacting section 476B.1, subsection 4, paragraph "d", subparagraph (1), and amending sections 476B.4 and

476B.6, being deemed of immediate importance, take effect upon enactment and apply retroactively to January 1, 2008, for tax years beginning on or after that date.

Approved April 23, 2009

CHAPTER 81

HISTORIC SITE PRESERVATION GRANTS —
FUNDING RESTRICTIONS

S.F. 114

AN ACT relating to the number of historic preservation grants that may be awarded in a county and providing an effective date.

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

Section 1. 2008 Iowa Acts, chapter 1179, section 1, subsection 4, paragraph b, unnumbered paragraph 2, is amended to read as follows:

In making grants pursuant to this lettered paragraph, the department shall consider the existence and amount of other funds available to an applicant for the designated project. A grant awarded from moneys appropriated in this lettered paragraph shall not exceed $100,000 per project. Not more than ~~two grants may be awarded in the same county~~ $200,000 may be awarded in the same county in the same round of grant reviews.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 24, 2009

CHAPTER 82

ECONOMIC DEVELOPMENT ASSISTANCE —
FUNDS, TAX CREDITS, AND BENCHMARKS

S.F. 142

AN ACT relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date.

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

DIVISION I
INNOVATION AND COMMERCIALIZATION DEVELOPMENT FUND

Section 1. Section 15.411, subsections 1 and 9, Code 2009, are amended to read as follows:

1. As used in this ~~section~~ part, unless the context otherwise requires:

a. "Internship" means temporary employment of a student that focuses on providing the student with work experience in the student's field of study.

b. "Targeted industries" means the industries of advanced manufacturing, biosciences, and information technology.

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

Sec. 2. NEW SECTION. 15.412 INNOVATION AND COMMERCIALIZATION DEVELOPMENT FUND.

1. a. An innovation and commercialization development fund is created in the state treasury under the control of the department. The fund shall consist of moneys appropriated to the department and any other moneys available to, obtained, or accepted by the department for placement in the fund.

b. Payments of interest, repayments of moneys loaned pursuant to this section, and recaptures of financial assistance shall be credited to the fund. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

2. Moneys in the fund are appropriated to the department and, with the approval of the board, shall be used to facilitate agreements, enhance commercialization in the targeted industries, and increase the availability of skilled workers within the targeted industries.

3. Moneys in the fund, with the approval of the board, may also be used for the following purposes:

a. For assistance to entities providing student internship opportunities.

b. For increasing career awareness training.

c. For recruiting management talent.

d. For assistance to entities engaged in prototype and concept development activities.

e. For developing a statewide commercialization network.

f. For deploying and maintaining an Iowa entrepreneur website.

g. For funding asset mapping and supply chain initiatives, including for identifying methods of supporting lean manufacturing practices or processes.

h. For information technology training.

i. For networking events to facilitate the transfer of technology among researchers and industries.

j. For funding student competition programs.

k. For the purchase of advanced equipment and software at Iowa community colleges in order to support training and coursework related to the targeted industries.

Sec. 3. Section 15G.111, subsection 8, Code 2009, is amended to read as follows:

8. a. For the fiscal period beginning July 1, 2007, and ending June 30, ~~2015~~ 2009, there is appropriated for each fiscal year from the grow Iowa values fund created in section 15G.108 to the department of economic development three million dollars for the purpose of providing the commercialization services described in section 15.411, subsections 2 and 3.

b. For the fiscal period beginning July 1, 2009, and ending June 30, 2015, there is appropriated each fiscal year from the grow Iowa values fund created in section 15G.108 to the department of economic development three million dollars for transfer to the innovation and commercialization development fund created in section 15.412.[1]

DIVISION II
TAX CREDITS FOR THIRD-PARTY DEVELOPERS

Sec. 4. Section 15.331C, subsection 2, Code 2009, is amended to read as follows:

2. A third-party developer shall state under oath, on forms provided by the department of ~~economic development~~ revenue, the amount of taxes paid as described in subsection 1 and shall submit such forms to the department of revenue. The taxes paid shall be itemized to allow identification of the taxes attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center. After receiving the form from the third-party developer, the department of revenue shall issue a tax credit certificate to the eligible business equal to the sales and use taxes paid by a third-party developer under chapter 423 for gas, electricity, water, or sewer utility services, goods, wares, or merchandise, or on services rendered, furnished, or performed to or for a contractor or subcontractor and used in the fulfillment of a written contract relating to the construction or equipping of a facility. The department of revenue shall also issue a tax credit certificate to the eligible business equal to the taxes paid and attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center. The aggregate combined total amount of tax refunds under section 15.331A for taxes attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center and of tax credit certificates issued by the department of revenue for the taxes paid and attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center shall not exceed five hundred thousand dollars in a fiscal year. If an applicant for a tax credit certificate does not receive a certificate for the taxes paid and attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center, the application shall be considered in succeeding fiscal years. The eligible business shall not claim a tax credit under this section unless a tax credit certificate issued by the department of ~~economic development~~ revenue is attached to the taxpayer's tax return for the tax year for which the tax credit is claimed. A tax credit certificate shall contain the eligible business's name, address, tax identification number, the amount of the tax credit, and other information ~~required~~ deemed necessary by the department of revenue.

DIVISION III
APPROPRIATIONS

Sec. 5. 2008 Iowa Acts, chapter 1190, section 4, subsection 1, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

[1] See chapter 123, §33 herein

Sec. 6. 2008 Iowa Acts, chapter 1190, section 26, is amended to read as follows:

SEC. 26. 2007 Iowa Acts, chapter 207, section 13, subsection 3, is amended to read as follows:

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated ~~until the close of the fiscal year beginning July 1, 2008~~ for succeeding fiscal years until expended.

Sec. 7. 2008 Iowa Acts, chapter 1190, section 27, is amended to read as follows:

SEC. 27. 2007 Iowa Acts, chapter 207, section 14, unnumbered paragraph 3, is amended to read as follows:

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated ~~until the close of the fiscal year beginning July 1, 2008~~ for succeeding fiscal years until expended.

Sec. 8. 2008 Iowa Acts, chapter 1190, section 28, is amended to read as follows:

SEC. 28. 2007 Iowa Acts, chapter 207, section 15, subsection 4, is amended to read as follows:

4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated ~~until the close of the fiscal year beginning July 1, 2008~~ for succeeding fiscal years until expended.

Sec. 9. 2008 Iowa Acts, chapter 1190, section 29, is amended to read as follows:

SEC. 29. 2007 Iowa Acts, chapter 207, section 16, unnumbered paragraph 4, is amended to read as follows:

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated ~~until the close of the fiscal year beginning July 1, 2008~~ for succeeding fiscal years until expended.

Sec. 10. EFFECTIVE DATE. This division of this Act amending 2008 Iowa Acts, chapter 1190, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV
STRATEGIC PLAN

Sec. 11. Section 15.104, subsection 2, Code 2009, is amended by striking the subsection.

Sec. 12. Section 15.106, subsection 8, Code 2009, is amended by striking the subsection.

Sec. 13. Section 15.318, subsection 11, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The impact to the state of the proposed project. In measuring the economic impact, the department shall award more points for projects which ~~have greater consistency with the state strategic plan than other projects. Greater consistency may include any or all of~~ can demonstrate the existence of one or more of the following conditions:

Sec. 14. Section 15.329, subsection 5, paragraph c, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The impact to the state of the proposed project. In measuring the economic impact, the department shall place greater emphasis on projects which ~~have greater consistency with the state strategic plan than other projects. Greater consistency may include any or all of~~ can demonstrate the existence of one or more of the following conditions:

Sec. 15. Section 28H.2, subsection 2, Code 2009, is amended by striking the subsection.

Sec. 16. Section 315.11, subsection 2, paragraph a, Code 2009, is amended by striking the paragraph.

Approved April 24, 2009

CHAPTER 83

DEER HUNTING LICENSES
FOR NONAMBULATORY PERSONS

S.F. 187

AN ACT providing for the issuance of special deer hunting licenses to residents who are nonambulatory.

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

Section 1. NEW SECTION. 483A.8C NONAMBULATORY DEER HUNTING LICENSES.

1. A nonambulatory person who is a resident may be issued one any sex deer hunting license which is valid and may be used to hunt deer with a shotgun or a muzzleloading rifle during any established deer hunting season. A person who applies for a license pursuant to this section shall complete a form, as required by rule, that is signed by a physician who verifies that the person is nonambulatory.

2. A person who obtains a deer hunting license under this section is not required to pay the wildlife habitat fee but shall purchase a deer hunting license and hunting license, be otherwise qualified to hunt, and pay a one dollar fee that shall be used and is appropriated for the purpose of deer herd population management, including assisting with the cost of processing deer donated to the help us stop hunger program administered by the commission.

3. A person may obtain a license under this section in addition to any other deer hunting licenses for which the person is eligible.

4. For the purposes of this section, "nonambulatory person" means an individual who has received a nonambulatory person's permit from the department as provided by rule, and at a minimum has one or more of the following conditions:

a. Paralysis of the lower half of the body, usually due to disease or a spinal cord injury.

b. Loss or partial loss of both legs.

c. Any other physical affliction which makes it impossible for the person to ambulate successfully.

Approved April 24, 2009

CHAPTER 84

MEDICAL ASSISTANCE PROGRAM AND VETERANS BENEFITS
— TENANTS OF ASSISTED LIVING PROGRAMS

S.F. 203

AN ACT relating to the identification of the eligibility of tenants of an assisted living program for benefits through the United States department of veterans affairs.

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

Section 1. NEW SECTION. 231C.5A ASSESSMENT OF TENANTS — PROGRAM ELIGIBILITY.

An assisted living program receiving reimbursement through the medical assistance program under chapter 249A shall assist the department of veterans affairs in identifying, upon admission of a tenant, the tenant's eligibility for benefits through the United States department of veterans affairs. The assisted living program shall also assist the commission of veterans affairs in determining such eligibility for tenants residing in the program on July 1, 2009. The department of inspections and appeals, in cooperation with the department of human services, shall adopt rules to administer this section, including a provision that ensures that if a tenant is eligible for benefits through the United States department of veterans affairs or other third-party payor, the payor of last resort for reimbursement to the assisted living program is the medical assistance program. The rules shall also require the assisted living program to request information from a tenant or tenant's personal representative regarding the tenant's veteran status and to report to the department of veterans affairs only the names of tenants identified as potential veterans along with the names of their spouses and any dependents. Information reported by the assisted living program shall be verified by the department of veterans affairs.

Approved April 24, 2009

CHAPTER 85

PUBLIC SAFETY REGULATIONS —
CONVEYANCES AND AMUSEMENT RIDES

S.F. 318

AN ACT pertaining to the duties and regulations under the purview of the labor commissioner.

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

DIVISION I
AMUSEMENT RIDE INSURANCE

Section 1. Section 88A.9, Code 2009, is amended to read as follows:

88A.9 INSURANCE.

No person shall be issued a permit under this chapter unless the person first obtains an insurance policy in an amount of not less than one ~~hundred thousand~~ million dollars for bodily injury, ~~to or~~ death ~~of one person, or property damage~~ in any one ~~accident, and, subject to the~~

~~limit for one person, in an amount of not less than three hundred thousand dollars for bodily injury to or death of two or more persons in any one accident, and in an amount of not less than five thousand dollars for injury to or destruction of property of others in any one accident, insuring the operator against liability for injury or death suffered by a person attending a fair or carnival~~ occurrence.

DIVISION II
CONVEYANCE APPLICATION

Sec. 2. Section 89A.3, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. Submission of information such as plans, drawings, and measurements concerning new installations and alterations.

Sec. 3. Section 89A.8, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

89A.8 NEW INSTALLATION PERMITS.

1. The installation or relocation of a conveyance shall not begin until an installation permit has been issued by the commissioner.

2. An application for an installation permit shall be submitted in a format determined by the commissioner.

3. a. If the application or any accompanying materials indicates a failure to comply with applicable rules, the commissioner shall give notice of the compliance failures to the person filing the application.

b. If the application indicates compliance with applicable rules or after compliance failures have been remedied, the commissioner shall issue an installation permit for relocation or installation, as applicable.

Approved April 24, 2009

CHAPTER 86

LEGISLATIVE COMMITTEES — GOVERNMENT OVERSIGHT

S.F. 334

AN ACT relating to the legislative committees charged with providing government oversight.

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

Section 1. Section 2.45, subsection 5, Code 2009, is amended by striking the subsection.

Sec. 2. Section 7C.12, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. Shall report quarterly any reallocation of the amount of the state ceiling by the governor's designee in accordance with this chapter to the ~~legislative~~ general assembly's standing committees on government oversight ~~committee~~ and the auditor of state. The report shall contain, at a minimum, the amount of each reallocation, the date of each reallocation, the name of the political subdivision and a description of all bonds issued pursuant to a reallocation, a brief explanation of the reason for the reallocation, and such other information as may be required by ~~the committee~~ a standing committee on government oversight.

Sec. 3. Section 29C.20A, subsection 4, Code 2009, is amended to read as follows:

4. The homeland security and emergency management division shall submit an annual report, by January 1 of each year, to the legislative fiscal committee and the ~~legislative~~ general assembly's standing committees on government oversight ~~committee~~ concerning the activities of the grant program in the previous fiscal year.

Sec. 4. Section 34A.7A, subsection 3, Code 2009, is amended to read as follows:

3. a. The program manager shall submit an annual report by January 15 of each year to the ~~legislative~~ general assembly's standing committees on government oversight ~~committee~~ advising the general assembly of the status of E911 implementation and operations, including both wire-line and wireless services, the distribution of surcharge receipts, and an accounting of the revenues and expenses of the E911 program.

b. The program manager shall submit a calendar quarter report of the revenues and expenses of the E911 program to the fiscal services division of the legislative services agency.

c. The ~~legislative~~ general assembly's standing committees on government oversight ~~committee~~ shall review the priorities of distribution of funds under this chapter at least every two years.

Sec. 5. Section 523A.801, subsection 3, Code 2009, is amended to read as follows:

3. The commissioner shall submit an annual report to the ~~legislative~~ general assembly's standing committees on government oversight ~~committee~~ by October 1 of each year reporting on the administration of this chapter. The report shall set forth any recommendations for changes in the law that the commissioner deems necessary or desirable to prevent abuses or evasions of this chapter or rules implementing this chapter or to rectify undesirable conditions in connection with the administration of this chapter or rules implementing this chapter.

Sec. 6. Section 523I.201, subsection 3, Code 2009, is amended to read as follows:

3. The commissioner shall submit an annual report to the ~~legislative~~ general assembly's standing committees on government oversight ~~committee~~ by October 1 of each year reporting on the administration of this chapter. The report shall set forth any recommendations for changes in the law that the commissioner deems necessary or desirable to prevent abuses or evasions of this chapter or rules implementing this chapter or to rectify undesirable conditions in connection with the administration of this chapter or rules implementing this chapter.

Approved April 24, 2009

CHAPTER 87

COMMUNITY ATTRACTION AND TOURISM PROGRAM — WAIVERS

S.F. 336

AN ACT providing for waivers of certain community attraction and tourism program requirements.

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

Section 1. COMMUNITY ATTRACTION AND TOURISM WAIVERS.

1. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, an applicant for fi-

nancial assistance under the community attraction and tourism program or the river enhancement community attraction and tourism program created in chapter 15F may apply to the vision Iowa board for a waiver of any local or private matching moneys required of the applicant by the board pursuant to section 15F.202 if the applicant is located in an area declared a disaster area by the governor or by a federal official. The board may grant all or a portion of the applicant's waiver request.

If the board receives repayments of or recaptures financial assistance awarded in a fiscal year prior to the fiscal year beginning July 1, 2009, and ending June 30, 2010, the board may grant all or a portion of an applicant's waiver request pursuant to this subsection 1 and use the repayments or recaptured financial assistance to provide financial assistance under this subsection to an applicant during the fiscal year beginning July 1, 2009, and ending June 30, 2010.

2. The board shall provide a report to the general assembly, the governor, and the legislative services agency describing any waivers granted pursuant to this Act.

Approved April 24, 2009

CHAPTER 88

PUBLIC SAFETY — GAMBLING AND GAMING RESTRICTIONS,
INTERCEPTION OF COMMUNICATIONS,
AND PEACE OFFICER ACTIVITIES

S.F. 380

AN ACT relating to the practices and procedures of the department of public safety including gaming floor or wagering area restrictions, interception of communications, and peace officers acting with federal agents, and providing penalties.

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

DIVISION I
LEGAL AGE VIOLATIONS AT GAMING FACILITIES

Section 1. Section 99D.11, subsection 7, Code 2009, is amended to read as follows:

7. A person under the age of twenty-one years shall not make or attempt to make a parimutuel wager. A person who violates this subsection commits a scheduled violation under section 805.8C, subsection 5, paragraph "a".

Sec. 2. Section 99F.9, subsection 5, Code 2009, is amended to read as follows:

5. A person under the age of twenty-one years shall not make or attempt to make a wager on an excursion gambling boat, gambling structure, or in a racetrack enclosure and shall not be allowed on the gaming floor of an excursion gambling boat or gambling structure or in the wagering area, as defined in section 99D.2, or on the gaming floor of a racetrack enclosure. However, a person eighteen years of age or older may be employed to work on the gaming floor of an excursion gambling boat or gambling structure or in the wagering area or on the gaming floor of a racetrack enclosure. A person who violates this subsection with respect to making or attempting to make a wager commits a scheduled violation under section 805.8C, subsection 5, paragraph "a".

Sec. 3. Section 99F.9, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. a. A person under the age of twenty-one years shall not enter or

attempt to enter the gaming floor or wagering area, as defined in section 99D.2, of a facility licensed under this chapter to operate gambling games.

b. A person under the age of twenty-one years does not violate this subsection if any of the following circumstances apply:

(1) The person is employed to work at the facility.

(2) The person is an employee or agent of the commission, the division, a distributor, or a manufacturer, and acting within the scope of the person's employment.

(3) The person is present in a racetrack enclosure and does not enter or attempt to enter the gaming floor or wagering area of the facility.

c. A person who violates this subsection commits a simple misdemeanor punishable as a scheduled violation under section 805.8C, subsection 5, paragraph "b".

Sec. 4. Section 725.19, subsection 1, Code 2009, is amended to read as follows:

1. Any person under the age of twenty-one years shall not make or attempt to make a gambling wager, except as permitted under chapter 99B. A person who violates this subsection commits a scheduled violation under section 805.8C, subsection 5, paragraph "a".

Sec. 5. Section 805.8C, subsection 5, Code 2009, is amended to read as follows:

5. GAMBLING VIOLATIONS.

a. For violations of legal age for gambling wagering under section 99D.11, subsection 7, section 99F.9, subsection 5, and section 725.19, subsection 1, the scheduled fine is five hundred dollars. Failure to pay the fine by a person under the age of eighteen shall not result in the person being detained in a secure facility.

b. For legal age violations for entering or attempting to enter a facility under section 99F.9, subsection 5A, the scheduled fine is five hundred dollars. Failure to pay the fine by a person under the age of eighteen shall not result in the person being detained in a secure facility.

DIVISION II
INTERCEPTION OF COMMUNICATIONS

Sec. 6. Section 808B.1, subsection 4, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Electronic funds transfer information stored by a financial institution in a communication system used for the electronic storage and transfer of funds.

Sec. 7. Section 808B.1, subsection 8, Code 2009, is amended to read as follows:

8. "Oral communication" means an oral communication uttered by a person exhibiting an expectation that the communication is not subject to interception, under circumstances justifying that expectation. An "oral communication" does not include an electronic communication.

Sec. 8. Section 808B.1, subsections 9, 11, and 12, Code 2009, are amended by striking the subsections and inserting in lieu thereof the following:

9. "Pen register" means a device or process which records or decodes dialing, routing, addressing, or signaling information, but not the contents of the communication, transmitted by an instrument or facility from which a wire or electronic communication is transmitted. "Pen register" does not include any device or process used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communications services provided by such provider or any device or process used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business.

11. "Trap and trace device" means a device or process which captures the incoming electronic or other impulses which identify the originating number or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication, but does not capture the contents of any communication.

12. "Wire communication" means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception, including the use of such connection in a switching station, furnished or operated by any person engaged in providing or operating such facilities for the transmission of interstate or foreign communications or communications affecting interstate or foreign commerce.

Sec. 9. Section 808B.3, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 3. A felony offense involving ongoing criminal conduct in violation of chapter 706A.

NEW SUBSECTION. 4. A forcible felony as defined in section 702.11.

NEW SUBSECTION. 5. A felony fugitive warrant issued in the state or involving an individual who is reasonably believed to be located within the state.

Sec. 10. Section 808B.5, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 11A. A special state agent may make application to a judicial officer for the issuance of a search warrant to authorize the placement, tracking, or monitoring of a global positioning device, supported by a peace officer's oath or affirmation, which includes facts, information, and circumstances tending to establish sufficient grounds for granting the special state agent's application, and probable cause for believing the grounds exist. Upon a finding of probable cause to issue such a warrant, the judicial officer shall issue a warrant, signed by the judicial officer with the judicial officer's name of office, directed to any peace officer, commanding that the peace officer place, track, or monitor the global positioning device.

NEW SUBSECTION. 11B. Upon the request of an investigative or law enforcement officer, a judge may issue a subpoena or other court order in order to obtain information and supporting documentation regarding contemporaneous or prospective wire or electronic communications based upon a finding that a prosecuting attorney is engaged in a criminal investigation of an offense listed in section 808B.3.

NEW SUBSECTION. 11C. Notwithstanding any other provision of law, upon the request of an investigative or law enforcement officer, a judge may authorize the capture of a wire or oral communication by a pen register or trap and trace device, if a judge finds that there is probable cause to believe that a wire or oral communication relevant to a valid search warrant will occur at any point while the warrant is in effect.

Sec. 11. Section 808B.10, unnumbered paragraph 1,[1] Code 2009, is amended to read as follows:

~~A~~ Except for emergency situations pursuant to section 808B.12, a person shall not install or use a pen register or a trap and trace device without first obtaining a search warrant or court order pursuant to either section 808B.11 or 808B.12. However, a pen register or a trap and trace device may be used or installed without court order if any of the following apply:

Sec. 12. Section 808B.11, subsection 3, paragraph c, Code 2009, is amended to read as follows:

c. The telephone number if known, ~~and~~ the physical location of the telephone line where the pen register or trap and trace device will be attached, the method for determining the location of the electronic communication, and the geographic limits of the trap and trace device.

Sec. 13. Section 808B.12, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

808B.12 EMERGENCY INSTALLATION AND USE — SUBSEQUENT APPLICATION AND ORDER.

1. Notwithstanding any other provision of this chapter, a special state agent authorized by the prosecuting attorney or an assistant attorney general who reasonably determines that an emergency situation described in subsection 2 exists which requires the installation and use

[1] According to enrolled Act; the phrase "Section 808B.10, subsection 1, unnumbered paragraph 1" probably intended

of a pen register or a trap and trace device before an order authorizing such installation and use can be obtained with due diligence, may install and use a pen register or trap and trace device, if an order approving the installation or use is applied for and issued in accordance with section 808B.11 within forty-eight hours of the installation.

2. Subsection 1 applies in the following emergency situations:

a. Immediate danger of death or serious bodily injury to a person.

b. Conspiratorial activities characteristic of organized crime.

c. Immediate threat to a national security interest.

d. Ongoing attack on a computer that constitutes a crime punishable by a term of imprisonment greater than one year.

3. In the absence of an authorizing order, such use shall immediately terminate when the information sought is obtained, when the application for the order is denied, or when forty-eight hours have lapsed since the installation of the pen register or trap and trace device, whichever is earlier.

4. The knowing installation or use by any investigative or law enforcement officer of a pen register or trap and trace device pursuant to subsection 1 without application for the authorizing order within forty-eight hours of the installation constitutes a serious misdemeanor.

5. A provider of a wire or electronic communication service, landlord, custodian, or other person who furnishes facilities or technical assistance pursuant to this section shall be reasonably compensated for such reasonable expenses incurred in providing such facilities and assistance.

Sec. 14. Section 808B.13, subsections 4 and 5, Code 2009, are amended to read as follows:

4. A cause of action shall not lie in any court against any provider of a wire or electronic communication service, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a <u>search warrant or</u> court order under section 808B.11 or 808B.12.

5. A good faith reliance on a <u>search warrant or</u> court order under section 808B.11 or 808B.12 is a complete defense against any civil or criminal action brought under this chapter or any other statute.

DIVISION III
PEACE OFFICER SERVING AS FEDERAL ACTOR

Sec. 15. Section 80.9A, Code 2009, is amended by adding the following new subsection:

<u>NEW SUBSECTION</u>. 8. a. A peace officer of the department, when authorized by the commissioner, may act in concert with, under the direction of, or otherwise serve as a state actor for an officer or agent of the federal government.

b. If serving as a state actor for an officer or agent of the federal government as provided in paragraph "a", the peace officer shall be considered acting within the scope of the employee's office or employment as defined in section 669.2, subsection 1.

Approved April 24, 2009

CHAPTER 89

INSURANCE COVERAGE FOR PROSTHETIC DEVICES

H.F. 311

AN ACT requiring health care benefit coverage for certain medically necessary prosthetic devices and providing an applicability date.

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

Section 1. NEW SECTION. 514C.24 COVERAGE FOR PROSTHETIC DEVICES.

1. Notwithstanding the uniformity of treatment requirements of section 514C.6, a policy, contract, or plan providing for third-party payment or prepayment of health or medical expenses shall provide coverage benefits for medically necessary prosthetic devices when prescribed by a physician licensed under chapter 148. Such coverage benefits for medically necessary prosthetic devices shall provide coverage for medically necessary prosthetic devices, that at a minimum, equals the coverage and payment for medically necessary prosthetic devices provided under the most recent federal laws for health insurance for the aged and disabled pursuant to 42 U.S.C. § 1395k, 13951, and 1395m, and 42 C.F.R. § 410.100, 414.202, 414.210, and 414.228, as applicable. For the purposes of this section, "prosthetic device" means an artificial limb device to replace, in whole or in part, an arm or leg.

2. a. This section applies to the following classes of third-party payment provider policies, contracts, or plans delivered, issued for delivery, continued, or renewed in this state on or after July 1, 2009:

(1) Individual or group accident and sickness insurance providing coverage on an expense-incurred basis.

(2) An individual or group hospital or medical service contract issued pursuant to chapter 509, 514, or 514A.

(3) An individual or group health maintenance organization contract regulated under chapter 514B.

(4) A plan established pursuant to chapter 509A for public employees.

(5) An organized delivery system licensed by the director of public health.

b. This section shall not apply to accident only, specified disease, short-term hospital or medical, hospital confinement indemnity, credit, dental, vision, Medicare supplement, long-term care, basic hospital and medical-surgical expense coverage as defined by the commissioner, disability income insurance coverage, coverage issued as a supplement to liability insurance, workers' compensation or similar insurance, or automobile medical payment insurance.

3. Notwithstanding subsection 1, a policy, contract, or plan providing for third-party payment or prepayment of health or medical expenses that is issued for use in connection with a health savings account as authorized under Title XII of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Pub. L. No. 108-173, may impose the same deductibles and out-of-pocket limits on the prosthetics coverage benefits required in this section that apply to substantially all health, medical, and surgical coverage benefits under the policy, contract, or plan.

Approved April 24, 2009

CHAPTER 90

TRANSPORTERS OF IOWA VETERANS HOME MEMBERS
— CHAUFFEUR'S LICENSE EXEMPTION

H.F. 321

AN ACT exempting certain persons who transport members of the Iowa veterans home from the requirement to be licensed as a chauffeur.

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

Section 1. Section 321.1, subsection 8, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If authorized to transport patients or residents of the Iowa veterans home by the commandant or the commandant's designee, an employee of or volunteer at the Iowa veterans home is not a chauffeur when transporting the patients or residents in an automobile in the course of the employee's or volunteer's normal duties.

Approved April 24, 2009

CHAPTER 91

LICENSING OF FIRE PROTECTION SYSTEMS INSTALLERS
AND MAINTENANCE WORKERS

H.F. 400

AN ACT relating to the licensing of persons installing fire protection systems.

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

Section 1. 2008 Iowa Acts, chapter 1094, section 2, subsection 1, is amended to read as follows:

1. "Apprentice sprinkler fitter" means a person who~~, as a principal occupation,~~ is engaged in learning the fire protection system industry trade under the direct supervision of a certified fire extinguishing system contractor or licensed fire sprinkler installer and maintenance worker and who is registered with the United States department of labor, office of apprenticeship.

Sec. 2. 2008 Iowa Acts, chapter 1094, section 2, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. "Division" means division of the state fire marshal in the department.

Sec. 3. 2008 Iowa Acts, chapter 1094, section 2, subsection 7, is amended to read as follows:

7. "Fire sprinkler installer and maintenance worker" means a person who, ~~as a principal occupation, and~~ having the necessary qualifications, training, experience, and technical knowledge, conducts fire protection system installation and maintenance, and who is licensed by the department.

Sec. 4. 2008 Iowa Acts, chapter 1094, section 3, subsection 1, is amended to read as follows:

1. ~~A~~ On or after January 1, 2010, a person shall not perform fire protection system installa-

tions or fire protection system maintenance without ~~first obtaining~~ holding a current, valid fire ~~protection~~ sprinkler installer and maintenance worker license issued pursuant to this chapter.

a. An employee of a fire extinguishing system contractor working as an apprentice sprinkler fitter performing fire protection system installation or maintenance under the direct supervision of an on-site licensed fire sprinkler installer and maintenance worker is not required to ~~obtain~~ hold a current, valid fire sprinkler installer and maintenance worker license.

b. A person who installs or demolishes walls, ceilings, flooring, insulation, or associated materials or a person who demolishes sprinkler pipe is not subject to the provisions of this chapter except when the work involves a complete sprinkler system.

c. A person who is a responsible managing employee of a fire extinguishing system contractor is not required to hold a current, valid fire sprinkler installer and maintenance worker license.

Sec. 5. 2008 Iowa Acts, chapter 1094, section 3, subsection 5, is amended by striking the subsection.

Sec. 6. 2008 Iowa Acts, chapter 1094, section 3, subsection 2, is amended to read as follows:

2. A licensed fire sprinkler installer and maintenance worker must be present at all locations and at all times when fire protection system installation work is being performed. At least one licensed fire sprinkler installer and maintenance worker must be present for every three apprentice sprinkler fitters~~, or any other employees~~ performing work related to fire protection system installation.

Sec. 7. 2008 Iowa Acts, chapter 1094, section 3, subsection 6, is amended to read as follows:

6. On and after ~~August 1, 2009~~ January 1, 2010, a governmental subdivision shall not issue a license to a person installing a fire protection system and shall not prohibit a person installing fire protection systems and licensed pursuant to this chapter from performing services for which that person is licensed pursuant to this chapter or enforce any licensing provisions promulgated by the governmental subdivision against a person licensed pursuant to this chapter.

Sec. 8. 2008 Iowa Acts, chapter 1094, section 4, is amended to read as follows:

SEC. 4. 100D.3 FIRE SPRINKLER INSTALLER AND MAINTENANCE WORKER LICENSE.

1. The state fire marshal shall issue a fire sprinkler installer and maintenance worker license to an applicant who ~~possesses~~ meets all of the following requirements:

a. Possesses a minimum of four years of employment experience as an apprentice sprinkler fitter ~~and~~.

b. Has completed a United States department of labor apprenticeship program ~~and is~~.

c. Is employed by a fire extinguishing system contractor~~, who either receives~~. However, an applicant whose work on extinguishing systems will be restricted to systems on property owned or controlled by the applicant's employer may obtain a license if the employer is not a certified contractor.

d. Has received a passing score on the national inspection, testing, and certification star fire sprinkler mastery exam or on an equivalent exam from a nationally recognized third-party testing agency that is approved by the state fire marshal, or ~~who~~ is certified at level one by the national institute for certification in engineering technologies based on general work elements, as defined by the national institute for certification in engineering technologies, and as specified by rule by the state fire marshal.

2. The holder of a fire sprinkler installer and maintenance worker license shall be responsible for license fees, renewal fees, and continuing education hours.

3. The license of a fire sprinkler installer and maintenance worker licensee who ceases to be employed by a fire extinguishing system contractor shall continue to be valid until it would otherwise expire, but the licensee shall not perform work requiring licensure under this chap-

ter until the licensee is again employed by a fire extinguishing system contractor. If the licensee becomes employed by a fire extinguishing system contractor other than the contractor which employed the licensee at the time the license was issued, the licensee shall notify the fire marshal and shall apply for an amendment to the license. The fire marshal may establish by rule a fee for amending a license. This subsection shall not extend the time period during which a license is valid. This subsection does not apply to a licensee whose work on extinguishing systems is restricted to systems on property owned or controlled by the licensee's employer.

Sec. 9. 2008 Iowa Acts, chapter 1094, section 5, subsections 1 and 3, are amended to read as follows:

1. An applicant for a fire sprinkler installer and maintenance worker license or renewal of an active license shall provide evidence of a public liability insurance policy and surety bond in an amount determined sufficient by the ~~department~~ fire marshal by rule.

3. The insurance and surety bond shall be written by an entity licensed to do business in this state and each licensee shall maintain on file with the department a certificate evidencing the insurance providing that the insurance or surety bond shall not be canceled without the entity first giving fifteen days written notice to the ~~department~~ fire marshal.

Sec. 10. 2008 Iowa Acts, chapter 1094, section 6, subsection 5, is amended to read as follows:

5. Adopt rules specifying a violation reporting procedure ~~applicable to division employees, deputy fire marshals, division inspectors, and municipal fire departments~~.

Sec. 11. 2008 Iowa Acts, chapter 1094, section 9, is amended to read as follows:

SEC. 9. NEW SECTION. 100D.8 ~~TEMPORARY~~ PROVISIONAL LICENSURE.

1. An applicant for licensure under this chapter as a fire sprinkler installer and maintenance worker who possesses a minimum of four years of experience as an apprentice sprinkler fitter and who has not successfully passed the licensure examination or achieved certification as required pursuant to section 100D.3 by ~~August 1, 2009~~ January 1, 2010, shall be issued a ~~temporary~~ license as a fire sprinkler installer and maintenance worker for a period ~~of sixty days commencing August 1, 2009~~ ending no later than June 30, 2010. A ~~temporary~~ provisional license shall be granted upon presentation of satisfactory evidence to the ~~department~~ fire marshal demonstrating experience and competency in conducting fire protection system installations and fire protection system maintenance according to criteria to be determined by the ~~department~~ fire marshal in rule. ~~A temporary license shall not be renewed.~~

2. An applicant issued a ~~temporary~~ provisional license pursuant to this section shall pass the licensure examination or achieve certification on or before ~~February 1~~ June 30, 2010, in order to remain licensed as a fire sprinkler installer and maintenance worker. A ~~temporary~~ provisional license fee shall be established by the ~~department~~ fire marshal by rule. No ~~temporary~~ provisional licenses ~~will~~ shall be issued after ~~February~~ April 1, 2010.

Sec. 12. 2008 Iowa Acts, chapter 1094, section 10, subsections 2 and 3, are amended to read as follows:

2. A passing score on the national inspection, testing and certification star fire sprinkler mastery exam or an equivalent exam from a nationally recognized third-party testing agency that is approved by the state fire marshal.

3. ~~A passing score on the NICET level I examination.~~ Certification, based upon general work elements, as defined by the national institute for certification in engineering technologies, at level I by the national institute for certification in engineering technologies, and as specified by rule by the state fire marshal.

Sec. 13. 2008 Iowa Acts, chapter 1094, section 10, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. After July 31, 2012, a person licensed pursuant to this section shall renew or obtain a license pursuant to section 100D.3.

Sec. 14. 2008 Iowa Acts, chapter 1094, section 12, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The provisions of this chapter shall not be construed to apply to a person licensed as a plumber pursuant to chapter 105 who is working within the scope of the person's license.

Sec. 15. 2008 Iowa Acts, chapter 1094, is amended by adding the following new section after section 13:

SEC. __. NEW SECTION. 100D.13 TEMPORARY LICENSES.

1. The state fire marshal may issue a temporary fire sprinkler installer and maintenance worker license to a person, providing that all of the following conditions are met:

a. The person is currently licensed or certified to perform work as a fire sprinkler installer and maintenance worker in another state.

b. The person meets any additional criteria for a temporary license established by the state fire marshal by rule.

c. The person provides all information required by the state fire marshal.

d. The person has paid the fee for a temporary license, which fee shall be established by the state fire marshal by rule.

e. The person intends to perform work as a fire sprinkler installer and maintenance worker only in areas of this state which are covered by a disaster emergency declaration issued by the governor pursuant to section 29C.6.

2. A temporary license issued pursuant to this section shall be valid for ninety days. The state fire marshal may establish criteria and procedures for the extension of such licenses for additional periods, which in no event shall exceed ninety days.

3. A temporary license shall be valid only in areas of the state which are subject to a disaster emergency declaration issued by the governor pursuant to section 29C.6 at the time at which the license is issued, which become subject to such a declaration during the time the license is valid, or which were subject to such a declaration issued within the six months preceding the issuance of the license.

Approved April 24, 2009

CHAPTER 92

FAIR EVENT REAL ESTATE — GIFTS FROM CITIES

H.F. 496

AN ACT relating to the authority of a city to dispose of real property by gift.

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

Section 1. Section 174.15, Code 2009, is amended to read as follows:

174.15 PURCHASE AND MANAGEMENT.

1. Title to land purchased or received for purposes of conducting a fair event shall be taken in the name of the county or a fair. However, the board of supervisors shall place the land under the control and management of a fair. The fair may act as agent for the county in the erection of buildings and maintenance of the fairgrounds, including the buildings and improvements constructed on the grounds. Title to new buildings or improvements shall be taken in

the name of the county or a fair. However, the county is not liable for the improvements or expenditures for them.

2. Notwithstanding section 364.7, subsection 3, a city may dispose of real property by gift to a fair.

Approved April 24, 2009

CHAPTER 93

IOWA VETERANS HOME VOLUNTEERS — RECORD CHECKS

H.F. 505

AN ACT requiring record checks for persons who are prospective or current volunteers for the Iowa veterans home.

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

Section 1. NEW SECTION. 35D.14A VOLUNTEER RECORD CHECKS.

1. Persons who are potential volunteers or volunteers in the Iowa veterans home in a position having direct individual contact with patients or residents of the home shall be subject to criminal history and child and dependent adult abuse record checks in accordance with this section. The Iowa veterans home shall request that the department of public safety perform the criminal history check and the department of human services perform child and dependent adult abuse record checks of the person in this state and may request these checks in other states.

2. a. If it is determined that a person has been convicted of a crime under a law of any state or has a record of founded child or dependent adult abuse, the person shall not participate as a volunteer with direct individual contact with patients or residents of the Iowa veterans home unless an evaluation has been performed by the department of human services to determine whether the crime or founded child or dependent adult abuse warrants prohibition of the person's participation as a volunteer in the Iowa veterans home. The department of human services shall perform such evaluation upon the request of the Iowa veterans home.

b. In an evaluation, the department of human services shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child or dependent adult abuse, the circumstances under which the crime or founded child or dependent adult abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child or dependent adult abuse again, and the number of crimes or founded child or dependent adult abuses committed by the person involved.

c. If the department of human services performs an evaluation for the purposes of this section, the department of human services has final authority in determining whether prohibition of the person's participation as a volunteer is warranted. The department of human services may permit a person who is evaluated to participate as a volunteer if the person complies with the department's conditions relating to participation as a volunteer which may include completion of additional training.

Sec. 2. Section 235A.15, subsection 2, paragraph e, Code 2009, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (19) To the Iowa veterans home for purposes of record checks of potential volunteers and volunteers in the Iowa veterans home.

Sec. 3. Section 235B.6, subsection 2, paragraph e, Code 2009, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (14) To the Iowa veterans home for purposes of record checks of potential volunteers and volunteers in the Iowa veterans home.

Approved April 24, 2009

CHAPTER 94

BOILERS AND PRESSURE VESSELS —
INSPECTIONS — REGULATORY OVERSIGHT

H.F. 720

AN ACT relating to boiler and pressure vessel inspections and the boiler and pressure vessel board that oversees the inspections.

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

DIVISION I
BOILER AND PRESSURE VESSEL INSPECTIONS

Section 1. Section 89.2, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. "Object" means a boiler or pressure vessel.

Sec. 2. Section 89.3, subsections 4 and 5, Code 2009, are amended by striking the subsections and inserting in lieu thereof the following:

4. a. An object that meets all of the following criteria shall be inspected at least once every two years internally and externally while not under pressure, and at least once every two years externally while under pressure, unless the commissioner determines that an earlier inspection is warranted.

(1) The object is a boiler with one hundred thousand pounds per hour or more capacity, or the object is an unfired steam pressure vessel or a regulated appurtenance that is part of the same system as a boiler with one hundred thousand pounds per hour or more capacity.

(2) The object contains only water subject to internal continuous water treatment under the direct supervision of a graduate engineer or chemist, or one having equivalent experience in the treatment of boiler water.

(3) The water treatment is for the purpose of controlling and limiting serious corrosion and other deteriorating factors.

b. The owner or user of an object meeting the criteria in paragraph "a" shall do the following:

(1) At any time the commissioner, a special inspector, or the supervisor of water treatment deems a hydrostatic test is necessary to determine the safety of an object, conduct the test under the supervision of the commissioner.

(2) Keep available for examination by the commissioner accurate records showing the date and actual time the object is out of service and the reason it is out of service.

(3) Keep available for examination by the commissioner chemical physical laboratory analyses of samples of the object water taken at regular intervals of not more than forty-eight hours of operation as will adequately show the condition of the water and any elements or characteristics of the water which are capable of producing corrosion or other deterioration of the object or its parts.

5. a. An object that meets the following criteria shall be inspected at least once each year externally while under pressure and at least once every four years internally while not under pressure, unless the commissioner determines an earlier inspection is warranted.

(1) The object is a boiler with one hundred thousand pounds per hour or more capacity, or the object is an unfired steam pressure vessel or a regulated appurtenance that is part of the same system as a boiler with one hundred thousand pounds per hour or more capacity.

(2) The object contains only water subject to internal continuous water treatment under the direct supervision of a graduate engineer or chemist, or one having equivalent experience in the treatment of boiler water.

(3) The water treatment is for the purpose of controlling and limiting serious corrosion and other deteriorating factors.

(4) The owner or user is a participant in good standing in the Iowa occupational safety and health voluntary protection program and have[1] achieved star status within the program, which is administered by the division of labor in the department of workforce development.

b. The owner or user of an object that meets the criteria in paragraph "a" shall do the following:

(1) At any time the commissioner, a special inspector, or the supervisor of the water treatment deems a hydrostatic test necessary to determine the safety of an object, conduct the test under the supervision of the commissioner.

(2) Keep available for examination by the commissioner accurate records showing the date and actual time the object is out of service and the reason it is out of service.

(3) Arrange for an internal inspection of the object during each planned outage by a special inspector or the commissioner.

(4) Keep for examination by the commissioner accurate records showing the chemical physical laboratory analyses of samples of the object's water taken at regular intervals of not more than forty-eight hours of operation adequate to show the condition of the water and any elements or characteristics of the water that are capable of producing corrosion or other deterioration of the object or its parts.

DIVISION II
BOILER AND PRESSURE VESSEL BOARD

Sec. 3. Section 89.14, subsection 2, Code 2009, is amended to read as follows:

2. The boiler and pressure vessel board is composed of nine members~~, one of whom shall be the~~ as follows:

a. The commissioner or the commissioner's designee.

b. The ~~remaining~~ following eight members who shall be appointed by the governor, subject to confirmation by the senate, to four-year staggered terms beginning and ending as provided in section 69.19.

(1) One member shall be a special inspector who is employed by an insurance company that is licensed and actively writing boiler and machinery insurance in this state and who is commissioned to inspect boiler and pressure vessels in this state~~, two members~~.

(2) One member shall be appointed from a certified employee ~~organizations, one of whom~~ organization and shall represent steamfitters~~, two~~.

(3) One member shall be appointed from a certified employee organization and shall represent boilermakers.

(4) Two members shall be mechanical engineers who regularly practice in the area of boilers and pressure vessels~~, one~~.

(5) One member shall be a boiler and pressure vessel distributor in this state~~, one~~.

(6) One member shall represent boiler and pressure vessel manufacturers~~, and one~~.

(7) One member shall be a mechanical contractor engaged in the business of installation, renovation, and repair of boilers and pressure vessels.

Approved April 24, 2009

[1] See chapter 179, §34 herein

CHAPTER 95

SOYBEAN AND CORN PROMOTION ORGANIZATIONS
— BOARDS OF DIRECTORS

S.F. 342

AN ACT relating to boards of directors associated with organizations promoting soybeans and corn.

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

Section 1. Section 185.13, subsection 2, Code 2009, is amended to read as follows:

2. Acquire and establish offices, issue negotiable instruments, incur expenses, and enter into any contracts or agreements necessary to carry out the purposes of this chapter.

Sec. 2. Section 185C.13, subsection 2, Code 2009, is amended to read as follows:

2. ~~Establish~~ Acquire and establish offices, issue negotiable instruments, incur expenses, and enter into any contracts or agreements necessary to carry out the purposes of this chapter.

Sec. 3. Section 185C.14, Code 2009, is amended to read as follows:

185C.14 PER DIEM AND EXPENSES.

Each ~~member~~ director of the board shall receive a per diem ~~as specified in section 7E.6~~ of one hundred dollars and actual expenses in performing official board functions ~~not to exceed forty days per year~~, notwithstanding section 7E.6. ~~No member~~ A director of the board shall not be a salaried employee of the board or any organization or agency which is receiving funds from the board. The board shall meet at least once every three months, and at such other times as deemed necessary by the board.

Approved April 27, 2009

CHAPTER 96

CIVIL RIGHTS AND EMPLOYMENT PRACTICES
— WAGE DISCRIMINATION

S.F. 137

AN ACT providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy.

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

Section 1. Section 216.2, subsection 15, Code 2009, is amended to read as follows:

15. "Unfair practice" or "discriminatory practice" means those practices specified as unfair or discriminatory in sections 216.6, 216.6A, 216.7, 216.8, 216.8A, 216.9, 216.10, 216.11, and 216.11A.

Sec. 2. NEW SECTION. 216.6A ADDITIONAL UNFAIR OR DISCRIMINATORY PRACTICE — WAGE DISCRIMINATION IN EMPLOYMENT.

1. a. The general assembly finds that the practice of discriminating against any employee because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such employee by paying wages to such employee at a rate less than the rate paid to other employees does all of the following:

(1) Unjustly discriminates against the person receiving the lesser rate.

(2) Leads to low employee morale, high turnover, and frequent labor unrest.

(3) Discourages employees paid at lesser wage rates from training for higher level jobs.

(4) Curtails employment opportunities, decreases employees' mobility, and increases labor costs.

(5) Impairs purchasing power and threatens the maintenance of an adequate standard of living by such employees and their families.

(6) Prevents optimum utilization of the state's available labor resources.

(7) Threatens the well-being of citizens of this state and adversely affects the general welfare.

b. The general assembly declares that it is the policy of this state to correct and, as rapidly as possible, to eliminate, discriminatory wage practices based on age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, and disability.

2. a. It shall be an unfair or discriminatory practice for any employer or agent of any employer to discriminate against any employee because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such employee by paying wages to such employee at a rate less than the rate paid to other employees who are employed within the same establishment for equal work on jobs, the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions. An employer or agent of an employer who is paying wages to an employee at a rate less than the rate paid to other employees in violation of this section shall not remedy the violation by reducing the wage rate of any employee.

b. For purposes of this subsection, an unfair or discriminatory practice occurs when a discriminatory pay decision or other practice is adopted, when an individual becomes subject to a discriminatory pay decision or other practice, or when an individual is affected by application of a discriminatory pay decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

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

a. Payment of wages is made pursuant to a seniority system.

b. Payment of wages is made pursuant to a merit system.

c. Payment of wages is made pursuant to a system which measures earnings by quantity or quality of production.

d. Pay differential is based on any other factor other than the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such employee.

4. This section shall not apply to any employer who regularly employs less than four individuals. For purposes of this subsection, individuals who are members of the employer's family shall not be counted as employees.

Sec. 3. Section 216.15, subsection 8, paragraph a, Code 2009, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (9) For an unfair or discriminatory practice relating to wage discrimination pursuant to section 216.6A, payment to the complainant of damages for an injury caused by the discriminatory or unfair practice which damages shall include but are not limited to court costs, reasonable attorney fees, and either of the following:

(a) An amount equal to two times the wage differential paid to another employee compared to the complainant for the period of time for which the complainant has been discriminated against.

(b) In instances of willful violation, an amount equal to three times the wage differential paid to another employee as compared to the complainant for the period of time for which the complainant has been discriminated against.

Approved April 28, 2009

CHAPTER 97

RAILWAYS, RAILWAY ASSISTANCE,
AND PASSENGER RAIL SERVICE

S.F. 151

AN ACT relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund.

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

DIVISION I
RAILWAY ASSISTANCE

Section 1. Section 6A.6, Code 2009, is amended to read as follows:

6A.6 RAILWAYS.

~~The Iowa railway finance authority or any~~ A railway corporation~~,~~ may acquire by condemnation property as necessary for the location, construction, and convenient use of a railway. ~~The Iowa railway finance authority may acquire fee title or a lesser property interest. The authority shall offer to sell its interest in the property at fair market value to the adjoining property owners upon abandonment.~~ The acquisition shall carry the right to use for the construction and repair of the railway and its appurtenances any earth, gravel, stone, timber, or other material, on or from the land taken.

Sec. 2. Section 6A.9, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The ~~Iowa railway finance authority~~ department of transportation or a railway corporation may, by condemnation or otherwise, acquire lands for the following additional purposes:

Sec. 3. Section 6A.10, Code 2009, is amended to read as follows:

6A.10 INITIATING RAILROAD CONDEMNATION BY RAILWAY CORPORATION.

~~1. The~~ A railway corporation shall apply to the department of transportation for permission to condemn. The railway corporation shall serve notice of the application and hearing and provide a copy of the legal description of the property to be condemned to the owner and any recordholders of liens and encumbrances on any land described in the application. The department may, after hearing, report to the clerk of the district court of the county in which the land is situated the description of the land sought to be condemned. The corporation may begin condemnation procedures in district court for the land described by the department.

~~2. The railway finance authority may begin condemnation proceedings in district court.~~

Sec. 4. Section 6A.16, Code 2009, is amended to read as follows:

6A.16 RIGHT TO CONDEMN ABANDONED RIGHT-OF-WAY.

Railroad right-of-way which has been abandoned by order of the proper authority~~,~~ may be condemned by a railway corporation or the ~~Iowa railway finance authority~~ department of transportation before or after the track materials have been removed. The procedure to condemn abandoned right-of-way shall be the same as for an original condemnation.

Sec. 5. Section 7E.7, subsection 2, Code 2009, is amended by striking the subsection.

Sec. 6. Section 12.28, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. "State agency" means a board, commission, bureau, division, office, department, or branch of state government. However, state agency does not mean the state board of regents, institutions governed by the board of regents, or authorities created under chapter 16, 175, 257C, or 261A~~, or 327I~~.

Sec. 7. Section 12.30, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. "Authority" means a department, or public or quasi-public instrumentality of the state including but not limited to the authority created under chapter 12E, 16, 175, 257C, 261A, ~~327I,~~ or 463C, which has the power to issue obligations, except that "authority" does not include the state board of regents or the Iowa finance authority to the extent it acts pursuant to chapter 260C. "Authority" also includes a port authority created under chapter 28J.

Sec. 8. Section 307.24, Code 2009, is amended to read as follows:

307.24 ADMINISTRATION OF HIGHWAYS.

The department's administrator of highways is responsible for the planning, design, construction, and maintenance of the state primary highways and shall administer chapters 306 to 320 ~~and 327I~~ and perform other duties as assigned by the director. The administration of highways shall be organized to provide administration for urban systems, for secondary roads, and other categories of administration as necessary.

Sec. 9. Section 321.145, subsection 2, paragraph b, subparagraph (4), Code 2009, is amended by striking the subparagraph.

Sec. 10. Section 327G.76, Code 2009, is amended to read as follows:

327G.76 TIME OF REVERSION.

Railroad property rights which are extinguished upon cessation of service by the railroad divest when the ~~railway finance authority~~ department of transportation or the railroad, having obtained authority to abandon the rail line, removes the track materials to the right-of-way. If the ~~railway finance authority~~ department of transportation does not acquire the line and the railway company does not remove the track materials, the property rights which are extinguished upon cessation of service by the railroad divest one year after the railway obtains the final authorization necessary from the proper authority to remove the track materials.

Sec. 11. Section 327H.20A, Code 2009, is amended to read as follows:

327H.20A RAILROAD REVOLVING LOAN AND GRANT FUND.

1. A railroad revolving loan and grant fund is established in the office of the treasurer of state under the control of the ~~authority~~ department. Moneys in the fund shall be expended for the following purposes:

a. Grants or loans to provide assistance for the restoration, conservation, improvement, and construction of railroad main lines, branch lines, switching yards, sidings, rail connections, intermodal yards, highway grade separations, and other railroad-related improvements.

b. Grants or loans for rail economic development projects that improve rail facilities, including the construction of branch lines, sidings, rail connections, intermodal yards, and other rail-related improvements that spur economic development and job growth.

2. The ~~authority~~ department shall administer a program for the granting and administration of loans and grants under this section. ~~No more than fifty percent of the total moneys available in the fund in any year shall be awarded in the form of grants.~~ The ~~authority~~ department may establish a limit on the amount that may be awarded as a grant for any given project in order to maximize the use of the moneys in the fund. The ~~authority~~ department may enter into agreements with railroad corporations, the United States government, cities, counties, and other persons for carrying out the purposes of this section.

3. Notwithstanding any other provision to the contrary, on or after July 1, 2006, moneys received as repayments for loans made pursuant to this chapter or chapter 327I, Code 2009, before, on, or after July 1, 2005, other than repayments of federal moneys subject to section 327H.21, shall be credited to the railroad revolving loan and grant fund. Notwithstanding section 8.33, moneys in the railroad revolving loan and grant fund shall not revert to the general fund of the state but shall remain available indefinitely for expenditure under this section.

Sec. 12. Section 327H.26, Code 2009, is amended to read as follows:

327H.26 ~~DEFINITIONS~~ DEFINITION.

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

~~1. "Authority" means the railway finance authority created in chapter 327I.~~
~~2. "Department",~~ "department" means the state department of transportation.

Sec. 13. Section 427.1, subsection 25, Code 2009, is amended by striking the subsection.

Sec. 14. Chapter 327I, Code 2009, is repealed.

Sec. 15. CONTINUATION OF PRIOR AGREEMENTS. It is the intent of the general assembly that the enactment of this Act shall not affect the terms or duration of railroad assistance agreements entered into under chapter 327H or 327I prior to the effective date of this Act. The department of transportation is the successor to the rights and obligations of any agreements entered into by the Iowa railway finance authority.

DIVISION II
PASSENGER RAIL SERVICE

Sec. 16. Section 327J.1, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 6. "Passenger rail service" means long-distance, intercity, and commuter passenger transportation, including the midwest regional rail system, which is provided on railroad tracks.

Sec. 17. Section 327J.2, subsections 1 and 2, Code 2009, are amended to read as follows:
1. FUND CREATED. The passenger rail service revolving fund is established as a separate fund in the state treasury under the control of the department. Moneys deposited in the fund shall be administered by the director and shall be used to pay the costs associated with the initiation, operation, and maintenance of ~~rail~~ passenger rail service.
2. FUNDING. To achieve the purposes of this chapter, moneys shall be credited to the passenger rail service revolving fund by the treasurer of state from the following sources:
a. Appropriations made by the general assembly.
~~a.~~ b. Private grants and gifts intended for these purposes.
~~b.~~ c. Federal, state, and local grants and loans intended for these purposes.

Sec. 18. Section 327J.3, Code 2009, is amended to read as follows:
327J.3 ADMINISTRATION.
1. The director may expend moneys from the fund to pay the costs associated with the initiation, operation, and maintenance of ~~rail~~ passenger rail service. The director shall report by February 1 of each year to the legislative services agency concerning the status of the fund including anticipated expenditures for the following fiscal year.
2. The director may enter into agreements with AMTRAK, other rail operators, local jurisdictions, and other states ~~associated with the midwest regional rail system~~ for the purpose of developing ~~a rail~~ passenger ~~system~~ rail service serving ~~the midwest, including service from Chicago, Illinois, to Omaha, Nebraska, through~~ Iowa. The agreements may include any of the following:
a. Cost-sharing agreements associated with initiating service, capital costs, operating subsidies, and other costs necessary to develop and maintain service.
b. Joint powers agreements and other institutional arrangements associated with the administration, management, and operation of ~~a midwest regional rail system~~ passenger rail service.
3. The director shall enter into discussions with members of Iowa's congressional delegation to foster ~~rail~~ passenger rail service in this state and the midwest and to maximize the level of federal funding for the service~~, including funding for the midwest regional rail system~~.
4. The director may provide assistance and enter into agreements with ~~cities~~ local jurisdictions along the proposed route of the midwest regional rail system or other passenger rail ~~system~~ service operations serving ~~the Midwest~~ Iowa to ensure that rail stations and terminals are designed and developed in accordance with the following objectives:

a. To meet safety and efficiency requirements outlined by AMTRAK and the federal railroad administration.

b. To aid intermodal transportation.

c. To encourage economic development.

5. The director shall report annually to the general assembly concerning the development and operation of the midwest regional rail system and the state's passenger rail service.

Approved May 4, 2009

CHAPTER 98

HISTORIC PRESERVATION AND CULTURAL
AND ENTERTAINMENT DISTRICT TAX CREDITS

S.F. 481

AN ACT relating to historic preservation and cultural and entertainment district tax credits by increasing the aggregate amount of credits that may be approved, changing the amounts allocated to various projects, and modifying certain administrative duties of the department of cultural affairs.

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

Section 1. Section 404A.2, Code 2009, is amended to read as follows:

404A.2 AMOUNT OF CREDIT.

1. The amount of the credit equals twenty-five percent of the qualified rehabilitation costs made to eligible property.

a. In the case of commercial property, rehabilitation costs must equal at least fifty percent of the assessed value of the property, excluding the land, prior to the rehabilitation.

b. In the case of residential property or barns, the rehabilitation costs must equal at least twenty-five thousand dollars or twenty-five percent of the ~~fair market~~ assessed value, excluding the land, prior to the rehabilitation, whichever is less.

c. In computing the tax credit for eligible property that is classified as residential or as commercial with multifamily residential units, the rehabilitation costs used shall not exceed one hundred thousand dollars per residential unit.

d. In computing the tax credit, the only costs which may be included are the qualified rehabilitation costs incurred between the period ending on the project completion date and beginning on the date two years prior to the project completion date, provided that any qualified rehabilitation costs incurred prior to the date of approval of the project as provided in section 404A.3 must be qualified rehabilitation expenditures under the federal rehabilitation credit in section 47 of the Internal Revenue Code.

2. For purposes of this chapter, qualified rehabilitation costs include amounts if they are properly includable in computing the basis for tax purposes of the eligible property.

a. Amounts treated as an expense and deducted in the tax year in which they are paid or incurred and amounts that are otherwise not added to the basis for tax purposes of the eligible property are not qualified rehabilitation costs.

b. Amounts incurred for architectural and engineering fees, site survey fees, legal expenses, insurance premiums, development fees, and other construction-related costs are qualified rehabilitation costs to the extent they are added to the basis for tax purposes of the eligible property.

c. Costs of sidewalks, parking lots, and landscaping do not constitute qualified rehabilitation costs.

3. For purposes of individual and corporate income taxes and the franchise tax, the increase in the basis of the rehabilitated property that would otherwise result from the qualified rehabilitation costs shall be reduced by the amount of the credit computed under this chapter.

Sec. 2. Section 404A.3, Code 2009, is amended to read as follows:

404A.3 APPROVAL OF REHABILITATION PROJECT.

1. a. In order for costs of a rehabilitation project to qualify for a tax credit, the rehabilitation project must receive approval from the state historic preservation office of the department of cultural affairs.

b. Applications for approvals from the state historic preservation office of the department of cultural affairs shall be on forms approved by the state historic preservation office and shall contain information as required by the state historic preservation office. The information shall at least include the approximate date of the start of rehabilitation, the approximate date of completion, as well as the cost.

c. The approval process shall not exceed ninety days beginning from the date ~~the rehabilitation project is submitted~~ on which a completed application is received by the state historic preservation office. After the ninety-day limit, the rehabilitation project is deemed to be approved unless the state historic preservation office has denied the application or contacted the applicant for further information regarding the application.

2. The state historic preservation office shall establish selection criteria and standards for rehabilitation projects involving eligible property. The main emphasis of the standards shall be to ensure that a rehabilitation project maintains the integrity of the eligible property. To the extent applicable, the standards shall be consistent with the standards of the United States secretary of the interior for rehabilitation of eligible property ~~that is listed on the national register of historic places or is designated as of historic significance to a district listed in the national register of historic places or shall be consistent with standards for issuance of certificates of appropriateness under sections 303.27 through 303.32~~.

~~The selection standards shall provide that a person who qualifies for the rehabilitation tax credit under section 47 of the Internal Revenue Code shall automatically qualify for the state historic preservation and cultural and entertainment district tax credit under this chapter.~~

3. a. A rehabilitation project for which the state historic preservation office has reserved tax credits pursuant to section 404A.4 shall begin rehabilitation of the property before the end of the fiscal year in which the project application was approved and for which the tax credits were reserved.

b. The eligible property shall be placed in service within thirty-six months of the date on which the project application was approved. For purposes of this section, "placed in service" has the same meaning as used for purposes of section 47 of the Internal Revenue Code. The department may provide by rule for the allowance of additional time to complete a project.

c. A rehabilitation project for which a project application was approved and tax credits reserved prior to July 1, 2009, shall complete the project and place the building in service on or before June 30, 2011, notwithstanding the time period specified in paragraph "b".

4. A rehabilitation project that does not meet the requirements of subsection 3 is subject to revocation, repayment, or recapture of tax credits reserved or approved pursuant to this chapter.

Sec. 3. Section 404A.4, Code 2009, is amended to read as follows:

404A.4 PROJECT COMPLETION AND TAX CREDIT CERTIFICATION — CREDIT REFUND OR CARRYFORWARD.

1. Upon completion of the rehabilitation project, a certification of completion must be obtained from the state historic preservation office of the department of cultural affairs. A completion certificate shall identify the person claiming the tax credit under this chapter and the qualified rehabilitation costs incurred up to the two years preceding the completion date.

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

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

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

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

3. A person receiving a historic preservation and cultural and entertainment district tax credit under this chapter which is in excess of the person's tax liability for the tax year is entitled to a refund. Any credit in excess of the tax liability shall be refunded with interest computed under section 422.25. In lieu of claiming a refund, a taxpayer may elect to have the overpayment shown on the taxpayer's final, completed return credited to the tax liability for the following year.

4. a. The total amount of tax credits that may be approved for a fiscal year under this chapter shall not exceed ~~ten million dollars in the fiscal year beginning July 1, 2007, fifteen million dollars in the fiscal year beginning July 1, 2008, and twenty million dollars in the fiscal year beginning July 1, 2009, and each fiscal year thereafter~~ fifty million dollars.

b. Of the tax credits approved for a fiscal year under this chapter, ~~ten~~ the amount of the tax credits shall be allocated as follows:

(1) Ten percent of the dollar amount of tax credits shall be allocated for purposes of new projects with final qualified rehabilitation costs of five hundred thousand dollars or less~~, and forty~~.

(2) Thirty percent of the dollar amount of tax credits shall be allocated for purposes of new projects located in cultural and entertainment districts certified pursuant to section 303.3B or identified in Iowa great places agreements developed pursuant to section 303.3C. ~~Any of the tax credits allocated for projects located in certified cultural and entertainment districts or identified in Iowa great places agreements and for projects with a cost of five hundred thousand dollars or less that are not reserved during a fiscal year shall be applied to reserved tax credits issued in accordance with section 404A.3 in order of original reservation. The department of cultural affairs shall establish by rule the procedures for the application, review, selection, and awarding of certifications of completion.~~

(3) Twenty percent of the dollar amount of tax credits shall be allocated for disaster recovery projects. For purposes of this subparagraph, "disaster recovery project" means a property meeting the requirements of an eligible property as described in section 404A.1, subsection 2, which is located in an area declared a disaster area by the governor or by a federal official and which has been physically impacted as a result of a natural disaster.

(4) Twenty percent of the dollar amount of the tax credits shall be allocated for projects that involve the creation of more than five hundred new permanent jobs. A taxpayer receiving a tax credit certificate for a project under this allocation shall provide information documenting the creation of the jobs to the department and to the department of economic development. The jobs shall be created within two years of the date a tax credit certificate is issued. The de-

partment of economic development shall verify the creation of the jobs. The amount of any tax credits received is subject to recapture by the department of revenue if the jobs are not created within two years. The department and the department of economic development may adopt rules for the implementation of this subparagraph. The rules shall provide for a method or form that allows a city or county to track the number of jobs created in the construction industry by the project.

(5) Twenty percent of the dollar amount of the tax credits shall be allocated for any eligible project.

c. (1) If, in any fiscal year, an amount of tax credits allocated pursuant to paragraph "b", subparagraph (2) or (4), goes unclaimed, the amount of the unclaimed tax credits shall, during the same fiscal year, be reallocated to disaster recovery projects as described in paragraph "b", subparagraph (3).

(2) If, in any fiscal year, an amount of tax credits reallocated pursuant to subparagraph (1) of this paragraph "c" goes unclaimed, the tax credits shall, during the same fiscal year, be reallocated to the projects described in paragraph "b", subparagraph (5).

d. The departments of cultural affairs and revenue shall each adopt rules to jointly administer this subsection and shall provide by rule for the method to be used to determine for which fiscal year the tax credits are available.

e. With the exception of tax credits issued pursuant to contracts entered into prior to July 1, 2007, tax credits shall not be reserved for more than three years.

5. a. Tax credit certificates issued under this chapter may be transferred to any person or entity.

b. Within ninety days of transfer, the transferee must submit the transferred tax credit certificate to the department of revenue along with a statement containing the transferee's name, tax identification number, and address, and the denomination that each replacement tax credit certificate is to carry and any other information required by the department of revenue.

c. Within thirty days of receiving the transferred tax credit certificate and the transferee's statement, the department of revenue shall issue one or more replacement tax credit certificates to the transferee. Each replacement certificate must contain the information required under subsection 2 and must have the same expiration date that appeared in the transferred tax credit certificate.

d. Tax credit certificate amounts of less than the minimum amount established by rule of the ~~state historic preservation office~~ department of revenue shall not be transferable.

e. A tax credit shall not be claimed by a transferee under this chapter until a replacement tax credit certificate identifying the transferee as the proper holder has been issued.

f. The transferee may use the amount of the tax credit transferred against the taxes imposed under chapter 422, divisions II, III, and V, and chapter 432 for any tax year the original transferor could have claimed the tax credit. Any consideration received for the transfer of the tax credit shall not be included as income under chapter 422, divisions II, III, and V. Any consideration paid for the transfer of the tax credit shall not be deducted from income under chapter 422, divisions II, III, and V.

Sec. 4. Section 404A.5, Code 2009, is amended to read as follows:

404A.5 ECONOMIC IMPACT — RECOMMENDATIONS.

1. The department of cultural affairs, in consultation with the department of ~~economic development~~ revenue, shall be responsible for keeping the general assembly and the legislative services agency informed on the overall economic impact to the state of the rehabilitation of eligible properties.

2. An annual report shall be filed which shall include, but is not limited to, data on the number and potential value of rehabilitation projects begun during the latest twelve-month period, the total historic preservation and cultural and entertainment district tax credits originally granted during that period, the potential reduction in state tax revenues as a result of all tax credits still unused and eligible for refund, and the potential increase in local property tax revenues as a result of the rehabilitated projects.

3. The department of cultural affairs, to the extent it is able, shall provide recommendations on whether a limit on tax credits should be established, the need for a broader or more restrictive definition of eligible property, and other adjustments to the tax credits under this chapter.

Approved May 4, 2009

CHAPTER 99

STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM — BENEFITS — CANCER AND INFECTIOUS DISEASES

S.F. 226

†**AN ACT** concerning the statewide fire and police retirement system by establishing a presumption that cancer and infectious diseases are work-related for purposes of disability and death benefits and by increasing the contribution rate.

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

Section 1. Section 411.1, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 5A. "Cancer" means prostate cancer, primary brain cancer, breast cancer, ovarian cancer, cervical cancer, uterine cancer, malignant melanoma, leukemia, non-Hodgkin's lymphoma, bladder cancer, colorectal cancer, multiple myeloma, testicular cancer, and kidney cancer.

NEW SUBSECTION. 9A. "Infectious disease" means HIV or AIDS as defined in section 141A.1, all strains of hepatitis, meningococcal meningitis, and mycobacterium tuberculosis.

Sec. 2. Section 411.6, subsection 5, paragraph c, Code 2009, is amended to read as follows:

c. (1) Disease under this ~~section~~ subsection shall mean heart disease or any disease of the lungs or respiratory tract and shall be presumed to have been contracted while on active duty as a result of strain or the inhalation of noxious fumes, poison, or gases.

(2) Disease under this subsection shall also mean cancer or infectious disease and shall be presumed to have been contracted while on active duty as a result of that duty.

(3) However, if a person's membership in the system first commenced on or after July 1, 1992, and the heart disease, ~~or~~ disease of the lungs or respiratory tract, cancer, or infectious disease would not exist, but for a medical condition that was known to exist on the date that membership commenced, the presumption established in this paragraph "c" shall not apply.

Sec. 3. Section 411.6, subsection 9, paragraph a, Code 2009, is amended to read as follows:

a. (1) If, upon the receipt of evidence and proof from the chief of the police or fire department that the death of a member in service was the natural and proximate result of an injury or disease incurred in or aggravated by the actual performance of duty at some definite time and place, or while acting pursuant to order, outside of the city by which the member is regularly employed, the system decides that death was so caused in the performance of duty, there shall be paid, in lieu of the ordinary death benefit provided in subsection 8, an accidental death benefit as set forth in this subsection.

(2) (a) Disease under this subsection shall mean heart disease or any disease of the lungs or respiratory tract and shall be presumed to have been contracted while on active duty as a result of strain or the inhalation of noxious fumes, poison, or gases.

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† Estimate of additional local revenue expenditures required by state mandate on file with the Secretary of State

(b) Disease under this subsection shall also mean cancer or infectious disease and shall be presumed to have been contracted while on active duty as a result of that duty.

Sec. 4. Section 411.8, subsection 1, paragraph f, subparagraph (8), Code 2009, is amended to read as follows:

(8) Beginning July 1, 1996, and each fiscal year thereafter, an amount equal to the member's contribution rate times each member's compensation shall be paid to the fund from the earnable compensation of the member. For the purposes of this subparagraph, the member's contribution rate shall be nine and thirty-five hundredths percent or, beginning July 1, 2009, nine and four-tenths percent. However, the system shall increase the member's contribution rate as necessary to cover any increase in cost to the system resulting from statutory changes which are enacted by any session of the general assembly meeting after January 1, 1991, if the increase cannot be absorbed within the contribution rates otherwise established pursuant to this paragraph, but subject to a maximum employee contribution rate of eleven and three-tenths percent or, beginning July 1, 2009, eleven and thirty-five hundredths percent. The contribution rate increases specified in 1994 Iowa Acts, ch. 1183, pursuant to this chapter and chapter 97A shall be the only member contribution rate increases for these systems resulting from the statutory changes enacted in 1994 Iowa Acts, ch. 1183, and shall apply only to the fiscal periods specified in 1994 Iowa Acts, ch. 1183. After the employee contribution reaches eleven and three-tenths percent or eleven and thirty-five hundredths percent, as applicable, sixty percent of the additional cost of such statutory changes shall be paid by employers under paragraph "c" and forty percent of the additional cost shall be paid by employees under this paragraph.

Sec. 5. MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM — REPORT. The municipal fire and police retirement system, as established pursuant to chapter 411, shall collect data related to the implementation, utilization, and costs associated with the requirements of this Act providing that cancer and infectious disease are presumed to be a disease contracted while a member of the retirement system is on active duty as provided in section 411.6, subsections 5 and 9. In collecting and reporting data, the system shall provide information as to the actuarial cost to the system of the requirements of this Act and shall collect data from the cities relative to any associated medical, insurance, or other costs incurred by the cities as a result of this Act. The retirement system shall submit a written report to the general assembly by October 1, 2013, concerning the data collected, including its findings and recommendations.

Approved May 8, 2009

CHAPTER 100

DISASTER RECOVERY AND REMEDIATION —
EXPENDITURES — FINANCING

S.F. 457

AN ACT relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, authorizing cities and counties to create disaster revitalization areas, providing income tax credits for certain disaster recovery housing projects, and including effective date and retroactive applicability date provisions.

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

DIVISION I
LEGALIZING ACT

Section 1. CERTAIN PRIOR PROCEEDINGS AND ACTIONS LEGALIZED — AMENDMENT OF BUDGETS — REPORT. All proceedings conducted or actions taken by or on behalf of a city or county located in an area that the governor has proclaimed a disaster emergency or the United States president has declared a major disaster, related to the emergency repair or reconstruction of public improvements damaged by a natural disaster during the period of time beginning May 1, 2008, and ending August 31, 2008, and related to all natural disaster-related expenditures by a city or county in excess of an original or previously amended city or county budget for the fiscal year ending June 30, 2008, that were conducted or taken in violation of the requirements of section 331.435, 331.437, or 384.18, as applicable, prior to the effective date of this division of this Act are hereby legalized and validated, and, to that extent, this Act applies retroactively to the date such proceedings were conducted or actions were taken.

On or before January 1, 2010, the Iowa league of cities and the Iowa state association of counties shall each submit a report to the chairpersons and ranking members of the rebuild Iowa committees of the senate and house of representatives. Each report shall include a summary of the circumstances and actions taken by those cities or counties, as applicable, that are subject to this division of this Act.

Sec. 2. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II
LOCAL FINANCING
AND PUBLIC CONSTRUCTION BIDDING

Sec. 3. Section 16.131, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Notwithstanding any provision of this chapter to the contrary, moneys received under the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, and deposited in the revolving loan funds may be used in any manner permitted or required by applicable federal law.

Sec. 4. Section 28E.6, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A joint board of an entity created in an agreement that is responsi-

ble for the operation of a public facility or a public improvement may undertake the emergency repair of the facility or improvement in the manner provided in section 384.103, subsection 2. If an emergency repair is undertaken by the joint board, the chairperson, chief officer, or chief official of the joint board shall perform the duties assigned to the chief officer or official of the governing body of the city under section 384.103, subsection 2.

Sec. 5. Section 76.1, Code 2009, is amended to read as follows:

76.1 MANDATORY RETIREMENT.

1. Hereafter issues of bonds of every kind and character by counties, cities, and school corporations shall be consecutively numbered.

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

b. General obligation bonds issued for the purposes specified in section 331.441, subsection 2, paragraph "b", subparagraphs (18) and (19), or in section 384.24, subsection 3, paragraphs "w" and "x", and bonds issued to refund or refinance bonds issued for those purposes, may mature and be retired in a period not exceeding thirty years from date of issue.

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

Sec. 6. Section 76.2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

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

Sec. 7. Section 262.34, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Notwithstanding subsection 1, when a delay in undertaking a repair, restoration, or reconstruction of a public improvement might cause serious loss or injury at an institution under the control of the state board of regents, the executive director of the board, or the board, shall make a finding of the need to institute emergency procedures under this subsection. The board by separate action shall approve the emergency procedures to be employed.

Sec. 8. Section 331.301, subsection 10, paragraph e, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The board may authorize a lease or lease-purchase contract which is payable from the general fund ~~and which~~ if the contract would not cause the total of lease and lease-purchase payments ~~of the county~~ due from the general fund of the county in any single future fiscal year for all lease or lease-purchase contracts in force on the date of the authorization, excluding payments to exercise purchase options or to pay the expenses of operation or ownership of the property, to exceed ten percent of the last certified general fund budget amount in accordance with the following procedures:

Sec. 9. Section 331.402, subsection 3, paragraph d, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The board may authorize a loan agreement which is payable from the general fund ~~and which~~ if the loan agreement would not cause the total of scheduled annual payments of principal or interest or both principal and interest ~~of the county~~ due from the general fund of the

county in any single future fiscal year with respect to all loan agreements in force on the date of the authorization to exceed ten percent of the last certified general fund budget amount in accordance with the following procedures:

Sec. 10. Section 331.441, subsection 2, paragraph b, Code 2009, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (18) The remediation, restoration, repair, cleanup, replacement, and improvement of property, buildings, equipment, and public facilities that have been damaged by a disaster as defined in section 29C.2 and that are located in an area that the governor has proclaimed a disaster emergency or the president of the United States has declared a major disaster. Bonds issued pursuant to section 331.443 for the purposes specified in this subparagraph shall be issued not later than ten years after the governor has proclaimed a disaster emergency or the president of the United States has declared a major disaster, whichever is later.

NEW SUBPARAGRAPH. (19) The reimbursement of the county's general fund or other funds of the county for expenditures made related to remediation, restoration, repair, and cleanup of damage caused by a disaster as defined in section 29C.2, if the damage is located in an area that the governor has proclaimed a disaster emergency or the president of the United States has declared a major disaster. Bonds issued pursuant to section 331.443 for the purposes specified in this subparagraph shall be issued not later than ten years after the governor has proclaimed a disaster emergency or the president of the United States has declared a major disaster, whichever is later.

Sec. 11. Section 331.443, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. a. Notwithstanding subsection 2, a board may institute proceedings for the issuance of bonds for an essential county purpose specified in section 331.441, subsection 2, paragraph "b", subparagraph (18) or (19), in an amount equal to or greater than three million dollars by causing a notice of the proposal to issue the bonds, including a statement of the amount and purpose of the bonds, together with the maximum rate of interest which the bonds are to bear, and the right to petition for an election, to be published at least once in a newspaper of general circulation within the county at least ten days prior to the meeting at which it is proposed to take action for the issuance of the bonds.

b. If at any time before the date fixed for taking action for the issuance of the bonds, a petition is filed with the county auditor signed by eligible electors of the county equal in number to twenty percent of the persons in the county who voted for the office of president of the United States at the last preceding general election that had such office on the ballot, asking that the question of issuing the bonds be submitted to the registered voters of the county, the board shall either by resolution declare the proposal to issue the bonds to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds. Notice of the election and its conduct shall be in the manner provided in section 331.442.

c. If a petition is not filed, or if a petition is filed and the proposition of issuing the bonds is approved at an election, the board may proceed with the authorization and issuance of the bonds.

Sec. 12. Section 364.4, subsection 4, paragraph e, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The governing body may authorize a lease or lease-purchase contract which is payable from the general fund ~~and which~~ if the contract would not cause the total of annual lease or lease-purchase payments ~~of the city~~ due from the general fund of the city in any single future fiscal year for all lease or lease-purchase contracts in force on the date of the authorization, excluding payments to exercise purchase options or to pay the expenses of operation or ownership of the property, to exceed ten percent of the last certified general fund budget amount in accordance with the following procedures:

Sec. 13. Section 384.24, subsection 3, Code 2009, is amended by adding the following new paragraphs:

NEW PARAGRAPH. w. The remediation, restoration, repair, cleanup, replacement, and improvement of property, buildings, equipment, and public facilities that have been damaged by a disaster as defined in section 29C.2 and that are located in an area that the governor has proclaimed a disaster emergency or the president of the United States has declared a major disaster. Bonds issued pursuant to section 384.25 for the purposes specified in this paragraph shall be issued not later than ten years after the governor has proclaimed a disaster emergency or the president of the United States has declared a major disaster, whichever is later.

NEW PARAGRAPH. x. The reimbursement of the city's general fund or other funds of the city for expenditures made related to remediation, restoration, repair, and cleanup of damage caused by a disaster as defined in section 29C.2, if the damage is located in an area that the governor has proclaimed a disaster emergency or the president of the United States has declared a major disaster. Bonds issued pursuant to section 384.25 for the purposes specified in this paragraph shall be issued not later than ten years after the governor has proclaimed a disaster emergency or the president of the United States has declared a major disaster, whichever is later.

Sec. 14. Section 384.24A, subsection 4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The governing body may authorize a loan agreement which is payable from the general fund ~~and which~~ if the loan agreement would not cause the total of scheduled annual payments of principal or interest or both principal and interest ~~of the city~~ due from the general fund ~~of the city~~ in any single future fiscal year with respect to all loan agreements in force on the date of the authorization to exceed ten percent of the last certified general fund budget amount in accordance with the following procedures:

Sec. 15. Section 384.25, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. a. Notwithstanding subsection 2, a council may institute proceedings for the issuance of bonds for an essential corporate purpose specified in section 384.24, subsection 3, paragraph "w" or "x", in an amount equal to or greater than three million dollars by causing a notice of the proposal to issue the bonds, including a statement of the amount and purpose of the bonds, together with the maximum rate of interest which the bonds are to bear, and the right to petition for an election, to be published at least once in a newspaper of general circulation within the city at least ten days prior to the meeting at which it is proposed to take action for the issuance of the bonds.

b. If at any time before the date fixed for taking action for the issuance of the bonds, a petition is filed with the clerk of the city signed by eligible electors of the city equal in number to twenty percent of the persons in the city who voted for the office of president of the United States at the last preceding general election that had such office on the ballot, asking that the question of issuing the bonds be submitted to the registered voters of the city, the council shall either by resolution declare the proposal to issue the bonds to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds. Notice of the election and its conduct shall be in the manner provided in section 384.26.

c. If a petition is not filed, or if a petition is filed and the proposition of issuing the bonds is approved at an election, the council may proceed with the authorization and issuance of the bonds.

Sec. 16. Section 384.103, subsection 2, Code 2009, is amended to read as follows:

2. When emergency repair of a public improvement is necessary and the delay of advertising and a public letting might cause serious loss or injury to the city, the chief officer or official of the governing body of the city or the governing body shall~~, by resolution,~~ make a finding of the necessity to institute emergency proceedings under this section, and shall procure a certifi-

cate from a competent licensed professional engineer or registered architect, ~~not in the regular employ of the city,~~ certifying that emergency repairs are necessary.

In that event the chief officer or official of the governing body or the governing body may accept, enter into, and make payment under a contract for emergency repairs without holding a public hearing and advertising for bids, and the provisions of chapter 26 do not apply.

Sec. 17. Section 419.1, subsection 12, Code 2009, is amended by adding the following new paragraphs:

NEW PARAGRAPH. c. Purposes that are eligible for financing from midwestern disaster area bonds authorized under the federal Emergency Economic Stabilization Act of 2008, Pub. L. No. 110-185, together with any other financing necessary or desirable in connection with such purposes.

NEW PARAGRAPH. d. Purposes for which tax exempt financing is authorized by the Internal Revenue Code, together with any other financing necessary or desirable in connection with such purposes.

Sec. 18. Section 419.17, subsection 2, Code 2009, is amended by striking the subsection.

Sec. 19. Section 455B.297, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding any provision of this chapter to the contrary, moneys received under the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, and deposited in the revolving loan funds may be used in any manner permitted or required by applicable federal law.

Sec. 20. Section 419.8, Code 2009, is repealed.

Sec. 21. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION III
DISASTER REVITALIZATION AREAS

Sec. 22. Section 364.19, Code 2009, is amended to read as follows:

364.19 CONTRACTS TO PROVIDE SERVICES TO TAX-EXEMPT PROPERTY.

A city council or county board of supervisors may enter into a contract with a person whose property is totally or partially exempt from taxation under chapter 404, chapter 404B, section 427.1, or section 427B.1, for the city or county to provide specified services to that person including but not limited to police protection, fire protection, street maintenance, and waste collection. The contract shall terminate as of the date previously exempt property becomes subject to taxation.

Sec. 23. NEW SECTION. 404B.1 DISASTER REVITALIZATION AREA.

1. a. The governing body of a city may, by ordinance, designate an area of the city a disaster revitalization area if that area is within a county or portion of a county in which the governor has proclaimed a disaster emergency or the United States president has declared a major disaster.

b. The governing body of a county may, by ordinance, designate an area of the county outside the boundaries of a city as a disaster revitalization area if that area is within a county or portion of a county in which the governor has proclaimed a disaster emergency or the United States president has declared a major disaster.

2. A disaster revitalization area shall be composed of contiguous parcels. However, the governing body of a city or the governing body of a county may establish more than one disaster revitalization area.

Sec. 24. NEW SECTION. 404B.2 CONDITIONS MANDATORY.

A city or county may only exercise the authority conferred upon it in this chapter after all of the following conditions have been met:

1. The governing body has adopted a resolution finding that the property located within the area was damaged by a disaster, that revitalization of the area is in the economic interest of the residents of the city or county, as applicable, and the area substantially meets the criteria of section 404B.1.

2. The city or county has prepared a proposed plan for the designated disaster revitalization area. The proposed disaster revitalization plan shall include all of the following:

a. A legal description of the real property forming the boundaries of the proposed area along with a map depicting the existing parcels of real property.

b. The assessed valuation of the real property in the proposed area as of January 1, 2007, listing the land and building values separately.

c. A list of names and addresses of the owners of record of real property within the area.

d. The existing zoning classifications and district boundaries and the existing and proposed land uses within the area.

e. The exemption percentage applicable in the proposed area pursuant to section 404B.4.

f. A statement specifying whether none, some, or all of the property assessed as residential, agricultural, commercial, or industrial property within the designated area is eligible for the exemption under section 404B.4.

g. A definition of revitalization, including whether it is applicable to existing buildings, new construction, or development of previously vacant land. A definition of revitalization may also include a requirement for a minimum increase in assessed valuation of individual parcels of property in the area.

h. A statement specifying the duration of the designated disaster revitalization area.

i. A description of planned measures to mitigate or prevent future disaster damage in the area.

j. A description of revitalization projects commenced prior to the effective date of the plan that are eligible for the exemption under section 404B.4.

3. a. The city or county has scheduled a public hearing and published notice of the hearing in accordance with section 362.3 or 331.305, as applicable. In addition to notice by publication, notification shall also be given by ordinary mail to the last known address of the owners of record. The city or county shall also send notice by ordinary mail addressed to the "occupants" of addresses located within the proposed area, unless the governing body of the city or county, by reason of lack of a reasonably current and complete address list, or for other good cause, shall have waived the notice.

b. The notice provided by mail to owners and occupants within the area shall be given no later than thirty days before the date of the public hearing.

4. The public hearing has been held.

5. The city or county has adopted the proposed or amended plan for the disaster revitalization area after the hearing.

Sec. 25. NEW SECTION. 404B.3 DISASTER REVITALIZATION PLAN AMENDMENTS.

1. The city or county may subsequently amend a disaster revitalization plan after a hearing. Notice of the hearing shall be published as provided in section 362.3 or 331.305, except that at least seven days' notice must be given, and the public hearing shall not be held earlier than the next regularly scheduled city council or board of supervisors meeting following the published notice. Notice shall also be provided by ordinary mail to owners and occupants within the area and any proposed addition to the area.

2. A city which has adopted a plan for a disaster revitalization area that covers all property within the city limits may amend that plan at any time, pursuant to this section, to include property which has been or will be annexed to the city. The provisions of the original disaster revitalization plan shall be applicable to the property that is annexed and the property shall be considered to have been part of the disaster revitalization area as of the effective date of its

annexation to the city. The notice and hearing provisions of subsection 1 shall apply to amendments under this subsection.

Sec. 26. NEW SECTION. 404B.4 BASIS OF TAX EXEMPTION.

1. All real property within a disaster revitalization area is eligible to receive a one hundred percent exemption from taxation on the increase in assessed value of the property, as compared to the property's assessed value on January 1, 2007, if the increase in assessed value is attributable to revitalization of the property occurring between May 25, 2008, and December 31, 2013. The exemption is for a period not to exceed five years, starting with an assessment year beginning on or after January 1, 2010.

2. A city or county may adopt a different tax exemption percentage than the exemption provided in subsection 1. The different percentage adopted shall not allow a greater exemption, but may allow a smaller exemption. A different percentage adopted by a city or county shall apply to every disaster revitalization area within the city or county. The owners of real property eligible for the exemption provided in this section shall elect to take the exemption or shall elect to take an eligible exemption provided under another statute. Once the election has been made and the exemption granted, the owner is not permitted to change the method of exemption.

Sec. 27. NEW SECTION. 404B.5 APPLICATION FOR EXEMPTION BY PROPERTY OWNER.

An application shall be filed for each revitalization project resulting in increased assessed value for which an exemption is claimed. The application for exemption shall be filed by the owner of the property with the local assessor by February 1 of the first assessment year for which the exemption is requested. Applications for exemption shall be made on forms prescribed by the local assessor and shall contain information pertaining to the requirements under this section and any requirements imposed by a city or county governing body.

Sec. 28. NEW SECTION. 404B.6 PHYSICAL REVIEW OF PROPERTY BY ASSESSOR.

The local assessor shall review each application by making a physical review of the property to determine if the revitalization project increased the assessed value of the real property. If the assessor determines that the assessed value of the real property has increased, the assessor shall proceed to determine the assessed value of the property and certify the valuation determined to the county auditor at the time of transmitting the assessment rolls. The assessor shall notify the applicant of the determination, and the assessor's decision may be appealed to the local board of review at the times specified in section 441.37. After the tax exemption is granted, the local assessor shall continue to grant the tax exemption, with periodic physical review by the assessor, for the time period specified by ordinance. The tax exemption for the succeeding years shall be granted without the taxpayer having to file an application for the succeeding years, unless additional revitalization projects occur on the property.

Sec. 29. NEW SECTION. 404B.7 EXPIRATION OR REPEAL OF ORDINANCE.

An ordinance enacted under this chapter shall expire or be repealed no later than December 31, 2016.

Sec. 30. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV
DISASTER RECOVERY HOUSING PROJECT TAX CREDIT

Sec. 31. NEW SECTION. 16.191 DISASTER RECOVERY HOUSING PROJECT TAX CREDIT.

1. a. A tax credit shall be allowed against the taxes imposed in chapter 422, divisions II and III for a portion of a taxpayer's qualifying investment, as provided in subsection 3, in a qualify-

ing disaster recovery housing project. To qualify as a disaster recovery housing project, a property, and the activities affecting the property, shall meet all of the following conditions:

(1) The property is owned by a taxpayer who is an individual, business, or corporation subject to taxation under chapter 422, divisions[1] II or III.

(2) A qualifying investment, as defined in subsection 3, is made by the taxpayer.

(3) The project involves the construction or rehabilitation of housing on the property.

(4) The property is located in an area that the governor proclaimed a disaster emergency or the president of the United States declared a major disaster during the period of time beginning May 1, 2008, and ending August 31, 2008.

(5) An application for low-income housing tax credits pursuant to section 42 of the Internal Revenue Code has been submitted to the Iowa finance authority on behalf of the project and has been determined by the authority to meet the threshold requirements for an award of credits as set forth in the applicable qualified allocation plan.

(6) The project meets the requirements relating to the density of residential housing in the area as established by the authority.

(7) The project meets the requirements relating to the availability of and the accessibility to educational services as established by the authority. For the purposes of this section "educational services" includes but is not limited to public schools, job training, and financial literacy services.

(8) The project is designed to avoid, prevent, or mitigate the effects of a future natural disaster.

b. An individual may claim a tax credit under this subsection of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust.

2. a. To claim a disaster recovery housing project tax credit under this section, a taxpayer must attach one or more tax credit certificates to the taxpayer's tax return. The tax credit certificate or certificates attached to the taxpayer's tax return shall be issued in the taxpayer's name, expire on or after the last day of the taxable year for which the taxpayer is claiming the tax credit, and show a tax credit amount equal to or greater than the tax credit claimed on the taxpayer's tax return.

b. After verifying the eligibility of a taxpayer for a tax credit pursuant to this section, the authority shall issue a disaster recovery housing project tax credit certificate to be attached to the taxpayer's tax return. The tax credit certificate shall contain the taxpayer's name, address, tax identification number; the amount of the credit; and any other information required by the department of revenue.

c. The tax credit certificate, unless otherwise void, shall be accepted by the department of revenue as payment for taxes imposed pursuant to chapter 422, divisions[2] II or III subject to any conditions or restrictions placed by the authority upon the face of the tax credit certificate and subject to the limitations of this section.

d. Tax credit certificates issued under this section are not transferable to any person or entity.

3. a. The tax credit equals seventy-five percent of the taxpayer's qualifying investment in a disaster recovery housing project. For the purposes of this section, "qualifying investment" means the costs incurred by the taxpayer that are directly related to a disaster recovery housing project, as defined in subsection 1, and which are incurred on or after the effective date of this division of this Act and prior to July 1, 2010.

b. The amount of the tax credit calculated under paragraph "a" shall be divided by five and applied equally to the taxpayer's tax liability for five consecutive tax years commencing with the tax year beginning in the 2011 calendar year. Any tax credit in excess of the taxpayer's liability for the tax year is not refundable.

4. For purposes of individual and corporate income taxes, the increase in the basis of the property that would otherwise result from the disaster recovery housing investment shall be reduced by the amount of the tax credit allowed under this section.

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[1] According to enrolled Act; the word "division" probably intended

[2] According to enrolled Act; the word "division" probably intended

5. The maximum amount of tax credits issued by the authority under this section shall not exceed three million dollars in each of the five tax years. The authority shall issue the tax credit certificates on a first-come, first-served basis.

Sec. 32. NEW SECTION. 16.192 APPROVAL — REQUIREMENTS — REPAYMENT.

1. A taxpayer seeking to claim a tax credit pursuant to section 16.191 shall apply to the authority which shall have the power to approve the amount of tax credit available for each disaster recovery housing project.

2. A taxpayer applying for a tax credit shall provide the authority with all of the following:

a. Information showing the total qualified investment made in the disaster recovery housing project.

b. Information about the financing sources that are directly related to the disaster recovery housing project for which the taxpayer is seeking approval for the tax credit.

3. If a taxpayer receives a tax credit pursuant to section 16.191, but fails to comply with any of the requirements in this section or section 16.191, or fails to comply with local zoning or construction ordinances, the tax credit is void, and the department of revenue shall seek recovery of the value of the credit received.

Sec. 33. NEW SECTION. 422.11X DISASTER RECOVERY HOUSING PROJECT TAX CREDIT.

The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by a disaster recovery housing project tax credit allowed under section 16.191.

Sec. 34. Section 422.33, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 27. The taxes imposed under this division shall be reduced by a disaster recovery housing project tax credit allowed under section 16.191.

Sec. 35. EFFECTIVE AND APPLICABILITY DATES. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies to disaster recovery housing project costs incurred on or after the effective date of this Act[3] and before July 1, 2010.

Approved May 12, 2009

CHAPTER 101

UNIVERSITY OF IOWA FLOOD REPAIR — BONDING

S.F. 474

AN ACT relating to the bonding authorization of the state board of regents for buildings and facilities including bonding for flood repair, restoration, replacement, and mitigation at the state university of Iowa.

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

Section 1. Section 262A.2, subsection 3, Code 2009, is amended to read as follows:

3. "Buildings and facilities" shall mean those academic buildings and other facilities used primarily for instructional and research purposes, including libraries, and such other administrative and service buildings and facilities as are deemed necessary by the board to provide

[3] According to enrolled Act; the phrase "on or after the effective date of this division of this Act" probably intended

supporting services to the instructional and research programs and activities of the institutions, including, without limiting the generality of the foregoing, administrative offices, facilities for business services, auditoriums and concert halls, student services and extension and continuing education services, off-street parking areas and structures incidental to other buildings and facilities which are not primarily for parking purposes, garages, and storage and warehouse facilities, or any combination thereof. This phrase shall also include works and facilities deemed necessary by the board for furnishing utilities services to any buildings or structures operated by the institutions, including, without limiting the generality of the foregoing, water, electric, gas, communications, sewer and heating facilities, together with all necessary structures, buildings, tunnels, lines, reservoirs, mains, filters, pipes, sewers, boilers, generators, fixtures, wires, poles, equipment, treatment facilities and all other appurtenances in connection therewith, or any combination of the foregoing.

Sec. 2. STATE BOARD OF REGENTS BONDING — FLOOD REPAIR AND MITIGATION.

1. FINDINGS. The general assembly finds that:

a. The general assembly hereby determines that the annual revenues of the state are insufficient to finance the immediate building requirements of the state university of Iowa and that it is necessary to authorize the issuance of revenue bonds by the state board of regents to finance the repair, restoration, replacement, and mitigation of flood damaged buildings and facilities on the campus of the state university of Iowa.

b. Section 262A.4 provides that the state board of regents, after authorization by a constitutional majority of each house of the general assembly and approval by the governor, may undertake and carry out at the institutions of higher learning under the jurisdiction of the board any project as defined in chapter 262A.

c. Chapter 262A authorizes the state board of regents to borrow moneys and to issue and sell negotiable revenue bonds to pay all or any part of the cost of carrying out projects at any institution payable solely from and secured by an irrevocable pledge of a sufficient portion of the student fees and charges and institutional income received by the particular institution.

d. To further the educational objectives of the state university of Iowa, the state board of regents requests authorization to finance certain capital costs and other expenses as described herein by borrowing moneys and issuing negotiable bonds under chapter 262A in a total amount as provided in this section, with the remaining costs of the projects to be financed by appropriations or by federal or other funds lawfully available.

e. Due to flooding of the campus at the state university of Iowa occurring in June of 2008, the state board of regents requests authorization to finance certain costs attributable for the repair, restoration, and replacement of buildings and facilities and for certain other flood recovery and mitigation expenses incurred or to be incurred with respect to damaged buildings and facilities and improvements located on the campus of the state university of Iowa in Iowa City.

2. AUTHORIZATION OF PROJECTS. The state board of regents is authorized to undertake, plan, construct, improve, repair, remodel, furnish, and equip, and otherwise carry out $100,000,000 in projects to repair, restore, and replace flood damaged buildings and facilities and to undertake other flood recovery and mitigation projects on the campus at the state university of Iowa.

3. BONDS AUTHORIZED. The general assembly authorizes the state board of regents to borrow moneys and to issue and sell negotiable revenue bonds in the amount of $100,000,000 in the manner provided in sections 262A.5 and 262A.6 in order to pay all or any part of the costs of carrying out the projects at the state university of Iowa approved and authorized in subsection 2, with the remaining costs of the projects to be financed by appropriations or by federal or other funds lawfully available. The amount of bonds may be exceeded by the amount the state board of regents determines to be necessary to capitalize bond reserves, interest during construction, and issuance costs. No commitment is implied or intended by approval to fund any portion of the buildings and facilities improvement program beyond the portion that is financed and approved by the Eighty-third General Assembly, 2009 Session, and the governor.

Sec. 3. STATE BOARD OF REGENTS BONDING — BUILDINGS AND FACILITIES IMPROVEMENT PROGRAM.

1. FINDINGS. The general assembly finds that:

a. The state board of regents has approved a buildings and facilities improvement program for the institutions of higher learning under the jurisdiction of the board, which the board deems necessary to further the educational objectives of the institutions, together with an estimate of the cost of each of the buildings and facilities.

b. The projects contained in the buildings and facilities improvement program are deemed necessary for the proper performance of the instructional, research, and service functions of the institutions.

c. Section 262A.4 provides that the state board of regents, after authorization by a constitutional majority of each house of the general assembly and approval by the governor, may undertake and carry out at the institutions of higher learning under the jurisdiction of the board any project as defined in chapter 262A.

d. Chapter 262A authorizes the state board of regents to borrow moneys and to issue and sell negotiable revenue bonds to pay all or any part of the cost of carrying out projects at any institution payable solely from and secured by an irrevocable pledge of a sufficient portion of the student fees and charges and institutional income received by the particular institution.

e. To further the educational objectives of the institutions, the state board of regents requests authorization to finance certain costs of the capital improvement program by borrowing moneys and issuing negotiable bonds under chapter 262A in a total amount as provided in this section, with the remaining costs of the projects to be financed by appropriations or by federal or other funds lawfully available.

2. AUTHORIZATION OF PROJECTS. The state board of regents is authorized to undertake, plan, construct, reconstruct, improve, repair, remodel, furnish, and equip, and otherwise carry out $15,000,000 for phase II of the construction and renovation of the veterinary medical facilities at Iowa state university of science and technology, specifically the renovation and modernization of the area formerly occupied by the large animal area of the teaching hospital for expanded clinical services in a small animal hospital.

3. BONDS AUTHORIZED. The general assembly authorizes the state board of regents to borrow moneys and to issue and sell negotiable revenue bonds in the amount of $15,000,000 in the manner provided in sections 262A.5 and 262A.6 in order to pay all or any part of the costs of carrying out the projects at the institutions approved and authorized in subsection 2, with the remaining costs of the projects to be financed by appropriations or by federal or other funds lawfully available. The amount of bonds may be exceeded by the amount the state board of regents determines to be necessary to capitalize bond reserves, interest during construction, and issuance costs. No commitment is implied or intended by approval to fund any portion of the buildings and facilities improvement program beyond the portion that is financed and approved by the Eighty-third General Assembly, 2009 Session, and the governor.

Approved May 14, 2009

CHAPTER 102

CEMETERY AND FUNERAL MERCHANDISE AND FUNERAL SERVICES — REPORTS AND ADMINISTRATIVE PENALTIES

S.F. 176

AN ACT allowing the waiver of certain administrative penalties for late annual reports concerning cemetery and funeral merchandise, and funeral services, upon a showing of good cause or financial hardship and providing an immediate effective date.

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

Section 1. Section 523A.204, subsection 4, Code 2009, is amended to read as follows:

4. The commissioner shall levy an administrative penalty in the amount of five hundred dollars against a preneed seller that fails to file the annual report when due, payable to the state for deposit in the general fund of the state. However, the commissioner may waive the administrative penalty upon a showing of good cause or financial hardship.

Sec. 2. Section 523A.502A, subsection 3, Code 2009, is amended to read as follows:

3. The commissioner shall levy an administrative penalty in the amount of five hundred dollars against a sales agent who fails to file an annual report when due, payable to the state for deposit in the general fund. However, the commissioner may waive the administrative penalty upon a showing of good cause or financial hardship.

Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 18, 2009

CHAPTER 103

TARGETED JOBS WITHHOLDING TAX CREDIT PROGRAM

S.F. 304

AN ACT relating to withholding agreements and local match requirements of the targeted jobs withholding tax credit program.

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

Section 1. Section 403.19A, subsection 3, paragraph c, Code 2009, is amended to read as follows:

c. (1) The pilot project city shall enter into a withholding agreement with each employer concerning the targeted jobs withholding credit. The withholding agreement shall provide for the total amount of withholding tax credits awarded. An agreement shall not provide for an amount of withholding credits that exceeds the amount of the qualifying investment made in the project. ~~However, an~~ An agreement shall not be entered into by a pilot project city with a business currently located in this state unless the business either creates ten new jobs or makes a qualifying investment of at least five hundred thousand dollars within the urban renewal area. The withholding agreement may have a term of up to ten years. An employer shall

not be obligated to enter into a withholding agreement. An agreement shall not be entered into with an employer not already located in a pilot project city when another Iowa community is competing for the same project and both the pilot project city and the other Iowa community are seeking assistance from the department.

(2) The pilot project city shall not enter into a withholding agreement after June 30, ~~2010~~ 2013.

(3) The pilot project city shall provide on an annual basis to the department of economic development information documenting the total amount of payments and receipts under a withholding agreement, including all agreements with an employer to suspend, abate, exempt, rebate, refund, or reimburse property taxes, to provide a grant for property taxes paid or a grant not related to property taxes, or to make a direct payment of taxes, with moneys in the special fund. The department of economic development shall verify the information provided by the pilot project city.

(4) The department shall have the authority to approve or deny a withholding agreement and shall only deny an agreement if the agreement fails to meet the requirements of this paragraph "c" or the local match requirements in paragraph "j", or if an employer is not in good standing as to prior or existing agreements with the department of economic development. The department may suggest changes to an agreement.

Sec. 2. Section 403.19A, subsection 3, paragraph j, Code 2009, is amended by striking the paragraph and inserting in lieu thereof the following:

j. (1) A pilot project city entering into a withholding agreement shall arrange for matching local financial support for the project. The local match required under this paragraph "j" shall be in an amount equal to one dollar for every dollar of withholding credit received by the pilot project city.

(2) For purposes of this paragraph "j", "local financial support" means cash or in-kind contributions to the project from a private donor, a business, or the pilot project city.

(3) If the project, when completed, will increase the amount of an employer's taxable capital investment by an amount equal to at least ten percent of the amount of withholding credit dollars received by the pilot project city, then the pilot project city shall itself contribute at least ten percent of the local match amount computed under subparagraph (1).

(4) If the project, when completed, will not increase the amount of an employer's taxable capital investment by an amount at least equal to ten percent of the amount of withholding credit dollars received by the pilot project city, then the pilot project city shall not be required to make a contribution to the local match.

(5) A pilot project city's contribution, if any, to the local match may include the dollar value of any tax abatement provided by the city to the business for new construction.

Approved May 18, 2009

CHAPTER 104

BEER SALES BY NATIVE WINERIES

S.F. 403

AN ACT concerning the sale of beer by native wineries.

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

Section 1. Section 123.178B, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A person holding a class "C" native wine permit and a class "A" native wine permit whose primary purpose is manufacturing native wine may purchase beer from a wholesaler holding a class "A" beer permit for sale at retail.

Approved May 18, 2009

CHAPTER 105

DISPENSING OF ETHANOL BLENDED GASOLINE

S.F. 423

AN ACT providing for the dispensing of ethanol blended gasoline by authorizing the use of secondary containment.

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

Section 1. Section 455G.31, subsections 2 and 3, Code 2009, are amended to read as follows:

2. A retail dealer may use gasoline storage and dispensing infrastructure to store and dispense ethanol blended gasoline classified as E-9 or higher if ~~all of the following apply:~~

~~a. For gasoline storage and dispensing infrastructure other than the dispenser,~~ the department of natural resources under this chapter or the state fire marshal under chapter 101 ~~must determine~~ determines that it is compatible with the ethanol blended gasoline being used.

~~b. (1) For a~~ 3. A retail dealer may use a dispenser~~, all of the following shall apply~~ that does not satisfy the requirement in subsection 2 to dispense ethanol blended gasoline classified as higher than E-10 if any of the following applies:

~~(a)~~ a. (1) The dispenser ~~must be~~ is listed by an independent testing laboratory as compatible for use with ethanol blended gasoline classified as E-9 or higher. In addition,

~~(b) The owner or operator or a person authorized by the owner or operator must~~ the retail dealer must visually inspect the dispenser and the dispenser sump daily for leaks and equipment failure and maintain a record of such inspection for at least one year after the inspection. The record shall be located on the premises of the retail dealer and shall be made available to the department of natural resources or the state fire marshal upon request. If a leak is detected, the department of natural resources shall be notified pursuant to section 455B.386.

(2) The state fire marshal shall issue an order as soon as practicable after determining that a commercially available dispenser is listed as compatible for use with E-85 gasoline by an independent testing laboratory. The state fire marshal shall publish the order in the Iowa administrative bulletin. A person shall not install a dispenser which would otherwise be permitted under subparagraph (1) after sixty days following the date that the order is published. A per-

son who installed such dispenser before the sixty-day period expired may use the dispenser as provided in subparagraph (1) until four years after the date that the order is published.

~~3.~~ (3) This ~~section~~ paragraph "a" is repealed four years following the date that the order issued by the state fire marshal is published in the Iowa administrative bulletin as provided in ~~this section~~ subparagraph (2).

b. (1) The dispenser's manufacturer has submitted the dispenser to an independent testing laboratory to be listed as compatible for use with E-85 gasoline. In addition, the retail dealer must install an under-dispenser containment system with electronic monitoring. The under-dispenser containment system shall comply with applicable rules adopted by the department of natural resources and the state fire marshal.

(2) If within ten years from the date that a dispenser described in subparagraph (1) is installed, the same model of dispenser is listed as compatible for use with E-85 gasoline by an independent testing laboratory, the dispenser shall be deemed as compatible for use with ethanol blended gasoline classified as E-9 or higher up to and including E-85 by the department of natural resources and the state fire marshal. However, if after that time, the same model of dispenser is not listed as compatible for use with E-85 gasoline by an independent testing laboratory, subparagraph (1) no longer applies, and the retail dealer must do any of the following:

(a) Upgrade or replace the dispenser as necessary to be listed as compatible for use with E-85 gasoline.

(b) Comply with the requirements in paragraph "a".

Approved May 18, 2009

CHAPTER 106

STATUTORY BOARDS, COMMISSIONS, COUNCILS, AND COMMITTEES — LEGISLATIVE APPOINTMENTS

S.F. 430

AN ACT relating to appointments to statutory boards, commissions, councils, and committees that involve the general assembly, and including effective date and applicability provisions.

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

Section 1. Section 2.32, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The governor shall either make an appointment or file a notice of deferred appointment by March ~~15~~ 1 for the following appointments which are subject to confirmation by the senate:

Sec. 2. Section 2.32, subsection 3, Code 2009, is amended to read as follows:

3. The governor shall submit all appointments requiring confirmation by the senate and notices of deferred appointment to the secretary of the senate who shall provide the governor's office with receipts of submission. Each notice of appointment shall be accompanied by a statement of the appointee's political affiliation. The notice of a deferred appointment shall be filed by the governor with the secretary of the senate and accompanied by a statement of reasons for the deferral. For appointments requiring confirmation by the senate made during the legislative interim, the notice of appointment shall be submitted to the secretary of the senate within three days of the appointment date.

Sec. 3. Section 8.65, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. Four nonvoting members of the general assembly shall be appointed for ~~a term of two years commencing at the convening of each general assembly~~ terms as provided in section 69.16B, one each appointed by the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives. ~~However, initial appointments of members under this paragraph shall be made on April 27, 2007.~~

Sec. 4. Section 8.65, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. Terms of voting members and of nonvoting members specified in subsection 1, paragraph "c", shall begin and end as provided by section 69.19. However, the terms of the voting members appointed by a member of the general assembly shall begin and end as provided in section 69.16B. Any vacancy shall be filled in the same manner as regular appointments are made for the unexpired portion of the regular term.

Sec. 5. Section 216A.139, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

~~Members~~ The voting members of the council shall include ~~members of the general assembly selected by the legislative council and~~ one representative of each of the following:

Sec. 6. Section 216A.139, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. In addition to the voting members, the council membership shall include four members of the general assembly with one member designated by each of the following: the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives. A legislative member serves for a term as provided in section 69.16B in an ex officio, nonvoting capacity.

Sec. 7. Section 225C.5, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A mental health, mental retardation, developmental disabilities, and brain injury commission is created as the state policy-making body for the provision of services to persons with mental illness, mental retardation or other developmental disabilities, or brain injury. The ~~commission shall consist of sixteen~~ commission's voting members shall be appointed to three-year staggered terms by the governor and are subject to confirmation by the senate. Commission members shall be appointed on the basis of interest and experience in the fields of mental health, mental retardation or other developmental disabilities, and brain injury, in a manner so as to ensure adequate representation from persons with disabilities and individuals knowledgeable concerning disability services. The department shall provide staff support to the commission, and the commission may utilize staff support and other assistance provided to the commission by other persons. The commission shall meet at least four times per year. ~~Members~~ The membership of the commission shall ~~include~~ consist of the following persons who, at the time of appointment to the commission, are active members of the indicated groups:

Sec. 8. Section 249A.36, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. The council shall consist of ~~seven~~ eight voting members who are not members of the general assembly. The voting members shall be appointed two each by the majority leader of the senate, the minority leader of the senate, the speaker of the house, and the minority leader of the house of representatives. At least one member of the council shall be a consumer and at least one member shall be a medical assistance program provider. An individual who is employed by a private or nonprofit organization that receives one million dollars or more in compensation or reimbursement from the department, annually, is not eligible for appointment to the council. The members shall serve terms ~~of two years beginning and ending~~ as provided in section ~~69.19~~ 69.16B, and appointments shall comply with sections 69.16, ~~and~~ 69.16A, and

69.16C. Members shall receive reimbursement for actual expenses incurred while serving in their official capacity and may also be eligible to receive compensation as provided in section 7E.6. Vacancies shall be filled by the original appointing authority and in the manner of the original appointment. A person appointed to fill a vacancy shall serve only for the unexpired portion of the term.

Sec. 9. Section 280A.2, subsections 8 and 9, Code 2009, are amended to read as follows:

8. TERMS OF MEMBERS. The members shall be appointed to ~~three-year staggered terms and the terms shall commence and end as provided by section 69.19, except that the appointment and terms of legislators shall be~~ terms as provided in section 69.16B. If a vacancy occurs, a successor shall be appointed to serve the unexpired term. A successor shall be appointed in the same manner and subject to the same qualifications as the original appointment to serve the unexpired portion of the term.

9. EXPENSES. ~~Members~~ The members of the commission who are not legislators are entitled to receive reimbursement for actual expenses incurred while engaged in the performance of official duties from funds appropriated to the department of education for that purpose~~, except that legislators'~~. Legislators' per diem and expenses shall be paid from funds appropriated by section 2.12.

Sec. 10. Section 303A.5, subsection 2, Code 2009, is amended to read as follows:

2. Members appointed by the general assembly shall be appointed to ~~two-year~~ terms as provided in section 69.16B. The public members appointed by the governor shall serve five-year staggered terms beginning and ending as provided in section 69.19. Vacancies on the board shall be filled for the unexpired portion of the term in the same manner as the original appointments.

Sec. 11. Section 411.36, subsection 2, Code 2009, is amended to read as follows:

2. Except as otherwise provided for the initial appointments, the voting members shall be appointed for four-year terms, and the nonvoting members shall be appointed for ~~two-year~~ terms as provided in section 69.16B. Terms of voting members begin on May 1 in the year of appointment and expire on April 30 in the year of expiration.

Sec. 12. Section 411.36, subsection 5, paragraph a, Code 2009, is amended to read as follows:

a. ~~Members~~ The voting members of the board shall be paid their actual and necessary expenses incurred in the performance of their duties and shall receive a per diem as specified in section 7E.6 for each day of service. Per diem and expenses shall be paid to voting members from the fire and police retirement fund created in section 411.8.

Sec. 13. Section 455B.150, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. Four persons appointed by the leadership of the general assembly.

(1) The persons, who shall not be members of the general assembly, shall be appointed as follows:

(a) One person by the majority leader of the senate after consultation with the president of the senate ~~and the minority leader~~, and one person by the minority leader of the senate ~~after consultation with the president of the senate and the majority leader~~.

(b) ~~Two persons appointed~~ One person by the speaker of the house of representatives after consultation with the majority leader ~~and minority leader~~, and one person by the minority leader of the house of representatives.

(2) Each person shall be an owner of a small business stationary source or shall represent an owner of a small business stationary source.

(3) ~~The~~ Each person shall serve for a ~~two-year~~ term as provided in section 69.16B and may be reappointed.

~~(4) A term shall expire upon the convening of the following general assembly, or when the appointee's successor is appointed, whichever occurs later.~~

Sec. 14. EFFECTIVE DATE AND APPLICABILITY PROVISIONS. This Act, being deemed of immediate importance, takes effect upon enactment. This Act applies to appointees named by a member or members of the general assembly before, on, or after the effective date of this Act and to appointments subject to section 2.32 on or after the effective date of this Act.

Approved May 18, 2009

CHAPTER 107

PROTECTION OF DEPENDENT ADULTS

S.F. 438

AN ACT relating to actions injurious to dependent adults and providing penalties.

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

Section 1. Section 235B.2, subsection 5, paragraph a, subparagraph (3), Code 2009, is amended to read as follows:

(3) (a) Sexual exploitation of a dependent adult by a caretaker.

(b) "Sexual exploitation" means any consensual or nonconsensual sexual conduct with a dependent adult ~~for the purpose of arousing or satisfying the sexual desires of the caretaker or dependent adult,~~ which includes but is not limited to kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or a sex act, as defined in section 702.17. "Sexual exploitation" includes the transmission, display, taking of electronic images of the unclothed breast, groin, buttock, anus, pubes, or genitals of a dependent adult by a caretaker for a purpose not related to treatment or diagnosis or as part of an ongoing assessment, evaluation, or investigation. Sexual exploitation does not include touching which is part of a necessary examination, treatment, or care by a caretaker acting within the scope of the practice or employment of the caretaker; the exchange of a brief touch or hug between the dependent adult and a caretaker for the purpose of reassurance, comfort, or casual friendship; or touching between spouses.[1]

Sec. 2. Section 235B.17, Code 2009, is amended to read as follows:

235B.17 PROVISION OF PROTECTIVE SERVICES WITH THE CONSENT OF DEPENDENT ADULT — CARETAKER REFUSAL.

1. If a caretaker of a dependent adult, who consents to the receipt of protective services, refuses to allow provision of the services, the department may petition the court with probate jurisdiction in the county in which the dependent adult resides for an order enjoining the caretaker from interfering with the provision of services.

2. The petition shall be verified and shall allege specific facts sufficient to demonstrate that the dependent adult is in need of protective services and consents to the provision of services and that the caretaker refuses to allow provision of the services. The petition shall include all of the following:

a. The name, date of birth, and address of the dependent adult alleged to be in need of protective services.

[1] See chapter 179, §52, repealing chapter 41, §95, 96 herein

b. The protective services required.

c. The name and address of the caretaker refusing to allow the provision of services.

3. The court shall set the case for hearing within fourteen days of the filing of the petition. The dependent adult and the caretaker refusing to allow the provision of services shall receive at least five days' notice of the hearing.

4. If the judge finds by clear and convincing evidence that the dependent adult is in need of protective services and consents to the services and that the caretaker refuses to allow the services, the judge may issue an order enjoining the caretaker from interfering with the provision of the protective services.

Sec. 3. Section 235B.18, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The petition specified in subsection 1 shall be verified and shall include all of the following:

a. The name, date of birth, and address of the dependent adult alleged to be in need of protective services.

b. The nature of the dependent adult abuse.

c. The protective services required.

Sec. 4. Section 235B.20, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. A caretaker who otherwise intentionally or knowingly commits dependent adult abuse upon a dependent adult in violation of this chapter is guilty of a serious misdemeanor.

Approved May 18, 2009

CHAPTER 108

ENERGY EFFICIENCY, RENEWABLE ENERGY, AND THE OFFICE OF ENERGY INDEPENDENCE

S.F. 471

AN ACT relating to energy efficiency and renewable energy, including allocating appropriated amounts from the Iowa power fund to fund tax credits for innovative renewable energy generation components, transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, providing transition provisions relating to the transfer of authority, and providing an effective date.

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

Section 1. Section 7D.34, subsection 2, paragraphs b and c, Code 2009, are amended to read as follows:

b. Before a state agency seeks approval of the executive council for leasing real or personal properties or facilities for use as or in connection with any energy conservation measure, the state agency shall have a comprehensive engineering analysis done on a building in which it seeks to improve the energy efficiency by an engineering firm approved by the ~~department of natural resources~~ office of energy independence through a competitive selection process and the engineering firm is subject to approval of the executive council. Provisions of this section

shall only apply to energy conservation measures identified in the comprehensive engineering analysis.

c. Before the executive council gives its approval for a state agency to lease real and personal properties or facilities for use as or in connection with any energy conservation measure, the executive council shall in conjunction with the ~~department of natural resources~~ office of energy independence and after review of the engineering analysis submitted by the state agency make a determination that the properties or facilities will result in energy cost savings to the state in an amount that results in the state recovering the cost of the properties or facilities within six years after the initial acquisition of the properties or facilities.

Sec. 2. Section 7D.35, Code 2009, is amended to read as follows:

7D.35 DISPUTE RESOLUTION.

The executive council shall resolve any disputes transmitted to it by the ~~department of natural resources~~ office of energy independence, the state building code commissioner, or both, arising under section 470.7.

Sec. 3. Section 7E.5, subsection 1, paragraph q, Code 2009, is amended to read as follows:

q. The department of natural resources, created in section 455A.2, which has primary responsibility for state parks and forests, protecting the environment, and managing ~~energy,~~ fish, wildlife, and land and water resources.

Sec. 4. Section 8A.362, subsection 4, paragraph c, Code 2009, is amended to read as follows:

c. Not later than June 15 of each year, the director shall report compliance with the corporate average fuel economy standards published by the United States secretary of transportation for new motor vehicles, other than motor vehicles purchased by the state department of transportation, institutions under the control of the state board of regents, the department for the blind, and any other state agency exempted from the requirements of this subsection. The report of compliance shall classify the vehicles purchased for the current vehicle model year using the following categories: passenger automobiles, enforcement automobiles, vans, and light trucks. The director shall deliver a copy of the report to the ~~department of natural resources~~ office of energy independence. As used in this paragraph, "corporate average fuel economy" means the corporate average fuel economy as defined in 49 C.F.R. § 533.5.

Sec. 5. Section 72.5, subsection 2, Code 2009, is amended to read as follows:

2. The director of the ~~department of natural resources~~ office of energy independence in consultation with the department of management, state building code commissioner, and state fire marshal, shall develop standards and methods to evaluate design development documents and construction documents based upon life cycle cost factors to facilitate fair and uniform comparisons between design proposals and informed decision making by public bodies.

Sec. 6. Section 103A.8, subsection 7, Code 2009, is amended to read as follows:

7. Limit the application of thermal efficiency standards for energy conservation to construction of buildings which are heated or cooled. Air exchange fans designed to provide ventilation shall not be considered a cooling system. The commissioner shall exempt any construction from any thermal efficiency standard for energy conservation if the commissioner determines that the standard is unreasonable as it would apply to a particular building or class of buildings. No standard adopted by the commissioner for energy conservation in construction shall be interpreted to require the replacement or modification of any existing equipment or feature solely to ensure compliance with requirements for energy conservation in construction. Lighting efficiency standards shall recognize variations in lighting intensities required for the various tasks performed within the building. The commissioner shall consult with the ~~department of natural resources~~ office of energy independence regarding standards for energy conservation prior to the adoption of the standards. However, the standards shall be consistent with section 103A.8A.

Sec. 7. Section 103A.27, subsection 4, Code 2009, is amended to read as follows:

4. The commission shall be formed for the two-year period beginning July 1, 2008, and ending June 30, 2010, and shall submit a report to the governor and the general assembly by January 1, 2011, regarding its activities and recommendations. Administrative support shall be furnished by the department of public safety, with the assistance of the office of energy independence ~~and the department of natural resources~~.

Sec. 8. Section 159A.3, subsection 4, Code 2009, is amended to read as follows:

4. The office and state entities, including the department, the committee, the Iowa department of economic development, the state department of transportation, the ~~department of natural resources~~ office of energy independence, and the state board of regents institutions, shall cooperate to implement this section.

Sec. 9. Section 159A.4, subsection 1, paragraph d, Code 2009, is amended to read as follows:

d. The director of the ~~department of natural resources~~ office of energy independence, or a person designated by the director, representing the ~~department of natural resources~~ office of energy independence.

Sec. 10. Section 159A.4, subsection 1, unnumbered paragraph 2, Code 2009, is amended to read as follows:

The governor shall appoint persons who shall be confirmed by the senate, pursuant to section 2.32, to serve as voting members of the committee. However, the secretary of agriculture shall appoint the person representing the department of agriculture and land stewardship, the director of the Iowa department of economic development shall appoint the person representing that department, the director of the state department of transportation shall appoint the person representing that department, and the director of the ~~department of natural resources~~ office of energy independence shall appoint the person representing ~~that department~~ the office. The governor may make appointments of persons representing organizations listed under paragraphs "g" through "i" from a list of candidates which shall be provided by the organization upon request by the governor.

Sec. 11. Section 159A.6B, unnumbered paragraph 2, Code 2009, is amended to read as follows:

The office may execute contracts in order to provide technical support and outreach services for purposes of assisting and educating interested persons as provided in this section. The office may also contract with a consultant to provide part or all of these services. The office may require that a person receiving assistance pursuant to this section contribute up to fifty percent of the amount required to support the costs of contracting with the consultant to provide assistance to the person. The office shall assist the person in completing any technical information required in order to receive assistance by the department of economic development pursuant to the value-added agricultural products and processes financial assistance program created pursuant to section 15E.111. The office shall cooperate with the department of economic development, the ~~department of natural resources~~ office of energy independence, and regents institutions or other universities and colleges as provided in section 15E.111, in order to carry out this section.

Sec. 12. Section 266.39C, subsection 2, paragraph a, subparagraph (6), Code 2009, is amended to read as follows:

(6) One representative of the ~~department of natural resources~~ office of energy independence, appointed by the director.

Sec. 13. Section 272C.2, subsection 3, Code 2009, is amended to read as follows:

3. The state board of engineering and land surveyors, the board of architectural examiners,

the board of landscape architectural examiners, and the ~~department of natural resources~~ office of energy independence shall cooperate with each other and with persons who typically offer continuing education courses for design professionals to make available energy efficiency related continuing education courses, and to encourage interdisciplinary cooperation and education concerning available energy efficiency strategies for employment in the state's construction industry.

Sec. 14. Section 279.44, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Between July 1, 1986 and June 30, 1991, and on a staggered annual basis each five years thereafter, the board of directors of each school district shall file with the ~~department of natural resources~~ office of energy independence, on forms prescribed by the ~~department of natural resources~~ office, the results of an energy audit of the buildings owned and leased by the school district. The energy audit shall be conducted under rules adopted by the ~~department of natural resources~~ office pursuant to chapter 17A. The ~~department of natural resources~~ office may waive the requirement for the initial and subsequent energy audits for school districts that submit evidence that energy audits were conducted prior to January 1, 1987 and energy consumption for the district is at an adjusted statewide average or below.

Sec. 15. Section 323A.2, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. The director of the ~~department of natural resources~~ office of energy independence determines that the franchisee has demonstrated that a special hardship exists in the community served by the franchisee relating to the public health, safety, and welfare, as specified under the rules of the ~~department of natural resources~~ office.

Sec. 16. Section 441.21, subsection 8, paragraph c, subparagraph (2), unnumbered paragraph 2, Code 2009, is amended to read as follows:

In assessing and valuing the property for tax purposes, the assessor shall disregard any market value added by a solar energy system to a building. The director of revenue shall adopt rules, after consultation with the ~~department of natural resources~~ office of energy independence, specifying the types of equipment and structural components to be included under the guidelines provided in this subsection.

Sec. 17. Section 455A.2, Code 2009, is amended to read as follows:

455A.2 DEPARTMENT OF NATURAL RESOURCES.

A department of natural resources is created, which has the primary responsibility for state parks and forests, protecting the environment, and managing ~~energy,~~ fish, wildlife, and land and water resources in this state.

Sec. 18. Section 469.3, subsection 2, Code 2009, is amended to read as follows:

2. The director shall do all of the following:

a. Direct the office of energy independence.

b. Coordinate the administration of the Iowa power fund.

c. Lead outreach and public education efforts concerning renewable energy, renewable fuels, and energy efficiency.

d. Pursue new research and investment funds from federal and private sources.

e. Coordinate and monitor all existing state and federal renewable energy, renewable fuels, and energy efficiency grants, programs, and policy.

f. Advise the governor and general assembly concerning renewable energy, renewable fuels, and energy efficiency policy and legislation.

g. Establish performance measures for determining effectiveness of renewable energy, renewable fuels, and energy efficiency efforts.

h. Contract for and utilize assistance from the department of economic development re-

garding administration of grants, loans, and other financial incentives related to section 469.9, subsection 4, paragraph "a", subparagraph (1), the department of natural resources and the utilities board regarding assistance in the administration of grants, loans, and other financial incentives related to section 469.9, subsection 4, paragraph "a", subparagraph (2), and other state agencies as appropriate.

i. Develop an Iowa energy independence plan pursuant to section 469.4.

j. Assist Iowa businesses in creating jobs involving energy efficiency and renewable energy, especially through the use of funds from the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, and other state and federal funds available to the office and the board.

k. Approve engineering firms for performance of comprehensive engineering analyses done on buildings in which a state agency seeks to improve energy efficiency pursuant to section 7D.34.

l. Develop standards and methods to evaluate design development and construction documents based on life cycle cost factors in relation to design proposals submitted pursuant to section 72.5.

m. Coordinate with other state agencies regarding implementation of the office of renewable fuels and coproducts pursuant to section 159A.3, serve on the renewable fuels and coproducts advisory committee, and assist in providing technical assistance to new or existing renewable fuel production facilities.

n. Appoint a representative to serve on the Iowa energy center advisory council established in section 266.39C.

o. Make available energy efficiency related continuing education courses pursuant to section 272C.2.

p. Receive results relating to energy audits from school districts and perform related functions pursuant to section 279.44.

q. Determine whether special hardship criteria has been demonstrated regarding franchise alternative fuel purchases pursuant to section 323A.2.

r. Consult with the state building code commissioner regarding submissions of life cycle cost analyses pursuant to section 470.7.

s. Compile energy-related information, administer and coordinate the state building energy management program, and perform additional responsibilities specified in section 473.7.

t. Transmit by resolution to the governor a determination of actual or impending acute usable energy shortage pursuant to section 473.8.

u. Operate a liquid fossil fuel set-aside program as required in section 473.10.

v. Administer the building energy management program, the building energy management fund, and the energy loan program established in sections 473.19, 473.19A, and 473.20, respectively, and ensure compliance with energy audit and engineering analysis requirements specified in section 473.13A.

w. Coordinate the energy city designation program created in section 473.41.

~~j.~~ x. Submit an annual report to the governor and general assembly by November 1 of each year concerning the activities and programs of the office, Iowa power fund, and other departments related to renewable energy, renewable fuels, and energy efficiency. The report shall include an assessment of needs with respect to renewable energy, renewable fuels, and energy efficiency efforts and policy and fiscal recommendations for renewable energy, renewable fuels, and energy efficiency. In addition, the director shall review issues relating to the transportation of biofuels and explore leading and participating in multistate efforts relating to renewable energy and energy efficiency.

~~k.~~ y. Adopt rules pursuant to chapter 17A concerning the office, the Iowa power fund, and the programs and functions of the office and the fund.

Sec. 19. Section 469.4, subsection 1, Code 2009, is amended to read as follows:

1. The director shall develop an Iowa energy independence plan ~~with the assistance of the department of natural resources as provided in section 473.7, and~~ in association with public and private partners selected by the director including representatives of the energy industry,

environmental interests, agricultural interests, business interests, other interested parties, and members of the general public. The plan shall be subject to approval by the board.

Sec. 20. Section 469.9, subsection 4, paragraph b, Code 2009, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (5) The number and quality of jobs likely to be created.

Sec. 21. Section 469.10, subsection 2, Code 2009, is amended to read as follows:

2. a. Of the moneys appropriated to the office and deposited in the fund, the office shall utilize up to three and five-tenths percent of the amount appropriated from the fund for a fiscal year for administrative costs.

b. From the funds available for administrative costs, the office shall not employ more than four full-time equivalent positions. The director may use federal funds received by the office pursuant to the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, to employ the number of full-time employees necessary to administer the funds received pursuant to the federal Act. The director shall minimize the costs of administering the funds received pursuant to the federal Act, and shall not expend annually more than five percent of the federal funds received for purposes of administering the federal funds, or the permissible limit for administrative cost expenditures specified in the federal Act if such limit is less than five percent. If federal funding pursuant to the Act is eliminated, the federally funded positions shall be eliminated according to the provisions of section 8A.413, unless another source of federal funding is available. The director may use federal funds received other than pursuant to the federal Act to employ personnel necessary to administer any other program or funds assigned to the office.

Sec. 22. Section 469.10, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. Of the moneys appropriated to the office and deposited in the fund, notwithstanding section 469.9, subsection 4, and notwithstanding the limitation on the amount of tax credits under section 15.335, the board may allocate up to one million dollars annually to the department of economic development for the purpose of funding the research activities credit relating to innovative renewable energy generation components pursuant to section 15.335.

Sec. 23. Section 470.1, Code 2009, is amended to read as follows:

470.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Commissioner" means the state building code commissioner.

~~2. "Department" means the department of natural resources.~~

~~3.~~ 2. "Director" means the director of the ~~department of natural resources~~ office of energy independence.

~~4.~~ 3. "Economic life" means the projected or anticipated useful life of a facility as expressed by a term of years.

~~5.~~ 4. "Energy system" includes but is not limited to the following equipment or measures:

a. Equipment used to heat or cool the facility.

b. Equipment used to heat water in the facility.

c. On-site equipment used to generate electricity for the major facility.

d. On-site equipment that uses the sun, wind, oil, natural gas, coal or electricity as a power source.

e. Energy conservation measures in the facility design and construction that decrease the energy requirements of the facility.

~~6.~~ 5. "Facility" means a building having twenty thousand square feet or more of usable floor space that is heated or cooled by a mechanical or electrical system or any building, system, or physical operation which consumes more than forty thousand British thermal units (BTUs) per square foot per year.

~~7.~~ 6. "Initial cost" means the moneys required for the capital construction or renovation of a facility.

~~8.~~ 7. "Life cycle cost analysis" means an analytical technique that considers certain costs of owning, using and operating a facility over its economic life including but not limited to the following:

a. Initial costs.

b. System repair and replacement costs.

c. Maintenance costs.

d. Operating costs, including energy costs.

e. Salvage value.

8. "Office" means the office of energy independence established in section 469.2.

9. "Public agency" means a state agency, political subdivision of the state, school district, area education agency, or community college.

10. "Renovation" means a project where additions or alterations exceed fifty percent of the value of a facility and will affect an energy system.

Sec. 24. Section 470.3, subsection 2, Code 2009, is amended to read as follows:

2. A public agency or a person preparing a life cycle cost analysis for a public agency shall consider the methods and analytical models provided by the ~~department~~ office and available through the commissioner, which are suited to the purpose for which the project is intended. Within sixty days of final selection of a design architect or engineer, a public agency, which is also a state agency under section 7D.34, shall notify the commissioner and the ~~department~~ office of the methodology to be used to perform the life cycle cost analysis, on forms provided by the ~~department~~ office.

Sec. 25. Section 470.7, Code 2009, is amended to read as follows:

470.7 LIFE CYCLE COST ANALYSIS — APPROVAL.

1. The public agency responsible for the new construction or renovation of a public facility shall submit a copy of the life cycle cost analysis for review by the commissioner who shall consult with the ~~department~~ office. If the public agency is also a state agency under section 7D.34, comments by the ~~department~~ office or the commissioner, including any recommendation for changes in the analysis, shall, within thirty days of receipt of the analysis, be forwarded in writing to the public agency. If either the ~~department~~ office or the commissioner disagrees with any aspects of the life cycle cost analysis, the public agency affected shall timely respond in writing to the commissioner and the ~~department~~ office. The response shall indicate whether the agency intends to implement the recommendations and, if the agency does not intend to implement them, the public agency shall present its reasons. The reasons may include, but are not limited to, a description of the purpose of the facility or renovation, preservation of historical architectural features, architectural and site considerations, and health and safety concerns.

2. Within thirty days of receipt of the response of the public agency affected, the ~~department~~ office, the commissioner, or both, shall notify in writing the public agency affected of the ~~department's~~ office's, the commissioner's, or both's agreement or disagreement with the response. In the event of a disagreement, the ~~department~~ office, the commissioner, or both, shall at the same time transmit the notification of disagreement with response and related papers to the executive council for resolution pursuant to section 7D.34. The life cycle cost analysis process, including submittal and approval, and implementation exemption requests pursuant to section 470.8, shall be completed prior to the letting of contracts for the construction or renovation of a facility.

Sec. 26. Section 473.1, Code 2009, is amended to read as follows:

473.1 DEFINITIONS.

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

1. "Alternative and renewable energy" means the same as in section 469.31.

2. "Commission" means the environmental protection commission of the department of natural resources.

~~3. "Department" means the department of natural resources created under section 455A.2.~~

~~4.~~ 3. "Director" means the director of the ~~department~~ office or a designee.

~~5.~~ 4. "Energy" or "energy sources" means gasoline, fuel oil, natural gas, propane, coal, special fuels and electricity.

5. "Office" means the office of energy independence established in section 469.2.

6. "Renewable fuel" means the same as in section 469.31.

7. "Supplier" means any person engaged in the business of selling, importing, storing, or generating energy sources, alternative and renewable energy, or renewable fuel in Iowa.

Sec. 27. Section 473.7, Code 2009, is amended to read as follows:

473.7 DUTIES OF THE ~~DEPARTMENT~~ OFFICE.

The ~~department~~ office shall:

1. ~~Assist the director of the office of energy independence with preparation of the Iowa energy independence plan as provided in section 469.4. In addition to assistance requested by the director, the department shall supply~~ Supply and annually update the following information:

a. The historical use and distribution of energy in Iowa.

b. The growth rate of energy consumption in Iowa, including rates of growth for each energy source.

c. A projection of Iowa's energy needs at a minimum through the year 2025.

d. The impact of meeting Iowa's energy needs on the economy of the state, including the impact of energy efficiency and renewable energy on employment and economic development.

e. The impact of meeting Iowa's energy needs on the environment of the state, including the impact of energy production and use on greenhouse gas emissions.

f. An evaluation of renewable energy sources, including the current and future technological potential for such sources.

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

~~b. The department may subpoena witnesses, administer oaths, and require the production of records, books, and documents for examination in order to obtain information required to be submitted under this section. In case of failure or refusal on the part of any person to comply with a subpoena issued by the department, or in case of the refusal of any witness to testify as to any matter regarding which the witness may be interrogated under this chapter, the district court, upon the application of the department, may order the person to show cause why the person should not be held in contempt for failure to testify or comply with a subpoena, and may order the person to produce the records, books, and documents for examination, and to give testimony. The courts may punish for contempt as in the case of disobedience to a like subpoena issued by the court, or for refusal to testify.~~

3. Develop, recommend, and implement with appropriate agencies public and professional education and communication programs in energy efficiency, energy conservation, and conversion to alternative and renewable energy.

4. When necessary to carry out its duties under this chapter, enter into contracts with state agencies and other qualified contractors.

5. Receive and accept grants made available for programs relating to duties of the ~~department~~ office under this chapter.

6. Promulgate rules necessary to carry out the provisions of this chapter, subject to review in accordance with chapter 17A. Rules promulgated by the governor pursuant to a proclamation issued under the provisions of section 473.8 shall not be subject to review or a public hearing as required in chapter 17A; however, ~~agency~~ office rules for implementation of the governor's proclamation are subject to the requirements of chapter 17A.

~~7. Examine and determine whether additional state regulatory authority is necessary to protect the public interest and to promote the effective development, utilization and conservation of energy resources. If the department finds that additional regulatory authority is necessary, the department shall submit recommendations to the general assembly concerning the nature and extent of such regulatory authority and which state agency should be assigned such regulatory responsibilities.~~

~~8.~~ 7. ~~Develop and assist~~ Assist in the implementation of public education and communications programs in energy development, use and conservation, in cooperation with the department of education, the state university extension services and other public or private agencies and organizations as deemed appropriate by the ~~department~~ office.

~~9.~~ 8. Develop~~, in coordination with the office of energy independence,~~ a program to annually give public recognition to innovative methods of energy conservation, energy management, and alternative and renewable energy production.

~~10.~~ 9. Administer and coordinate~~, in coordination with the office of energy independence,~~ federal funds for energy conservation, energy management, and alternative and renewable energy programs.

~~11.~~ 10. Administer and coordinate the state building energy management program including projects funded through private financing.

~~12.~~ 11. Provide information from monthly fuel surveys which establish a statistical average of motor fuel prices for various motor fuels provided throughout the state. Additionally, the ~~department~~ office shall provide statewide monthly fuel survey information which establishes a statistical average of motor fuel prices for various motor fuels provided in both metropolitan and rural areas of the state. The survey results shall be publicized in a monthly press release issued by the ~~department~~ office.

~~13.~~ 12. Conduct a study on activities related to energy production and use which contribute to global climate change ~~and the depletion of the stratospheric ozone layer~~, in conjunction with institutions under the control of the state board of regents. ~~The study shall identify the types and relative contributions of these activities in Iowa. The department shall develop a strategy to reduce emissions from activities identified as having an adverse impact on the global climate and the stratospheric ozone layer.~~ The study shall take the form of a climate change impacts review, to include the following:

a. Performance of an initial review of available climate change impacts studies relevant to this state.

b. Preparation of a summary of available data on recent changes in relevant climate conditions.

c. Identification of climate change impacts issues which require further research and an estimate of their cost.

d. Identification of important public policy issues relevant to climate change impacts.

In the course of the review, the institutions shall meet at least twice with the Iowa climate change advisory council established in section 455B.851. The ~~department~~ office shall submit a report, based upon input from the institutions, containing its findings and recommendations to the governor and general assembly by January 1, ~~1992~~ 2011.

Sec. 28. Section 473.8, unnumbered paragraph 1, Code 2009, is amended to read as follows:

If the ~~department~~ office by resolution determines the health, safety, or welfare of the people of this state is threatened by an actual or impending acute shortage of usable energy, it shall transmit the resolution to the governor together with its recommendation on the declaration

of an emergency by the governor and recommended actions, if any, to be undertaken. Within thirty days of the date of the resolution, the governor may issue a proclamation of emergency which shall be filed with the secretary of state. The proclamation shall state the facts relied upon and the reasons for the proclamation.

Sec. 29. Section 473.8, subsection 4, Code 2009, is amended to read as follows:

4. Delegate any administrative authority vested in the governor to the ~~department~~ office or the director.

Sec. 30. Section 473.10, Code 2009, is amended to read as follows:

473.10 RESERVE REQUIRED.

1. If the ~~department~~ office or the governor finds that an impending or actual shortage or distribution imbalance of liquid fossil fuels may cause hardship or pose a threat to the health and economic well-being of the people of the state or a significant segment of the state's population, the ~~department~~ office or the governor may authorize the director to operate a liquid fossil fuel set-aside program as provided in subsection 2.

2. Upon authorization by the ~~department~~ office or the governor the director may require a prime supplier to reserve a specified fraction of the prime supplier's projected total monthly release of liquid fossil fuel in Iowa. The director may release any or all of the fuel required to be reserved by a prime supplier to end-users or to distributors for release through normal retail distribution channels to retail customers. However, the specified fraction required to be reserved shall not exceed three percent for propane, aviation fuel and residual oil, and five percent for motor gasoline, heating oil, and diesel oil.

3. The ~~department~~ office shall periodically review and may terminate the operation of a set-aside program authorized by the ~~department~~ office under subsection 1 when the ~~department~~ office finds that the conditions that prompted the authorization no longer exist. The governor shall periodically review and may terminate the operation of a set-aside program authorized by the governor under subsection 1 when the governor finds that the conditions that prompted the authorization no longer exist.

4. The director shall adopt rules to implement this section.

Sec. 31. Section 473.13A, Code 2009, is amended to read as follows:

473.13A ENERGY ~~CONSERVATION MEASURES~~ MANAGEMENT IMPROVEMENTS IDENTIFIED AND IMPLEMENTED.

The state, state agencies, political subdivisions of the state, school districts, area education agencies, and community colleges shall identify and implement, through energy audits and engineering analyses, all energy ~~conservation measures~~ management improvements identified for which financing is ~~made available~~ facilitated by the ~~department to~~ office for the entity. The energy ~~conservation measure~~ management improvement financings shall be supported through payments from energy savings.

~~The department shall not require a school district, community college, area education agency, city, or county to perform an engineering analysis if the school district, community college, area education agency, city, or county demonstrates to the department that the facility which is the subject of the proposed engineering analysis at issue is unlikely to be in use or operation in six years by the governmental entity currently using or occupying the facility.~~

Sec. 32. Section 473.15, Code 2009, is amended to read as follows:

473.15 ANNUAL REPORT.

The ~~department~~ office shall complete an annual report to assess the progress of state agencies in implementing energy management improvements, alternative and renewable energy systems, and life cycle cost analyses under chapter 470, and on the use of renewable fuels. The ~~department~~ office shall work with state agencies and with any entity, agency, or organization with which they are associated or involved in such implementation, to use available information to minimize the cost of preparing the report. The ~~department~~ office shall also provide an assessment of the economic and environmental impact of the progress made by state agencies related to energy management and alternative and renewable energy, along with recommen-

dations on technological opportunities and policies necessary for continued improvement in these areas.

Sec. 33. Section 473.19, Code 2009, is amended to read as follows:

473.19 ~~ENERGY BANK~~ BUILDING ENERGY MANAGEMENT PROGRAM.

1. The building energy ~~bank~~ management program is established by the ~~department~~ office. The building energy ~~bank~~ management program consists of the following forms of assistance for the state, state agencies, political subdivisions of the state, school districts, area education agencies, community colleges, and nonprofit organizations:

a. Promoting program availability.

b. Developing or identifying guidelines and model energy techniques for the completion of energy analyses for state agencies, political subdivisions of the state, school districts, area education agencies, community colleges, and nonprofit organizations.

c. Providing technical assistance for conducting or evaluating energy analyses for state agencies, political subdivisions of the state, school districts, area education agencies, community colleges, and nonprofit organizations.

d. Providing or facilitating loans, leases, and other methods of alternative financing under the energy loan program for the state, state agencies, political subdivisions of the state, school districts, area education agencies, community colleges, and nonprofit organizations to implement energy management improvements or energy analyses.

e. Providing assistance for obtaining insurance on the energy savings expected to be realized from the implementation of energy management improvements.

f. Facilitating self-liquidating financing for the state, state agencies, political subdivisions of the state, school districts, area education agencies, community colleges, and nonprofit organizations pursuant to section 473.20A.

g. Assisting the treasurer of state with financing agreements entered into by the treasurer of state on behalf of state agencies to finance energy management improvements pursuant to section 12.28.

2. For the purpose of this section, section 473.20, and section 473.20A, "energy management improvement" means construction, rehabilitation, acquisition, or modification of an installation in a facility or vehicle which is intended to reduce energy consumption, or energy costs, or both, or allow the use of alternative and renewable energy. "Energy management improvement" may include control and measurement devices. "Nonprofit organization" means an organization exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code.

3. The ~~department~~ office shall submit a report by January 1 annually to the governor and the general assembly detailing services provided and assistance rendered pursuant to the building energy ~~bank~~ management program and pursuant to sections 473.20 and 473.20A, and receipts and disbursements in relation to the building energy ~~bank~~ management fund created in section 473.19A.

4. Moneys awarded or allocated to the state, its citizens, or its political subdivisions as a result of the federal court decisions and United States department of energy settlements resulting from alleged violations of federal petroleum pricing regulations attributable to or contained within the Stripper Well fund shall be allocated to and remain under the control of the ~~department~~ office for utilization for energy program-related staff support purposes.

Sec. 34. Section 473.19A, Code 2009, is amended to read as follows:

473.19A BUILDING ENERGY ~~BANK~~ MANAGEMENT FUND.

1. The building energy ~~bank~~ management fund is created within the state treasury under the control of the ~~department, in collaboration with the office of energy independence established in section 469.2~~ office. The fund shall be used for the operational expenses and administrative costs incurred by the ~~department~~ office in facilitating and administering the building energy ~~bank~~ management program established in section 473.19.

2. The building energy ~~bank~~ management fund shall consist of amounts deposited into the fund or allocated from the following sources:

a. Any moneys awarded or allocated to the state, its citizens, or its political subdivisions as a result of the federal court decisions and United States department of energy settlements resulting from alleged violations of federal petroleum pricing regulations attributable to or contained within the Exxon fund. Amounts remaining in the oil overcharge account established in section 455E.11, subsection 2, paragraph "e", Code 2007, and the energy conservation trust established in section 473.11, Code 2007, as of June 30, 2008, shall be deposited into the building energy ~~bank~~ management fund pursuant to this paragraph, notwithstanding section 8.60, subsection 15, Code 2007.

b. (1) Moneys received in the form of fees imposed upon the state, state agencies, political subdivisions of the state, school districts, area education agencies, community colleges, and nonprofit organizations for services performed or assistance rendered pursuant to the building energy ~~bank~~ management program. Fees imposed pursuant to this paragraph shall be established by the ~~department~~ office in an amount corresponding to the operational expenses or administrative costs incurred by the ~~department~~ office in performing services or providing assistance authorized pursuant to the building energy ~~bank~~ management program, as follows:

(a) For a building of up to twenty-five thousand square feet, two thousand five hundred dollars.

(b) For a building in excess of twenty-five thousand square feet, an additional eight cents per square foot.

(c) A building that houses more energy intensive functions may be subject to a higher fee than the fees specified in subparagraphs (a) and (b)[1] as determined by the ~~department~~ office.

(2) Any fees imposed shall be retained by the ~~department~~ office and are appropriated to the ~~department~~ office for purposes of providing services or assistance under the program.

c. Moneys appropriated by the general assembly and any other moneys, including grants and gifts from government and nonprofit organizations, available to and obtained or accepted by the ~~department~~ office for placement in the fund.

d. Moneys contained in the intermodal revolving loan fund administered by the department of transportation for the fiscal year beginning July 1, 2019, and succeeding fiscal years.

e. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

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

Sec. 35. Section 473.20, Code 2009, is amended to read as follows:

473.20 ENERGY LOAN PROGRAM.

1. An energy loan program is established and shall be administered by the ~~department~~ office.

2. The ~~department~~ office may facilitate the loan process for political subdivisions of the state, school districts, area education agencies, community colleges, and nonprofit organizations for implementation of energy management improvements identified in an energy analysis. Loans shall be facilitated for all cost-effective energy management improvements. For political subdivisions of the state, school districts, area education agencies, community colleges, and nonprofit organizations to receive loan assistance under the program, the ~~department~~ office shall require completion of an energy management plan including an energy analysis. The ~~department~~ office shall approve loans facilitated under this section.

3. a. Cities and counties shall repay the loans from moneys in their debt service funds. Area education agencies shall repay the loans from any moneys available to them.

b. School districts and community colleges may enter into financing arrangements with the ~~department~~ office or its duly authorized agents or representatives obligating the school district or community college to make payments on the loans beyond the current budget year of the school district or community college. Chapter 75 shall not be applicable. School districts shall repay the loans from moneys in either their general fund or debt service fund. Community colleges shall repay the loans from their general fund. Other entities receiving loans under this section shall repay the loans from any moneys available to them.

[1] According to enrolled Act; the phrase "subparagraph divisions (a) and (b)" probably intended

4. For the purpose of this section, "loans" means loans, leases, or alternative financing arrangements.

5. Political subdivisions of the state, school districts, area education agencies, and community colleges shall design and construct the most energy cost-effective facilities feasible and may use financing facilitated by the ~~department~~ office to cover the incremental costs above minimum building code energy efficiency standards of purchasing energy-efficient devices and materials unless other lower cost financing is available. As used in this section, "facility" means a structure that is heated or cooled by a mechanical or electrical system, or any system of physical operation that consumes energy to carry out a process.

6. The ~~department~~ office shall not require the state, state agencies, political subdivisions of the state, school districts, area education agencies, and community colleges to implement a specific energy management improvement identified in an energy analysis if the entity which prepared the analysis demonstrates to the ~~department~~ office that the facility which is the subject of the energy management improvement is unlikely to be used or operated for the full period of the expected savings payback of all costs associated with implementing the energy management improvement, including without limitation, any fees or charges of the ~~department~~ office, engineering firms, financial advisors, attorneys, and other third parties, and all financing costs including interest, if financed.

Sec. 36. Section 473.20A, subsection 1, Code 2009, is amended to read as follows:

1. a. The ~~department of natural resources~~ office may facilitate financing agreements that may be entered into with political subdivisions of the state, school districts, area education agencies, community colleges, or nonprofit organizations to finance the costs of energy management improvements on a self-liquidating basis. The provisions of section 473.20 defining eligible energy management improvements apply to financings under this section.

b. The financing agreement may contain provisions, including interest, term, and obligations to make payments on the financing agreement beyond the current budget year, as may be acceptable to political subdivisions of the state, school districts, area education agencies, community colleges, or nonprofit organizations.

c. The ~~department~~ office shall assist the treasurer of state with financing agreements entered into by the treasurer of state on behalf of state agencies pursuant to section 12.28 to finance energy management improvements being implemented by state agencies.

Sec. 37. Section 473.41, Code 2009, is amended to read as follows:

473.41 ENERGY CITY DESIGNATION PROGRAM.

1. The ~~department~~ office shall establish an energy city designation program, with the objective of encouraging cities to develop and implement innovative energy efficiency programs. To qualify for designation as an energy city, a city shall submit an application on forms prescribed by the ~~department~~ office by rule, indicating the following:

a. Submission of community-based plans for energy reduction projects, energy-efficient building construction and rehabilitation, and alternative or renewable energy production.

b. Efforts to secure local funding for community-based plans, and documentation of any state or federal grant or loan funding being pursued in connection therewith.

c. Involvement of local schools, civic organizations, chambers of commerce, and private groups in a community-based plan.

d. Existing or proposed ordinances encouraging energy efficiency and conservation, recycling efforts, and energy-efficient building code provisions and enforcement.

e. Organization of an energy day observance and proclamation with a commemorating event and awards ceremony for leading energy-efficient community businesses, groups, schools, or individuals.

2. The ~~department~~ office shall establish by rule criteria for awarding energy city designations. If more than one designation is awarded annually, the criteria shall include a requirement that the ~~department~~ office award the designations to cities of varying populations. Rules shall also be established identifying and publicizing state grant and loan programs relating to

energy efficiency, and the development of a procedure whereby the ~~department~~ office shall coordinate with other state agencies preferences given in the awarding of grants or making of loans to energy city designated applicants.

Sec. 38. Section 476.6, subsection 16, paragraph b, Code 2009, is amended to read as follows:

b. A gas and electric utility required to be rate-regulated under this chapter shall assess potential energy and capacity savings available from actual and projected customer usage by applying commercially available technology and improved operating practices to energy-using equipment and buildings. The utility shall submit the assessment to the board. Upon receipt of the assessment, the board shall consult with the ~~department of natural resources~~ office of energy independence to develop specific capacity and energy savings performance standards for each utility. The utility shall submit an energy efficiency plan which shall include economically achievable programs designed to attain these energy and capacity performance standards. The board shall periodically report the energy efficiency results including energy savings of each utility to the general assembly.

Sec. 39. Section 476.63, Code 2009, is amended to read as follows:

476.63 ENERGY EFFICIENCY PROGRAMS.

The division shall consult with the ~~department of natural resources~~ office of energy independence in the development and implementation of public utility energy efficiency programs.

Sec. 40. TRANSITION PROVISIONS — RULEMAKING.

1. Any moneys retained in any account or fund under the control of the department of natural resources relative to the provisions of this Act shall be transferred to a comparable fund or account under the control of the office of energy independence for such purposes.

2. Any license, permit, or contract issued or entered into by the department of natural resources relative to the provisions of this Act in effect on the effective date of this Act shall continue in full force and effect pending transfer of such licenses, permits, or contracts to the office of energy independence.

3. Not later than August 1, 2009, the office of energy independence shall adopt administrative rules previously adopted by the department of natural resources relative to the provisions of this Act in existence on the effective date of this Act by emergency rulemaking pursuant to section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b". The rules shall become effective immediately upon filing or on a later effective date specified in the rules. Any rules adopted in accordance with the provisions of this section shall also be published as a notice of intended action as provided in section 17A.4. Any rule, regulation, form, order, or directive promulgated by the department relative to the provisions of this Act in effect on the effective date of this Act shall continue in full force and effect until such emergency rules are adopted.

4. The provisions of section 469.10, subsection 2, relating to utilization by the director of the office of energy independence of federal funds received other than pursuant to the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 to employ personnel necessary to administer any program assigned to the office, shall be applicable to the transfer from the department of natural resources to the office of energy independence of individuals currently employed by the department in capacities relating to the programs or provisions transferred from the department to the office pursuant to this Act.

Sec. 41. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 18, 2009

CHAPTER 109

FILM, TELEVISION, AND VIDEO PROJECT PROMOTION PROGRAM — FEES AND QUALIFIED EXPENDITURES

S.F. 480

AN ACT relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program, providing for a fee, and providing an applicability date provision.

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

Section 1. Section 15.393, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The department shall establish and administer a film, television, and video project promotion program that provides for the registration of projects to be shot on location in the state. A project that is registered under the program is entitled to the assistance provided in subsection 2. A fee ~~shall not~~ may be charged for registering. The amount of the fee charged for registering shall be determined by the department by rule. Registration fees collected by the department under this section shall be used to administer the program. The department shall not register a project unless the department determines that all of the following criteria are met:

Sec. 2. Section 15.393, subsection 2, paragraph a, subparagraph (1), Code 2009, is amended to read as follows:

(1) For tax years beginning on or after January 1, 2007, a qualified expenditure tax credit shall be allowed against the taxes imposed in chapter 422, divisions II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329, for a portion of a taxpayer's qualified expenditures in a project registered under the program. The tax credit shall equal an amount not to exceed twenty-five percent of the qualified expenditures on a project. The department may negotiate the amount of the tax credit. An individual may claim a tax credit under this paragraph "a" of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust. Any tax credit in excess of the taxpayer's liability for the tax year may be credited to the tax liability for the following five years or until depleted, whichever is earlier. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer claims the tax credit.

Sec. 3. Section 15.393, subsection 2, paragraph a, subparagraph (2), Code 2009, is amended to read as follows:

(2) A qualified expenditure by a taxpayer is a payment to an Iowa resident or an Iowa-based business for the sale, rental, or furnishing of tangible personal property or for services directly related to the registered project including but not limited to aircraft, vehicles, equipment, materials, supplies, accounting, animals and animal care, artistic and design services, graphics, construction, data and information services, delivery and pickup services, labor and personnel, lighting, makeup and hairdressing, film, music, photography, sound, video and related services, printing, research, site fees and rental, travel related to Iowa distant locations, trash removal and cleanup, and wardrobe. ~~For the purposes of this subparagraph, "labor and personnel" does not include the director, producers, or cast members other than extras and stand-ins.~~

(a) For purposes of this subparagraph, "labor and personnel" includes compensation paid to the principal producer, principal director, and principal cast members if the principal producer, principal director, or principal cast member is an Iowa resident or an Iowa-based business, and if the compensation paid meets one of the following conditions:

(i) If the qualified expenditures are at least ten million dollars but less than twenty million dollars, the compensation paid to each principal producer, principal director, and principal cast member does not exceed two hundred fifty thousand dollars each.

(ii) If the qualified expenditures are at least twenty million dollars, the compensation paid to each principal producer, principal director, and principal cast member does not exceed one million dollars each.

(b) For purposes of this subparagraph, "labor and personnel" includes compensation paid to personnel other than the principal producer, principal director, or principal cast members if the compensation paid meets one of the following conditions:

(i) If the qualified expenditures are less than ten million dollars, the compensation paid to labor and personnel other than the principal producer, the principal director, and principal cast members, does not exceed one hundred fifty thousand dollars each.

(ii) If the qualified expenditures are at least ten million dollars but less than twenty million dollars, the compensation paid to labor and personnel other than the principal producer, the principal director, and the principal cast members, does not exceed two hundred thousand dollars each.

(iii) If the qualified expenditures are at least twenty million dollars, the compensation paid to labor and personnel other than the principal producer, the principal director, and the principal cast members, does not exceed three hundred thousand dollars each.

(c) The department of revenue, in consultation with the department of economic development, shall by rule establish a list of eligible and negotiable expenditures.

Sec. 4. Section 15.393, subsection 2, paragraph b, subparagraph (1), Code 2009, is amended to read as follows:

(1) For tax years beginning on or after January 1, 2007, an investment tax credit shall be allowed against the taxes imposed in chapter 422, divisions II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329, for a portion of a taxpayer's investment in a project registered under the program. The tax credit shall equal ~~twenty-five percent of the investment in the project, except that the tax credit shall~~ an amount not to exceed twenty-five percent of the qualified expenditures on the project. The department may negotiate the amount of the tax credit. An individual may claim a tax credit under this paragraph of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust. Any tax credit in excess of the taxpayer's liability for the tax year may be credited to the tax liability for the following five years or until depleted, whichever is earlier. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer claims the tax credit. A taxpayer shall not claim a tax credit under this paragraph "b" for qualified expenditures for which a tax credit is claimed under paragraph "a".

Sec. 5. Section 15.393, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. For ~~tax years beginning on or after January 1, 2007,~~ the tax year in which a qualified expenditure occurred, and for the ensuing three tax years, a taxpayer may claim a reduction in adjusted gross income not to exceed in a tax year twenty-five percent of the amount of the qualified expenditure for purposes of taxes imposed in chapter 422, divisions II and III, for payments received from the sale, rental, or furnishing of tangible personal property or services directly related to the production of a project registered under this section which meets the criteria of a qualified expenditure under paragraph "a", subparagraph (2).

Sec. 6. APPLICABILITY DATE. This Act applies to projects registered on or after July 1, 2009.

Approved May 18, 2009

CHAPTER 110

COUNTY, CITY, AND MEMORIAL HOSPITAL
OPERATIONS AND ADMINISTRATION

H.F. 260

AN ACT relating to the operation of county, city, and memorial hospitals and the duties and powers of hospital trustees and commissioners.

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

Section 1. Section 21.5, subsection 1, paragraph l, Code 2009, is amended to read as follows:

l. To discuss patient care quality and process improvement initiatives in a meeting of a public hospital or to discuss marketing and pricing strategies or similar proprietary information in a meeting of a public hospital, where public disclosure of such information would harm such a hospital's competitive position when no public purpose would be served by public disclosure. The minutes and the audio recording of a closed session under this paragraph shall be available for public inspection when the public disclosure would no longer harm the hospital's competitive position. For purposes of this paragraph, "public hospital" means the same as defined in section 249J.3. This paragraph does not apply to the information required to be disclosed pursuant to section 347.13, subsection ~~14~~ 11, or to any discussions relating to terms or conditions of employment, including but not limited to compensation of an officer or employee or group of officers or employees.

Sec. 2. Section 37.9, subsection 5, Code 2009, is amended to read as follows:

5. The commissioners having the management and control of a memorial hospital shall, within ten days after their appointment, qualify by taking the usual oath of office, but no bonds shall be required of them ~~except as hereinafter provided~~. The commissioners shall organize by electing a chairperson, secretary, and treasurer. ~~The secretary and treasurer shall each file with the chairperson of the commission a surety bond in such sum as the commission may require, with sureties approved by the commission, for the use and benefit of the memorial hospital. The reasonable costs of such bonds shall be paid from operating funds of the hospital.~~ The secretary shall immediately report to the county auditor and county treasurer the names of the chairperson, secretary, and treasurer of the commission. The commission shall meet ~~at least once each month~~ as necessary to adequately oversee the operation of the hospital. A majority of the commission members shall constitute a quorum for the transaction of business. The secretary shall keep a complete record of its proceedings. The commissioners of a memorial hospital shall have all of the powers and duties necessary to manage, control, and govern the memorial hospital including but not limited to any applicable powers and duties granted boards of trustees under other provisions of the Code relating to hospitals, nursing homes, assisted or independent living services, and other ancillary services irrespective of the chapter of the Code under which such institutions are established, organized, operated, or maintained, unless such provisions conflict with this chapter.

Sec. 3. Section 249J.24, subsection 6, paragraph b, Code 2009, is amended to read as follows:

b. The board of trustees of the acute care teaching hospital identified in this subsection and the department shall execute an agreement under chapter 28E by July 1, 2005, and annually by July 1, thereafter, to specify the requirements relative to distribution of the proceeds and the distribution of moneys to the hospital from the IowaCare account. The agreement shall include provisions relating to exceptions to the deadline for submission of clean claims as required pursuant to section 249J.7 and provisions relating to data reporting requirements regarding the expansion population. The agreement may also include a provision allowing such hospital to limit access to such hospital by expansion population members based on residency

of the member, if such provision reflects the policy of such hospital regarding indigent patients existing on April 1, 2005, as adopted by its board of hospital trustees ~~pursuant to section 347.14, subsection 4~~.

Sec. 4. Section 331.321, subsection 1, paragraph p, Code 2009, is amended to read as follows:

p. A temporary board of hospital trustees in accordance with sections 347.9, 347.9A, and 347.10 if a proposition to establish a county hospital has been approved by the voters.

Sec. 5. Section 347.7, Code 2009, is amended to read as follows:

347.7 TAX LEVIES.

1. a. If a county hospital is established, the board of supervisors, at the time of levying ordinary taxes, shall levy a tax at the rate voted not to exceed fifty-four cents per thousand dollars of assessed value in any one year for the erection and equipment of the hospital, and also a tax not to exceed twenty-seven cents per thousand dollars of value for the improvement, maintenance, and replacements of the hospital, as certified by the board of hospital trustees. However, in counties having a population of two hundred twenty-five thousand or over, the levy for taxes payable in the fiscal year beginning July 1, 2001, and for subsequent fiscal years, for improvements and maintenance of the hospital shall not exceed two dollars and five cents per thousand dollars of assessed value in any one year.

b. The proceeds of the taxes constitute the county public hospital fund ~~and the~~. The fund is subject to review by the board of supervisors in counties having a population of two hundred twenty-five thousand or over. However, the board of trustees of a county hospital, where funds are available in the county public hospital fund of the county which are unappropriated, may use the unappropriated funds for erecting and equipping hospital buildings and additions to the hospital buildings without authority from the voters of the county.

2. ~~No~~ A levy shall not be made for the improvement, maintenance, or replacements of the hospital until the hospital has been constructed, staffed, and receiving patients. If revenue bonds are issued and outstanding under section 331.461, subsection 2, paragraph "d", the board may levy a tax to pay operating and maintenance expenses in lieu of the authority otherwise contained in this section not to exceed twenty-seven cents per thousand dollars of assessed value or not to exceed one dollar and twenty-one and one-half cents per thousand dollars of assessed value for improvements and maintenance of the hospital in counties having a population of two hundred twenty-five thousand or over.

3. In addition to levies otherwise authorized by this section, the board of ~~supervisors~~ hospital trustees may certify for levy a tax at the rate, not to exceed twenty-seven cents per thousand dollars of assessed value, necessary to raise the amount budgeted by the board of hospital trustees for support of ambulance service as authorized in section 347.14, subsection ~~14~~ 8.

4. a. The tax levy authorized by this section for operation and maintenance of the hospital may be available in whole or in part to any county with or without a county hospital organized under this chapter, to be used to enhance rural health services in the county. However, the tax levied may be expended for enhancement of rural health care services only following a local planning process. The Iowa department of public health shall establish guidelines to be followed by counties in implementing the local planning process which shall require legal notice, public hearings, and a referendum in accordance with this ~~section and section 347.30~~ subsection prior to the authorization of any new levy or a change in the use of a levy. The notice shall describe the new levy or the change in the use of the levy, indicate the date and location of the hearing, and shall be published as[1] least once each week for two consecutive weeks in a newspaper having general circulation in the county. The hearing shall not take place prior to two weeks after the second publication.

b. Enhancement of rural health services for which the tax levy ~~pursuant to this section~~ may be used includes but is not limited to emergency medical services, health care services shared with other hospitals, rural health clinics, and support for rural health care practitioners and public health services.

c. When alternative use of funds from the tax levy ~~authorized by this section~~ is proposed in

[1] See chapter 179, §38 herein

a county with a county hospital organized under this chapter, use of the funds shall be agreed upon by the elected board of trustees of the county hospital. When alternative use of funds from the tax levy ~~authorized by this section~~ is proposed in a county without a county hospital organized under this chapter, use of the funds shall be agreed upon by the board of supervisors and any publicly elected hospital board of trustees within the county prior to submission of the question to the voters.

d. Moneys raised from a tax levied in accordance with this ~~paragraph~~ subsection for the purpose of enhancing rural health services in a county without a county hospital shall be designated and administered by the board of supervisors in a manner consistent with the purposes of the levy.

Sec. 6. Section 347.9, Code 2009, is amended to read as follows:

347.9 TRUSTEES — APPOINTMENT — TERMS OF OFFICE.

When it has been determined by the voters of a county to establish a county public hospital, the board shall appoint seven trustees chosen from among the resident citizens of the county with reference to their fitness for office, and not more than four of the trustees shall be residents of the city at which the hospital is located. The trustees shall hold office until the following general election, at which time their successors shall be elected, two for a term of two years, two for four years, and three for six years, and they shall determine by lot their respective terms, and thereafter their successors shall be elected for regular terms of six years each. ~~A person or spouse of a person with medical or special staff privileges in the county public hospital or who receives direct or indirect compensation in an amount greater than one thousand five hundred dollars in a calendar year from the county public hospital or direct or indirect compensation in an amount greater than one thousand five hundred dollars in a calendar year from a person contracting for services with the hospital shall not be eligible to serve as a trustee for that county public hospital. However, this section does not prohibit a licensed health care practitioner from serving as a hospital trustee if the practitioner's sole use of the county hospital is to provide health care service to an individual with mental retardation as defined in section 222.2.~~

Sec. 7. NEW SECTION. 347.9A TRUSTEE ELIGIBILITY — CONFLICT OF INTEREST.

1. The following persons shall not be eligible to serve as a trustee for a county public hospital:

a. A person or spouse of a person with medical or special staff privileges in the county public hospital.

b. A person or spouse of a person who receives direct compensation in an amount greater than one thousand five hundred dollars in a calendar year from the county public hospital.

2. The transactions of a hospital trustee or a hospital trustee's spouse shall be limited as follows:

a. A conflict of interest transaction is a transaction with the hospital in which a hospital trustee or a hospital trustee's spouse has a direct interest of less than or equal to one thousand five hundred dollars or indirect interest in any amount. A conflict of interest transaction is not voidable on the basis of the conflict of interest if all of the following are true:

(1) The material facts of the transaction and the interest of the trustee or the trustee's spouse were disclosed or known to the board of hospital trustees.

(2) The board of hospital trustees authorized, approved, or ratified the transaction. A conflict of interest transaction is authorized, approved, or ratified if it receives the affirmative vote of a majority of the disinterested trustees at a meeting where a quorum is present and where three or more trustees are disinterested in the conflict of interest transaction.

(3) The transaction was fair to the hospital at the time of the transaction.

b. For the purposes of this section, a trustee has an indirect interest in a transaction if either of the following is true:

(1) Another entity in which the trustee or the trustee's spouse has a material interest or in which the trustee or the trustee's spouse is a general partner is party to the transaction.

(2) Another entity of which the trustee or the trustee's spouse is a director, officer, or trustee is a party to the transaction.

3. This section does not prohibit a licensed health care practitioner from serving as a hospital trustee if the practitioner's sole use of the county hospital is to provide health care service to an individual with mental retardation as defined in section 222.2.

Sec. 8. Section 347.10, Code 2009, is amended to read as follows:

347.10 VACANCIES.

Vacancies ~~in~~ on the board of trustees may, until the next general election, be filled by appointment by the remaining members of the board of trustees or, if fewer than four trustees remain on the board, by the board of supervisors for the period until the vacancies are filled by election. An appointment made under this section shall be for the unexpired balance of the term of the preceding trustee. If ~~any~~ a board member is absent for four consecutive regular board meetings, without prior excuse, the member's position shall be declared vacant and filled as set out in this section.

Sec. 9. Section 347.11, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

347.11 ORGANIZATION — MEETINGS — QUORUM.

Hospital trustees shall qualify by taking the usual oath of office as provided in chapter 63 and organize by the election of a chairperson, a secretary, and a treasurer. The secretary shall report to the county auditor and county treasurer the names of the chairperson, secretary, and treasurer of the board of hospital trustees as soon as practicable after the qualification of each. A board of hospital trustees shall meet as necessary to adequately oversee the operation of the hospital. Four trustees shall constitute a quorum necessary for actions by the board of hospital trustees. The secretary shall maintain a complete record of board meetings, proceedings, and actions.

Sec. 10. Section 347.12, Code 2009, is amended to read as follows:

347.12 ~~OFFICERS' DUTIES — PURCHASING REGULATIONS~~ REVENUE COLLECTED — ACCOUNTING PRACTICES.

~~The treasurer of the county hospital shall receive and disburse all funds. Warrants shall be drawn by the secretary and countersigned by the chairperson of the board after the claim has been certified by the board. However, the board may adopt purchasing regulations to govern the purchase of specified goods and services without the prior certification by the board. The purchasing regulations shall conform to generally accepted practices followed by public purchasing officers.~~

~~The treasurer of the county hospital shall keep an accurate account of all receipts and disbursements and shall register all orders drawn and reported to the treasurer by the secretary, showing the number, date, to whom drawn, the fund upon which drawn, the purpose and amount.~~

~~The secretary of the hospital board of trustees shall file monthly on or before the thirtieth day of each month with such board a complete statement of all receipts and disbursements from all funds during the preceding month, and also the balance remaining on hand in such funds at the close of the period covered by said statement.~~

1. Before the fifteenth day of each month, the county treasurer shall give notice to the chairperson of the board of hospital trustees or the chairperson's designee of the amount of revenue collected for each fund of the hospital to the first day of that month and the county treasurer shall pay the taxes to the treasurer of the hospital as provided in section 331.552, subsection 29.

2. a. The hospital administrator, or the administrator's designee, shall ensure that all accounts, funds, reports, and financial statements of the county hospital conform to generally accepted accounting principles as established by the governmental accounting standards board.

b. The hospital administrator, or the administrator's designee, shall file a financial report with the board of hospital trustees on or before the date of each regularly scheduled board meeting for the period of time since the board's previous regularly scheduled meeting.

Sec. 11. Section 347.13, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

347.13 BOARD OF TRUSTEES — DUTIES.

A board of hospital trustees' duties shall include all of the following:

1. Engage in all activities necessary to manage, control, and govern the hospital unless otherwise prohibited under this chapter.

2. Exercise all the rights and duties of hospital trustees including but not limited to authorizing the delivery of any health care service, assisted or independent living service, or other ancillary service.

3. Adopt bylaws and rules for its own guidance and for the government of the hospital.

4. Exercise fiduciary duties in accordance with section 504.831, subsections 1 through 5.

5. Employ or contract for an administrator and fix the administrator's compensation. The administrator shall have authority to oversee the day-to-day operations of the hospital and its employees.

6. Approve the appointment of a qualified medical staff and oversee the quality of medical care and services provided by the hospital.

7. Manage and control the hospital's funds in accordance with chapter 540A. In addition to investments permitted under section 12B.10, county hospital investments may include common stocks.

8. Establish charity care policies for free treatment or financial assistance for care provided by the hospital, and fix the price to be charged to other patients admitted to the hospital for care and treatment.

9. Procure and pay premiums on any and all insurance policies required for the prudent management of the hospital including but not limited to public liability, professional malpractice liability, workers' compensation, and vehicle liability. Said insurance may include as additional insureds members of the board of trustees and employees of the hospital. This subsection applies to all county hospitals whether organized under this chapter, chapter 347A, chapter 37, or otherwise established by law.

10. Certify levies for a tax in excess of any tax levy limit to meet its obligations to pay the premium costs on tort liability insurance, property insurance, workers' compensation insurance, and any other insurance that may be necessary for the prudent management and operation of the county public hospital, the costs of a self-insurance program, the costs of a local government risk pool, and amounts payable under any insurance agreements to provide or procure such insurance, self-insurance program, or local government risk pool.

11. Publish quarterly in each of the official newspapers of the county as selected by the board of supervisors pursuant to section 349.1 the schedule of bills allowed, and publish annually in such newspapers the schedule of salaries paid by job classification and category, but not by listing names of individual employees. The names, business addresses, salaries, and job classification of employees paid in whole or in part from a tax levy shall be a public record and open to inspection at reasonable times as designated by the board of trustees.

12. Fix the amount necessary for the improvement and maintenance of the hospital and for support of ambulance service during the ensuing fiscal year, and certify the amount to the county auditor before March 15 of each year, subject to any limitation in section 347.7.

Sec. 12. Section 347.14, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

347.14 BOARD OF TRUSTEES — POWERS.

The board of trustees may:

1. Purchase, condemn, or lease a site for such public hospital and provide and equip suitable hospital buildings.

2. Cause plans and specifications to be made and adopted for all hospital buildings, and ad-

vertise for bids, as required by law for other county buildings, before making a contract for the construction of a building.

3. Accept property by gift, devise, bequest, or otherwise. If the board deems it advisable, the board may sell, lease, exchange, or otherwise dispose of any hospital property upon a concurring vote of a majority of all members of the board of hospital trustees. The proceeds of such sale, lease, exchange, or other disposition may be applied to any lawful purpose, subject to approval of the board.

4. Borrow moneys to be secured solely by hospital revenues for the purposes of improvement, maintenance, or replacement of the hospital or for hospital equipment.

5. Establish and maintain in connection with the hospital a training school for nurses or other health professions.

6. Establish a fund for depreciation as a separate fund. Moneys deposited in the fund shall remain in the fund until such time as in the judgment of the board of trustees it is deemed advisable to use the funds for hospital purposes. Interest earned on moneys in the fund shall be deposited in the fund.

7. Operate a health care facility as defined in section 135C.1 in conjunction with the hospital.

8. Purchase, lease, equip, maintain, and operate an ambulance or ambulances to provide necessary and sufficient ambulance service or to contract for such vehicles, equipment, maintenance, or service when such ambulance service is not otherwise available.

9. a. Submit to the voters at an election held on a date specified in section 39.2, subsection 4, paragraph "a", a proposition to sell or lease a county public hospital for use as a private hospital or as a merged area hospital under chapter 145A or to sell or lease a county hospital in conjunction with the establishment of a merged area hospital. The authorization of the board of hospital trustees submitting the proposition may, but is not required to, contain conditions which provide for maintaining hospital care within the county, for the retention of county public hospital employees and staff, and for the continuation of the board of trustees for the purpose of carrying out provisions of contracts. Proceeds from the sale or lease of the county hospital or other assets of the board of trustees shall not be used for the prepayment of health care services for residents of the county with the purchaser or lessee of the county hospital or to underwrite the sale or lease of the county hospital.

b. The proposition submitted to the voters of the county shall not be set forth at length, but it shall be in substantially the following form:

"Shall the board of hospital trustees of . . . . . county, state of Iowa, be authorized to . . . . . (state authorization which may exclude the conditions) in accordance with the terms of authorization approved at the meeting of . . . . . (cite date) of the board of hospital trustees?"

c. If the proposition is approved by a majority of the total votes cast for and against the proposition at the election, the board of hospital trustees shall proceed to carry out the authorization granted.

10. If the board authorizes delivery of additional health care services, assisted or independent living services, or other ancillary services under section 347.13, subsection 2, the board is granted all of the powers and duties necessary for the management, control, and government of the institutions including but not limited to any applicable powers and duties granted boards of trustees under other provisions of the Code relating to hospitals, nursing homes, assisted or independent living services, and other ancillary services irrespective of the chapter of the Code under which such an entity is established, organized, operated, or maintained, unless such provisions are in conflict with this section and section 347.13.

Sec. 13. Section 347.16, subsection 4, Code 2009, is amended by striking the subsection.

Sec. 14. Section 347.19, Code 2009, is amended to read as follows:

347.19 COMPENSATION — EXPENSES.

~~No~~ A trustee shall not receive any compensation for services performed under this chapter, but a trustee shall be reimbursed for ~~any cash expenditures actually made for personal~~ actual

and necessary expenses incurred in the performance of the trustee's duties. ~~An itemized statement of such expenses, verified by the oath of each such trustee, shall be filed with the secretary, and the same shall only be allowed by an affirmative vote of all trustees present at the meeting of the board.~~

Sec. 15. Section 347A.1, Code 2009, is amended to read as follows:

347A.1 REVENUE BONDS — TRUSTEES — ADMINISTRATION.

1. A county having a population less than one hundred fifty thousand may issue revenue bonds for a county hospital as provided in section 331.461, subsection 2, paragraph "e".

2. a. The administration and management of the hospital shall be vested in a board of hospital trustees consisting of five or seven members. Appointments for a five-member board shall be made by the board of supervisors from among the resident citizens of the county with reference to their fitness for office, and not more than two of the trustees shall be residents of the same township. ~~Expansion from a five-member to a seven-member board of trustees shall occur only on approval of a majority of the five-member board of trustees. The five-member board of trustees shall appoint members to the additional vacancies; one appointee shall serve until the succeeding general election and the other appointee shall serve until the second succeeding general election at which times successors shall be elected.~~

b. The trustees shall hold office until the next succeeding election, at which time their successors shall be elected, two for a term of two years, two for a term of four years and one for a term of six years, and thereafter their successors shall be elected for regular terms of six years each. Vacancies ~~in~~ on the board of trustees may be filled in the same manner as original appointments, to hold office until the vacancies are filled pursuant to section 69.12.

c. The trustees shall qualify by taking the usual oath of office as provided in chapter 63, but no bond shall be required of them. The trustees shall receive no compensation but shall be reimbursed for all expenses incurred by them ~~with the approval of the board of trustees~~ in the performance of their duties.

d. The board first appointed shall organize promptly following its appointment~~,~~ and shall serve until successors are elected and qualified~~; thereafter~~. Thereafter, and no later than December 1 of each year, the board shall reorganize by the appointment of a chairperson, secretary, and treasurer. ~~The secretary and treasurer shall each file with the chairperson of the board a surety bond in the amount the board of trustees requires, with sureties to be approved by the board of trustees, for the use and benefit of the county hospital. The reasonable cost of the bonds shall be paid from the operating funds of the hospital.~~ The secretary shall report to the county auditor and the county treasurer the names of the chairperson, secretary, and treasurer of the board as soon as practicable after the appointment of each.

~~The treasurer of the county hospital shall receive and disburse all funds. Warrants shall be drawn by the secretary and countersigned by the chairperson of the board after the claim has been certified by the board. However, the board may adopt purchasing regulations to govern the purchase of specified goods and services without the prior certification of the board. The purchasing regulations shall conform to generally accepted practices followed by purchasing officers. The treasurer of the county hospital shall keep an accurate account of all receipts and disbursements and shall register all orders drawn and reported by the secretary, showing the number, date, to whom drawn, the fund upon which drawn, the purpose, and amount. The secretary of the board of trustees shall file with the board on or before the tenth day of each month, a complete statement of all receipts and disbursements from all funds during the preceding month, and also the balance remaining on hand in all funds at the close of the period covered by the statement.~~

e. Expansion from a five-member to a seven-member board of trustees shall occur only on approval of a majority of the five-member board of trustees. The five-member board of trustees shall appoint members to the additional vacancies; one appointee shall serve until the succeeding general election, and the other appointee shall serve until the second succeeding general election at which times successors shall be elected.

3. a. Before the fifteenth day of each month, the county treasurer shall give notice to the

chairperson of the board of trustees, or the chairperson's designee, of the amount of revenue collected for each fund of the hospital to the first day of that month and the county treasurer shall pay the taxes to the treasurer of the hospital as provided in section 331.552, subsection 29.

b. The hospital administrator, or the administrator's designee, shall ensure that all accounts, funds, reports, and financial statements of the county hospital conform to generally accepted accounting principles as established by the governmental accounting standards board.

c. The hospital administrator, or the administrator's designee, shall file a financial report with the board of hospital trustees on or before the date of each regularly scheduled board meeting for the period of time since the board's previous regularly scheduled meeting.

4. a. ~~The board of hospital trustees may employ, fix the compensation of, and remove at pleasure professional, technical, and other employees as it deems necessary for the operation and maintenance of the hospital, and disbursement of funds for operation and maintenance shall be made upon order and approval of the board of hospital trustees. A county hospital may include a nurses home and nurses training school.~~ The board of trustees shall make all rules and regulations governing its meetings and the management, government, and operation of the county hospital and shall fix charges for the services furnished so that the revenues will be at all times sufficient in the aggregate to provide for the payment of the interest on and principal of all revenue bonds issued and outstanding for the hospital, and for the payment of all operating and maintenance expenses of the hospital.

~~The board of hospital trustees may establish a fund for depreciation as a separate fund. Depreciation fund moneys may be invested in United States government bonds and the accumulation of interest on the bonds shall be used for the purposes of the depreciation fund. The moneys shall remain invested in the bonds until the board of hospital trustees determines the moneys shall be used for hospital purposes.~~

b. The board of trustees shall have all of the powers and duties necessary to manage, control, and govern the county hospital including but not limited to any applicable powers and duties granted boards of trustees under other provisions of the Code relating to hospitals, nursing homes, assisted or independent living services, and other ancillary services irrespective of the chapter of the Code under which such institutions are established, organized, operated, or maintained, unless such provisions are in conflict with this section.

Sec. 16. Section 392.6, Code 2009, is amended to read as follows:

392.6 HOSPITAL OR HEALTH CARE FACILITY TRUSTEES.

1. If a hospital or health care facility is established by a city, the city shall by ordinance provide for the election, at a ~~general, city, or~~ special election held pursuant to section 39.2, subsection 4, paragraph "b", of three trustees, whose terms of office shall be four years. However, at the first election, three shall be elected and hold their office, one for four years and two for two years, and they shall by lot determine their respective terms. A candidate for hospital or health care facility trustee must be a resident of the hospital or health care facility service area within the boundaries of the state at the time of the election at which the person's name appears on the ballot. A board of trustees elected pursuant to this section shall serve as the sole and only board of trustees for any and all institutions established by a city as provided for in this section.

2. ~~Cities maintaining an institution as provided for in this section which have a board of trustees consisting of three or five members may by ordinance increase the number of members to five or seven. The ordinance shall provide for the immediate appointment of the additional members necessary to establish a five-member or seven-member board and shall provide that, of the additional members added to the board by appointment, one-half of the additional members added~~ The administration and management of an institution as provided for in this section is vested in a board of trustees consisting of three, five, or seven members. A three-member board may be expanded to a five-member board, and a five-member board may be expanded to a seven-member board. Expansion of the membership of the board shall

occur only on approval of a majority of the current board of trustees. The additional members shall be appointed by the current board of trustees. One appointee shall serve until the next succeeding general or regular city election, at which time a successor shall be elected, and the ~~remaining additional members~~ other appointee shall serve until the second succeeding general or regular city election, at which time a successor shall be elected. The ~~ordinance shall also provide that the~~ determination of which election an appointed additional member shall be required to seek election shall be determined by lot. Thereafter, the terms of office of such additional members shall be four years. ~~However, if a city has adopted an ordinance which increases the number of members of the board of trustees to five or seven members and the terms of office of four of the five members or six of the seven members end in the same year, the date of expiration of the term of one of the four members or two of the six members, to be determined by lot, shall be extended by an additional two years.~~

3. a. Terms of office of trustees elected pursuant to general or regular city elections shall begin at noon on the first day in January which is not a Sunday or legal holiday. Terms of office of trustees appointed to fill a vacancy or elected pursuant to special elections shall begin at noon on the tenth day after appointment or the special election which is not a Sunday or legal holiday. The trustees shall begin their terms of office by taking the oath of office, and organize as a board by the election of one ~~of their number~~ trustee as chairperson, one trustee as treasurer, and one trustee as secretary~~, but no bond shall be required of them~~. Terms of office of trustees shall extend to noon on the first day in January which is not a Sunday or legal holiday or until their successors are elected and qualified.

b. Vacancies on the board of trustees may, until the next general or regular city election, be filled ~~by appointment by the remaining members of the board of trustees, unless within fourteen days after the appointment is made, there is filed with the city clerk a petition which requests a special election to fill the vacancy~~ in the same manner as provided in section 347.10. ~~Trustees who are appointed to fill a vacancy or who are elected at special elections shall serve the unexpired terms of office or until their successors are elected and qualified.~~ An appointment made under this paragraph shall be for the unexpired balance of the term of the preceding trustee. If a board member is absent for four consecutive regular board meetings, without prior excuse, the member's position shall be declared vacant and filled as set out in this paragraph.

~~The treasurer of the board of trustees shall receive and disburse all funds under the control of the board as ordered by it. The treasurer shall give bond in a form and amount as determined by the board in its discretion.~~

4. ~~No~~ A trustee shall not receive any compensation for services performed under this chapter, but a trustee ~~may receive reimbursement~~ shall be reimbursed for ~~any cash expenses actually made for personal expenses incurred as trustee, but an itemized statement of all expenses and moneys paid out shall be made under oath by each of the trustees and filed with the secretary and allowed only by the affirmative vote of the full board~~ actual and necessary expenses incurred in performance of the trustee's duties.

5. The board of trustees shall be vested with authority to provide for the management, control, and government of the city hospital or health care facility established as permitted by this section, and shall provide all needed rules for the economic conduct thereof and shall annually prepare a condensed statement of the total receipts and expenditures for the hospital or health care facility and cause the same to be published in a newspaper of general circulation in the city in which the hospital or health care facility is located. ~~In the management of the hospital or health care facility no discrimination shall be made against practitioners of any school of medicine recognized by the laws of the state.~~

~~As a part of the board's authority it may accept property by gift, devise, bequest or otherwise; and, if the board deems it advisable, may, at public sale, sell or exchange any property so accepted upon a concurring vote of a majority of all members of the board of trustees, and apply the proceeds thereof, or property received in exchange therefor, to any legitimate hospital or health care facility purpose.~~

~~The trustees may in their discretion establish a fund for depreciation as a separate fund. Said~~

~~funds may be invested in United States government bonds and when so invested the accumulation of interest on the bonds so purchased shall be used for the purposes of the depreciation fund; an investment when so made shall remain in United States government bonds until such time as in the judgment of the board of trustees it is deemed advisable to use the funds for hospital or health care facility purposes.~~

6. Boards of trustees of institutions provided for in this section are granted all of the powers and duties necessary for the management, control, and government of the institutions, specifically including but not limited to any applicable powers and duties granted boards of trustees under other provisions of the Code relating to hospitals, nursing homes, assisted or independent living services, and ~~custodial homes~~ other ancillary services irrespective of the chapter of the Code under which such institutions are established, organized, operated, or maintained, unless such provisions are in conflict with this section.

Sec. 17. Sections 347.18, 347.28, 347.29, 347.30, and 347A.5, Code 2009, are repealed.

Approved May 18, 2009

CHAPTER 111

CIVIL SERVICE EMPLOYMENT

H.F. 420

†**AN ACT** concerning civil service commissions, disciplinary procedures, and residency requirements for civil service employees.

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

Section 1. Section 400.1, subsection 1, Code 2009, is amended to read as follows:

1. In cities having a population of eight thousand or over and having a paid fire department or a paid police department, the mayor, one year after a regular city election, with the approval of the council, shall appoint three civil service commissioners ~~who~~. The mayor shall publish notice of the names of persons selected for appointment no less than thirty days prior to a vote by the city council. Commissioners shall hold office, one until the first Monday in April of the second year, one until the first Monday in April of the third year, and one until the first Monday in April of the fourth year after such appointment, whose successors shall be appointed for a term of four years. In cities having a population of more than seventy thousand, the city council may establish, by ordinance, the number of civil service commissioners at not less than three.

Sec. 2. Section 400.2, Code 2009, is amended to read as follows:

400.2 QUALIFICATIONS — ~~CONFLICT OF INTEREST~~ PROHIBITED CONTRACTS.

1. The commissioners must be citizens of Iowa, eligible electors as defined in chapter 39, and residents of the city preceding their appointment, and shall serve without compensation. A person, while on the commission, shall not hold or be a candidate for any office of public trust. However, when a human rights commission has been established by a city, the director of the commission shall ex officio be a member, without vote, of the civil service commission.

2. Civil service commissioners, with respect to the city in which they are commissioners, shall not do any of the following:

† Estimate of additional local revenue expenditures required by state mandate on file with the Secretary of State

a. ~~sell~~ Sell to, or in any manner become parties, directly or indirectly, to any contract to furnish supplies, material, or labor to the city ~~in which they are commissioners except as provided in section 362.5~~.

b. Have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for the city.

3. A contract entered into in violation of subsection 2 is void.

4. A violation of ~~this conflict of interest provision~~ the provisions contained in subsection 2 is a simple misdemeanor.

Sec. 3. Section 400.9, subsection 2, Code 2009, is amended to read as follows:

2. The commission shall establish guidelines for conducting the examinations under subsection 1. It may prepare and administer the examinations or may hire persons with expertise to do so if the commission approves the examinations and if the examinations apply to the position in the city for which the applicant is taking the examination. It may also hire persons with expertise to consult in the preparation of such examinations if the persons so hired are employed to aid personnel of the commission in assuring that a fair examination is conducted. A fair examination shall explore the competence of the applicant in the particular field of examination. The names of persons approved to administer any examination under this section shall be posted in the city hall at least twenty-four hours prior to the examination.

Sec. 4. Section 400.11, unnumbered paragraph 5, Code 2009, is amended to read as follows:

When there is no such preferred list or certified eligible list, or when the eligible list shall be exhausted, the person or body having the appointing power may temporarily fill a newly created office or other vacancy only until an examination can be held and the names of qualified persons be certified by the commission, and such temporary appointments are hereby limited to ninety days for any one person in the same vacancy, but such limitation shall not apply to persons temporarily acting in positions regularly held by another. A temporary appointment to a position regularly held by another shall, whenever possible, be made according to the certified eligible list. Any person temporarily filling a vacancy in a position of higher grade for twenty days or more, shall receive the salary paid in such higher grade.

Sec. 5. Section 400.17, unnumbered paragraphs 3 and 4, Code 2009, are amended to read as follows:

Employees shall not be required to be a resident of the city in which they are employed, but they shall become a resident of the state ~~at the time~~ within two years of such appointment or the date employment begins and shall remain a resident of the state during the remainder of employment. ~~Cities~~ However, cities may set a reasonable maximum ~~distances~~ distance outside of the corporate limits of the city, or a reasonable maximum travel time, that police officers, fire fighters, and other critical municipal employees may live from their place of employment. Each employee residing outside the state on the date of appointment or on the date employment begins shall take reasonable steps to become a resident of the state as soon as practicable following appointment or beginning of employment.

A person shall not be appointed, denied appointment, promoted, discharged, or demoted to or from a civil service position or in any other way favored or discriminated against in that position because of political or religious opinions or affiliations, race, national origin, sex, or age, or in retaliation for the exercise of any right enumerated in this chapter. However, the maximum age for a police officer or fire fighter covered by this chapter and employed for police duty or the duty of fighting fires is sixty-five years of age.

Sec. 6. Section 400.18, Code 2009, is amended to read as follows:

400.18 REMOVAL, DEMOTION, OR SUSPENSION.

1. ~~No~~ A person holding civil service rights as provided in this chapter shall not be removed, demoted, or suspended arbitrarily, except as otherwise provided in this chapter, but may be

removed, demoted, or suspended after a hearing by a majority vote of the civil service commission, for neglect of duty, disobedience, misconduct, or failure to properly perform the person's duties.

2. The party alleging neglect of duty, disobedience, misconduct, or failure to properly perform a duty shall have the burden of proof.

3. A person subject to a hearing has the right to be represented by counsel at the person's expense or by the person's authorized collective bargaining representative.

Sec. 7. Section 400.26, Code 2009, is amended to read as follows:

400.26 PUBLIC TRIAL.

The trial of all appeals shall be public, and the parties may be represented by counsel or by the parties' authorized collective bargaining representative.

Approved May 18, 2009

CHAPTER 112

REAL ESTATE DECLARATION OF VALUE FORMS —
SOCIAL SECURITY AND TAX IDENTIFICATION NUMBERS

H.F. 477

AN ACT relating to declaration of value forms for the conveyance of real estate by making social security numbers and tax identification numbers confidential.

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

Section 1. Section 428A.7, Code 2009, is amended to read as follows:

428A.7 FORMS PROVIDED BY DIRECTOR OF REVENUE.

The director of revenue shall prescribe the form of the declaration of value and shall include an appropriate place for the inclusion of special facts and circumstances relating to the actual sales price in real estate transfers. The director shall provide an adequate number of the declaration of value forms to each county recorder in the state. If the declaration of value form requires or provides for the inclusion of the social security number or federal tax identification number of a seller or buyer, the department shall provide that the social security number or federal tax identification number remains confidential and cannot be obtained by public examination.

Approved May 18, 2009

CHAPTER 113

VEHICLES HAULING DISTILLERS GRAINS —
EXCESS WEIGHT ALLOWANCE

H.F. 481

AN ACT providing an excess weight allowance for special trucks hauling distillers grains.

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

Section 1. Section 321.466, subsection 5, Code 2009, is amended to read as follows:

5. ~~It shall be unlawful for any person to~~ A person shall not operate a motor truck, trailer, truck tractor, road tractor, semitrailer, or combination thereof, or any such vehicle equipped with a transferable auxiliary axle or axles, on the public highways with a gross weight exceeding ~~that~~ the gross weight for which it is registered by more than five percent ~~of the gross weight for which it is registered,~~; provided, however, that any vehicle or vehicle combination referred to ~~herein~~ in this subsection, while carrying a load of raw farm products, soil fertilizers~~,~~ including ground limestone, raw dairy products, ~~or~~ livestock, live poultry, or eggs, or a special truck, while carrying a load of distillers grains, may be operated with a gross weight of twenty-five percent in excess of the gross weight for which it is registered.

Approved May 18, 2009

CHAPTER 114

APPOINTMENT OF AIRPORT COMMISSIONERS

H.F. 552

AN ACT concerning the appointment of airport commissioners.

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

Section 1. Section 330.20, Code 2009, is amended to read as follows:

330.20 APPOINTMENT OF COMMISSION — TERMS.

When a majority of the voters favors airport control and management by a commission, the governing body shall, within ten days, appoint an airport commission of three or five ~~resident voters~~ members, each of whom shall be a resident of the city or county establishing the commission or a resident of a city or county in this state served by the airport. At least two of the members of a three-member commission and at least three of the members of a five-member commission shall be residents of the city or county establishing the commission. The governing body shall by ordinance set the commencement dates of office and the length of the terms of office which shall be no more than six and no less than three years. The terms of the first appointees of a newly created commission shall be staggered by length of term and all subsequent appointments shall be for full terms. ~~The governing body shall also provide for staggered terms of office for the appointees of commissions existing on July 1, 1991.~~ Vacancies shall be filled as original appointments are made. Members of the airport commission shall serve without compensation. Each commissioner shall execute and furnish a bond in an amount fixed by the governing body and filed with the city clerk of the city, or county auditor of the county, establishing the commission. The commission shall elect from its own members a chairperson and a secretary who shall serve for a term as the commission shall determine.

Approved May 18, 2009

CHAPTER 115

HUMAN SERVICES AND CHILD CARE — COUNCILS

H.F. 562

AN ACT relating to the council on human services and the state child care advisory council.

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

Section 1. Section 217.2, Code 2009, is amended to read as follows:

217.2 COUNCIL ON HUMAN SERVICES.

1. a. There is created within the department of human services a council on human services which shall act in a ~~policy-making~~ policymaking and advisory capacity on matters within the jurisdiction of the department. The council shall consist of seven voting members appointed by the governor subject to confirmation by the senate. Appointments shall be made on the basis of interest in public affairs, good judgment, and knowledge and ability in the field of human services. Appointments shall be made to provide a diversity of interest and point of view in the membership and without regard to religious opinions or affiliations. ~~Members~~ The voting members of the council shall serve for six-year staggered terms.

b. Each term of a voting member shall commence and end as provided by section 69.19.

c. All voting members of the council shall be electors of the state of Iowa. No more than four members shall belong to the same political party and no more than two members shall, at the time of appointment, reside in the same congressional district. At least one member of the council shall be a member of a county board of supervisors at the time of appointment to the council. Vacancies occurring during a term of office shall be filled in the same manner as the original appointment for the balance of the unexpired term subject to confirmation by the senate.

2. In addition to the voting members described in subsection 1, the membership of the council shall include four legislators as ex officio, nonvoting members. The four legislators shall be appointed one each by the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives for terms as provided in section 69.16B.

Sec. 2. Section 237A.21, subsections 1 and 2, Code 2009, are amended to read as follows:

1. a. A state child care advisory council is established consisting of not more than thirty-five voting members from urban and rural areas across the state. The membership shall include, but is not limited to, all of the following persons or representatives with an interest in child care: a licensed center provider, a registered child development home provider from a county with a population of less than twenty-two thousand, ~~an unregistered~~ a provider who is exempt from licensing or registration under this chapter or a family, friend, and neighbor child care ~~home~~ provider, a parent of a child in child care, staff members of appropriate governmental agencies, and other members as deemed necessary by the ~~director~~ governor. The voting members are eligible for reimbursement of their actual and necessary expenses while engaged in performance of their official duties.

b. For the purposes of this subsection, "family, friend, and neighbor child care" means child care, usually provided without cost and on a voluntary basis, by a family member, a friend, or a neighbor whose reason for providing that care is a strong existing personal relationship with a parent, guardian, or custodian and the parent's, guardian's, or custodian's child or children.

2. ~~Members~~ Except as otherwise provided, the voting members shall be appointed by the ~~director~~ governor from a list of names submitted by a nominating committee to consist of one member of the state council established pursuant to this section, one member of the department's child care staff, three consumers of child care, and one member of a professional child care organization. Two names shall be submitted for each appointment. ~~Members~~ The voting members shall be appointed for terms of three years ~~but no member shall be appointed to more~~

~~than two consecutive terms~~. The state council shall develop its own operational policies which are subject to departmental approval.

Sec. 3. Section 237A.21, subsection 3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The voting membership of the council shall be appointed in a manner so as to provide equitable representation of persons with an interest in child care and shall include all of the following:

Sec. 4. Section 237A.21, subsection 3, paragraph m, Code 2009, is amended by striking the paragraph.

Sec. 5. Section 237A.21, subsection 3, Code 2009, is amended by adding the following new paragraphs:

NEW PARAGRAPH. n. One person who is a business owner or executive officer. Notwithstanding subsection 2, the nominees under this paragraph shall be submitted by the Iowa chamber of commerce executives.

NEW PARAGRAPH. o. One designee of the community empowerment office of the department of management.

NEW PARAGRAPH. p. One person who is a member of the Iowa afterschool alliance.

NEW PARAGRAPH. q. One person who is part of a local program implementing the statewide preschool program for four-year-old children under chapter 256C.

NEW PARAGRAPH. r. One person who represents the early childhood Iowa council created in section 135.173.

Sec. 6. Section 237A.21, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. In addition to the voting members, the membership shall include four legislators as ex officio, nonvoting members. The four legislators shall be appointed one each by the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives for terms as provided in section 69.16B.

Sec. 7. Section 237A.22, Code 2009, is amended to read as follows:

237A.22 DUTIES OF STATE CHILD CARE ADVISORY COUNCIL AND DEPARTMENT.

1. The state child care advisory council shall advise and make recommendations to the department, governor, and general assembly concerning child care. In fulfilling this responsibility the advisory council shall do all of the following:

~~1.~~ a. Consult with the department and make recommendations ~~to the department~~ concerning policy issues relating to child care.

~~2.~~ b. Advise the department concerning services relating to child care, including but not limited to any of the following:

~~a.~~ (1) Resource and referral services.

~~b.~~ (2) Provider training.

~~c.~~ (3) Quality improvement.

~~d.~~ (4) Public-private partnerships.

~~e.~~ (5) Standards review and development.

(6) The federal child care and development block grant, state funding, grants, and other funding sources for child care.

~~3.~~ c. Assist the department in developing an implementation plan to provide seamless service to recipients of public assistance, which includes child care services. For the purposes of this subsection, "seamless service" means coordination, where possible, of the federal and state requirements which apply to child care.

~~4.~~ d. Advise and provide technical services to the director of the department of education or the director's designee~~, upon request,~~ relating to prekindergarten, kindergarten, and before and after school programming and facilities.

e. Make recommendations concerning child care expansion programs that meet the needs of children attending a core education program by providing child care before and after the core program hours and during times when the core program does not operate.

f. Make recommendations for improving collaborations between the child care programs involving the department and programs supporting the education and development of young children including but not limited to the federal head start program, the statewide preschool program for four-year-old children and the early childhood, at-risk, and other early education programs administered by the department of education.

g. Make recommendations for eliminating duplication and otherwise improving the eligibility determination processes used for the state child care assistance program and other programs supporting low-income families, including but not limited to the federal head start, early head start, and even start programs, the early childhood, at-risk, and preschool programs administered by the department of education, the family and self-sufficiency grant program, and the family investment program.

h. Make recommendations as to the most effective and efficient means of managing the state and federal funding available for the state child care assistance program.

i. Review departmental program data concerning child care as deemed to be necessary by the advisory council, although the department shall not provide personally identifiable data or information.

j. Advise and assist the early childhood Iowa council in developing the strategic plan required pursuant to section 135.173.

2. The department shall provide information to the advisory council semiannually on all of the following:

a. Federal, state, local, and private revenues and expenditures for child care, including but not limited to updates on the current and future status of the revenues and expenditures.

b. Financial information and data relating to regulation of child care by the department and the usage of the state child care assistance program.

c. Utilization and availability data relating to child care regulation, quantity, and quality from consumer and provider perspectives.

d. Statistical and demographic data regarding child care providers and the families utilizing child care.

e. Statistical data regarding the processing time for issuing notices of decision to state child care assistance applicants and for issuing payments to child care providers.

3. The advisory council shall coordinate with the early childhood Iowa council in reporting annually to the governor and general assembly in December concerning the status of child care in the state, providing findings, and making recommendations. The annual report may be personally presented to the general assembly's standing committees on human resources by a representative of the advisory council.

Approved May 18, 2009

CHAPTER 116

CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS

H.F. 676

AN ACT modifying provisions relating to a final hearing in a civil commitment proceeding for a sexually violent predator.

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

Section 1. Section 229A.8, subsection 5, paragraph e, unnumbered paragraph 1, Code 2009, is amended to read as follows:

~~The burden is on the committed person to show by a preponderance of the evidence that there is competent evidence which would lead a reasonable person to believe a final hearing should be held to determine either of the following~~ The court shall consider all evidence presented by both parties at the annual review. The burden is on the committed person to prove by a preponderance of the evidence that there is relevant and reliable evidence to rebut the presumption of continued commitment, which would lead a reasonable person to believe a final hearing should be held to determine either of the following:

Approved May 18, 2009

CHAPTER 117

AGRICULTURAL DEVELOPMENT
AUTHORITY OPERATIONS — REPORTING

H.F. 710

AN ACT relating to the agricultural development authority, by providing for the reporting of its operations.

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

Section 1. Section 175.8, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The authority's executive director, appointed pursuant to section 175.7, shall report semiannually to the legislative government oversight committees regarding the operations of the authority.

Approved May 18, 2009

CHAPTER 118

HEALTH CARE —
SERVICES, PROVIDERS, AND INSURANCE

S.F. 389

AN ACT relating to health care, health care providers, and health care coverage, providing retroactive and other effective dates and providing repeals.

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

DIVISION I
LEGISLATIVE HEALTH CARE COVERAGE COMMISSION

Section 1. LEGISLATIVE HEALTH CARE COVERAGE COMMISSION.

1. A legislative health care coverage commission is created under the authority of the legislative council.

a. The commission shall include the following persons who are ex officio, nonvoting members of the commission:

(1) The commissioner of insurance, or a designee.

(2) The director of human services, or a designee.

(3) The director of public health, or a designee.

(4) Four members of the general assembly, one appointed by the speaker of the house of representatives, one appointed by the minority leader of the house of representatives, one appointed by the majority leader of the senate, and one appointed by the minority leader of the senate.

b. The commission shall include the following persons who are voting members of the commission and who are appointed by the legislative council:

(1) A person who represents large employers.

(2) A person who represents Iowa insurers.

(3) A person who represents health underwriters.

(4) A health care provider.

(5) A person who represents labor.

(6) A consumer who represents the pre-Medicare population.

(7) A consumer who represents middle-income adults and families.

(8) A consumer who represents low-income adults and families.

(9) A person who represents small businesses.

(10) A person who represents nonprofit entities.

(11) A person who represents independent insurance agents.

2. The legislative council may employ or contract with a person or persons to assist the commission in carrying out its duties. The person or persons employed or contracted with to assist the commission shall gather and coordinate information for the use of the commission in its deliberations concerning health reform initiatives and activities related to the medical home system advisory council, the electronic health information advisory council and executive committee, the prevention and chronic care management advisory council, the direct care worker task force, the health and long-term care access technical advisory committee, the clinicians advisory panel, the long-term living initiatives of the department of elder affairs, medical assistance and hawk-i program expansions and initiatives, prevention and wellness initiatives including but not limited to those administered through the Iowa healthy communities initiative pursuant to section 135.27 and through the governor's council on physical fitness and nutrition, health care transparency activities, and other health care reform-related advisory bodies and activities that provide direction and promote collaborative efforts among health care providers involved in the initiatives and activities. The legislative services agency shall provide administrative support to the commission.

3. The legislative council shall appoint one voting member as chairperson and one as vice chairperson. Legislative members of the commission are eligible for per diem and reimbursement of actual expenses as provided in section 2.10. The consumers appointed to the commission are entitled to receive a per diem as specified in section 7E.6 for each day spent in performance of duties as a member, and shall be reimbursed for all actual and necessary expenses incurred in the performance of duties as a member of the commission.

4. The commission shall develop an Iowa health care reform strategic plan which includes but is not limited to a review and analysis of, and recommendations and prioritization of recommendations for, the following:

a. Options for the coordination of a children's health care network in the state that provides health care coverage to all children without such coverage; utilizes, modifies, and enhances existing public programs; maximizes the ability of the state to obtain federal funding and reimbursement for such programs; and provides access to private, affordable health care coverage for children who are not otherwise eligible for health care coverage through public programs.

b. Options for children, adults, and families to transition seamlessly among public and private health care coverage options.

c. Options for subsidized and unsubsidized health care coverage programs which offer public and private, adequate and affordable health care coverage including but not limited to options to purchase coverage with varying levels of benefits including basic or catastrophic benefits, an intermediate level of benefits, and comprehensive benefits coverage. The commission shall also consider options and make recommendations for providing an array of benefits that may include physical, mental, and dental health care coverage. Affordable health care coverage options for purchase by adults and families shall be developed with the goal of including options for which the contribution requirement for all cost-sharing expenses is no more than six and one-half percent of family income.

d. Options to offer a program to provide coverage under a state health or medical group insurance plan to nonstate public employees, including employees of counties, cities, schools, area education agencies, and community colleges, and employees of nonprofit employers and small employers and to pool such employees with the state plan.

e. The ramifications of requiring each employer in the state with more than ten employees to adopt and maintain a cafeteria plan that satisfies section 125 of the Internal Revenue Code of 1986.

f. Options for development of a long-term strategy to provide access to affordable health care coverage to the uninsured in Iowa, particularly adults, and development of a structure to implement that strategy including consideration of whether to utilize an existing government agency or a newly created entity.

5. As part of developing the strategic plan, the commission shall collaborate with health care coverage experts to do including but not limited to the following:

a. Design solutions to issues relating to guaranteed issuance of insurance, preexisting condition exclusions, portability, and allowable pooling and rating classifications.

b. Formulate principles that ensure fair and appropriate practices relating to issues involving individual health care policies such as recision and preexisting condition clauses, and that provide for a binding third-party review process to resolve disputes related to such issues.

c. Design affordable, portable health care coverage options for low-income children, adults, and families.

d. Design a proposed premium schedule for health care coverage options which includes the development of rating factors that are consistent with market conditions.

e. Design protocols to limit the transfer from employer-sponsored or other private health care coverage to state-developed health care coverage plans.

6. The commission may request from any state agency or official information and assistance as needed to perform its duties pursuant to this section. A state agency or official shall furnish the information or assistance requested within the authority and resources of the state agency or official. This subsection does not allow the examination or copying of any public record required by law to be kept confidential.

7. The commission shall provide progress reports to the legislative council every quarter summarizing the commission's activities.

8. The commission shall provide a progress report to the general assembly by January 1, 2010, summarizing the commission's activities thus far, that includes but is not limited to recommendations and prioritization of recommendations for subsidized and unsubsidized health care coverage programs which offer public and private and adequate and affordable health care coverage for adults. The commission shall collaborate with health care coverage experts to ensure that health care coverage for adults that is consistent with the commission's recommendations and priorities is available for purchase by the public by July 1, 2010.

9. The commission shall provide a report to the general assembly by January 1, 2011, summarizing the commission's activities since the previous annual report provided on January 1, 2010, including but not limited to information about health care coverage for adults, including enrollment information, that was available for purchase by the public by July 1, 2010, consistent with the commission's recommendations and priorities, and including further recommendations and prioritization of those recommendations.

10. The commission shall conclude its deliberations by July 1, 2011, and shall submit a final report to the general assembly by October 1, 2011, summarizing the commission's activities particularly pertaining to the availability of health care coverage programs for adults, analyzing issues studied, and setting forth options, recommendations, and priorities for an Iowa health care reform strategic plan that will ensure that all Iowans have access to health care coverage which meets minimum standards of quality and affordability. The commission may include any other information the commission deems relevant and necessary.

11. This section is repealed on December 31, 2011.

COORDINATING AMENDMENTS

Sec. 2. Section 514E.1, subsections 15 and 22, Code 2009, are amended by striking the subsections.

Sec. 3. Section 514E.2, subsection 3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The association shall submit to the commissioner a plan of operation for the association and any amendments necessary or suitable to assure the fair, reasonable, and equitable administration of the association. ~~The plan of operation shall include provisions for the development of a comprehensive health care coverage plan as provided in section 514E.5. In developing the comprehensive plan the association shall give deference to the recommendations made by the advisory council as provided in section 514E.6, subsection 1. The association shall approve or disapprove but shall not modify recommendations made by the advisory council. Recommendations that are approved shall be included in the plan of operation submitted to the commissioner. Recommendations that are disapproved shall be submitted to the commissioner with reasons for the disapproval.~~ The plan of operation becomes effective upon approval in writing by the commissioner prior to the date on which the coverage under this chapter must be made available. After notice and hearing, the commissioner shall approve the plan of operation if the plan is determined to be suitable to assure the fair, reasonable, and equitable administration of the association, and provides for the sharing of association losses, if any, on an equitable and proportionate basis among the member carriers. If the association fails to submit a suitable plan of operation within one hundred eighty days after the appointment of the board of directors, or if at any later time the association fails to submit suitable amendments to the plan, the commissioner shall adopt, pursuant to chapter 17A, rules necessary to implement this section. The rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner. In addition to other requirements, the plan of operation shall provide for all of the following:

Sec. 4. Sections 514E.5 and 514E.6, Code 2009, are repealed.

Sec. 5. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II
HEALTH CARE COVERAGE OF ADULT CHILDREN

Sec. 6. Section 422.7, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 29A. If the health benefits coverage or insurance of the taxpayer includes coverage of a nonqualified tax dependent as determined by the federal internal revenue service, subtract, to the extent included, the amount of the value of such coverage attributable to the nonqualified tax dependent.

Sec. 7. Section 509.3, subsection 8, Code 2009, is amended to read as follows:

8. A provision that the insurer will permit continuation of existing coverage or reenrollment in previously existing coverage for an individual who meets the requirements of section 513B.2, subsection 14, paragraph "a", "b", "c", "d", or "e", and who is an unmarried child of an insured or enrollee who so elects, at least through the policy anniversary date on or after the date the child marries, ceases to be a resident of this state, or attains the age of twenty-five years old, whichever occurs first, or so long as the unmarried child maintains full-time status as a student in an accredited institution of postsecondary education.

In addition to the provisions required in subsections 1 through ~~7~~ 8, the commissioner shall require provisions through the adoption of rules implementing the federal Health Insurance Portability and Accountability Act, Pub. L. No. 104-191.

Sec. 8. Section 509A.13B, Code 2009, is amended to read as follows:

509A.13B ~~CONTINUATION OF DEPENDENT~~ COVERAGE OF CHILDREN — CONTINUATION OR REENROLLMENT.

If a governing body, a county board of supervisors, or a city council has procured accident or health care coverage for its employees under this chapter such coverage shall permit continuation of existing coverage or reenrollment in previously existing coverage for an individual who meets the requirements of section 513B.2, subsection 14, paragraph "a", "b", "c", "d", or "e", and who is an unmarried child of an insured or enrollee who so elects, at least through the policy anniversary date on or after the date the child marries, ceases to be a resident of this state, or attains the age of twenty-five years old, whichever occurs first, or so long as the unmarried child maintains full-time status as a student in an accredited institution of postsecondary education.

Sec. 9. Section 514A.3B, subsection 2, Code 2009, is amended to read as follows:

2. An insurer issuing an individual policy or contract of accident and health insurance which provides coverage for children of the insured shall permit continuation of existing coverage or reenrollment in previously existing coverage for an individual who meets the requirements of section 513B.2, subsection 14, paragraph "a", "b", "c", "d", or "e", and who is an unmarried child of an insured or enrollee who so elects, at least through the policy anniversary date on or after the date the child marries, ceases to be a resident of this state, or attains the age of twenty-five years old, whichever occurs first, or so long as the unmarried child maintains full-time status as a student in an accredited institution of postsecondary education.

Sec. 10. NEW SECTION. 514B.9A COVERAGE OF CHILDREN — CONTINUATION OR REENROLLMENT.

A health maintenance organization which provides health care coverage pursuant to an individual or group health maintenance organization contract regulated under this chapter for children of an enrollee shall permit continuation of existing coverage or reenrollment in previously existing coverage for an individual who meets the requirements of section 513B.2, subsection 14, paragraph "a", "b", "c", "d", or "e", and who is an unmarried child of an enrollee who so elects, at least through the policy anniversary date on or after the date the child marries,

ceases to be a resident of this state, or attains the age of twenty-five years old, whichever occurs first, or so long as the unmarried child maintains full-time status as a student in an accredited institution of postsecondary education.

Sec. 11. APPLICABILITY. The sections of this Act amending section 509.3, subsection 8, 509A.13B, and 514A.3B, subsection 2, and enacting section 514B.9A, apply to policies, contracts, or plans of accident and health insurance delivered, issued for delivery, continued, or renewed in this state on or after July 1, 2009.

Sec. 12. RETROACTIVE APPLICABILITY DATE. The section of this Act enacting section 422.7, subsection 29A, applies retroactively to January 1, 2009, for tax years beginning on or after that date.

DIVISION III
MEDICAL ASSISTANCE AND HAWK-I PROVISIONS
COVERAGE FOR ALL INCOME-ELIGIBLE CHILDREN

Sec. 13. NEW SECTION. 249A.3A MEDICAL ASSISTANCE — ALL INCOME-ELIGIBLE CHILDREN.

The department shall provide medical assistance to individuals under nineteen years of age who meet the income eligibility requirements for the state medical assistance program and for whom federal financial participation is or becomes available for the cost of such assistance.

Sec. 14. NEW SECTION. 514I.8A HAWK-I — ALL INCOME-ELIGIBLE CHILDREN.

The department shall provide coverage to individuals under nineteen years of age who meet the income eligibility requirements for the hawk-i program and for whom federal financial participation is or becomes available for the cost of such coverage.

REQUIRED APPLICATION FOR DEPENDENT CHILD HEALTH CARE COVERAGE

Sec. 15. Section 422.12M, Code 2009, is amended to read as follows:

422.12M INCOME TAX FORM — INDICATION OF DEPENDENT CHILD HEALTH CARE COVERAGE.

1. The director shall draft the income tax form to ~~allow~~ require beginning with the tax returns for tax year ~~2008~~ 2010, a person who files an individual or joint income tax return with the department under section 422.13 to indicate the presence or absence of health care coverage for each dependent child for whom an exemption is claimed.

2. Beginning with the income tax return for tax year ~~2008~~ 2010, a person who files an individual or joint income tax return with the department under section 422.13, ~~may~~ shall report on the income tax return, in the form required, the presence or absence of health care coverage for each dependent child for whom an exemption is claimed.

a. If the taxpayer indicates on the income tax return that a dependent child does not have health care coverage, and the income of the taxpayer's tax return does not exceed the highest level of income eligibility standard for the medical assistance program pursuant to chapter 249A or the hawk-i program pursuant to chapter 514I, the department shall send a notice to the taxpayer indicating that the dependent child may be eligible for the medical assistance program or the hawk-i program and providing information to the taxpayer about how to enroll the dependent child in the ~~programs~~ appropriate program. The taxpayer shall submit an application for the appropriate program within ninety days of receipt of the enrollment information.

~~b. Notwithstanding any other provision of law to the contrary, a taxpayer shall not be subject to a penalty for not providing the information required under this section.~~

~~c.~~ b. The department shall consult with the department of human services in developing the tax return form and the information to be provided to tax filers under this section.

3. The department, in cooperation with the department of human services, shall adopt rules pursuant to chapter 17A to administer this section, including rules defining "health care coverage" for the purpose of indicating its presence or absence on the tax form.

4. The department, in cooperation with the department of human services, shall report, annually, to the governor and the general assembly all of the following:

a. The number of Iowa families, by income level, claiming the state income tax exemption for dependent children.

b. The number of Iowa families, by income level, claiming the state income tax exemption for dependent children ~~who also~~ and whether they indicate the presence or absence of health care coverage for the dependent children.

c. ~~The effect of the reporting requirements and provision of information requirements under this section on the number and percentage of children in the state who are uninsured.~~ The number of Iowa families, by income level, claiming the state income tax exemption for dependent children who receive information from the department pursuant to subsection 2 and who subsequently apply for and are enrolled in the appropriate program.

PREGNANT WOMEN INCOME ELIGIBILITY FOR MEDICAID

Sec. 16. Section 249A.3, subsection 1, paragraph l, Code 2009, is amended to read as follows:

l. (1) Is an infant whose income is not more than two hundred percent of the federal poverty level, as defined by the most recently revised income guidelines published by the United States department of health and human services.

(2) Additionally, effective July 1, 2009, medical assistance shall be provided to ~~an~~ a pregnant woman or infant whose family income is at or below three hundred percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services, if otherwise eligible.

Sec. 17. Section 514I.8, subsection 1, Code 2009, is amended to read as follows:

1. Effective July 1, 1998, and notwithstanding any medical assistance program eligibility criteria to the contrary, medical assistance shall be provided to, or on behalf of, an eligible child under the age of nineteen whose family income does not exceed one hundred thirty-three percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services. Additionally, effective July 1, 2000, and notwithstanding any medical assistance program eligibility criteria to the contrary, medical assistance shall be provided to, or on behalf of, an eligible infant whose family income does not exceed two hundred percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services. Effective July 1, 2009, and notwithstanding any medical assistance program eligibility criteria to the contrary, medical assistance shall be provided to, or on behalf of, a pregnant woman or an eligible child who is an infant and whose family income is at or below three hundred percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

IMPROVING ACCESS AND RETENTION

Sec. 18. Section 249A.4, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 16. Implement the premium assistance program options described under the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-3, for the medical assistance program. The department may adopt rules as necessary to administer these options.

Sec. 19. NEW SECTION. 509.3A CREDITABLE COVERAGE.

For the purposes of any policies of group accident or health insurance or combination of

such policies issued in this state, "creditable coverage" means health benefits or coverage provided to an individual under any of the following:

1. A group health plan.
2. Health insurance coverage.
3. Part A or Part B Medicare pursuant to Title XVIII of the federal Social Security Act.
4. Medicaid pursuant to Title XIX of the federal Social Security Act, other than coverage consisting solely of benefits under section 1928 of that Act.
5. 10 U.S.C. ch. 55.
6. A health or medical care program provided through the Indian health service or a tribal organization.
7. A state health benefits risk pool.
8. A health plan offered under 5 U.S.C. ch. 89.
9. A public health plan as defined under federal regulations.
10. A health benefit plan under section 5(e) of the federal Peace Corps Act, 22 U.S.C. § 2504(e).
11. An organized delivery system licensed by the director of public health.
12. A short-term limited duration policy.
13. The hawk-i program authorized by chapter 514I.

Sec. 20. Section 513B.2, subsection 8, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. The hawk-i program authorized by chapter 514I.

Sec. 21. Section 514A.3B, subsection 1, Code 2009, is amended to read as follows:

1. An insurer which accepts an individual for coverage under an individual policy or contract of accident and health insurance shall waive any time period applicable to a preexisting condition exclusion or limitation period requirement of the policy or contract with respect to particular services in an individual health benefit plan for the period of time the individual was previously covered by qualifying previous coverage as defined in section 513C.3, by chapter 249A or 514I, or by Medicare coverage provided pursuant to Title XVIII of the federal Social Security Act that provided benefits with respect to such services, provided that the ~~qualifying previous~~ coverage was continuous to a date not more than sixty-three days prior to the effective date of the new policy or contract. ~~Any days of coverage provided to an individual pursuant to chapter 249A or 514I, or Medicare coverage provided pursuant to Title XVIII of the federal Social Security Act, do not constitute qualifying previous coverage. Such days of chapter 249A or 514I or Medicare coverage shall be counted as part of the maximum sixty-three-day grace period and shall not constitute a basis for the waiver of any preexisting condition exclusion or limitation period.~~

Sec. 22. Section 514A.3B, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. For the purposes of any policies of accident and sickness insurance issued in this state, "creditable coverage" means health benefits or coverage provided to an individual under any of the following:

a. A group health plan.
b. Health insurance coverage.
c. Part A or Part B Medicare pursuant to Title XVIII of the federal Social Security Act.
d. Medicaid pursuant to Title XIX of the federal Social Security Act, other than coverage consisting solely of benefits under section 1928 of that Act.
e. 10 U.S.C. ch. 55.
f. A health or medical care program provided through the Indian health service or a tribal organization.
g. A state health benefits risk pool.
h. A health plan offered under 5 U.S.C. ch. 89.
i. A public health plan as defined under federal regulations.

j. A health benefit plan under section 5(e) of the federal Peace Corps Act, 22 U.S.C. § 2504(e).

k. An organized delivery system licensed by the director of public health.

l. A short-term limited duration policy.

m. The hawk-i program authorized by chapter 514I.

Sec. 23. Section 514I.1, subsection 4, Code 2009, is amended to read as follows:

4. It is the intent of the general assembly that the hawk-i program be an integral part of the continuum of health insurance coverage and that the program be developed and implemented in such a manner as to facilitate movement of families between health insurance providers and to facilitate the transition of families to private sector health insurance coverage. ~~It is the intent of the general assembly in developing such continuum of health insurance coverage and in facilitating such transition, that beginning July 1, 2009, the department implement the hawk-i expansion program.~~

Sec. 24. Section 514I.2, subsection 8, Code 2009, is amended by striking the subsection.

Sec. 25. Section 514I.3, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Health care coverage provided under this chapter in accordance with Title XXI of the federal Social Security Act shall be recognized as prior creditable coverage for the purposes of private individual and group health insurance coverage.

Sec. 26. Section 514I.4, subsection 2, Code 2009, is amended to read as follows:

2. a. The director, with the approval of the board, may contract with participating insurers to provide dental-only services.

b. The director, with the approval of the board, may contract with participating insurers to provide the supplemental dental-only coverage to otherwise eligible children who have private health care coverage as specified in the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-3.

Sec. 27. Section 514I.4, subsection 5, paragraphs a and b, Code 2009, are amended to read as follows:

a. Develop a joint program application form ~~not to exceed two pages in length, which is consistent with the rules of the board,~~ which is easy to understand, complete, and concise, ~~and which, to the greatest extent possible, coordinates with the~~ supplemental forms, and the same application and renewal verification process for both the hawk-i and medical assistance ~~program~~ programs.

b. (1) Establish the family cost sharing amounts for children of families with incomes of one hundred fifty percent or more but not exceeding two hundred percent of the federal poverty level, of not less than ten dollars per individual and twenty dollars per family, if not otherwise prohibited by federal law, with the approval of the board.

(2) Establish for children of families with incomes exceeding two hundred percent but not exceeding three hundred percent of the federal poverty level, family cost-sharing amounts, and graduated premiums based on a rationally developed sliding fee schedule, in accordance with federal law, with the approval of the board.

Sec. 28. Section 514I.5, subsection 7, paragraph l, Code 2009, is amended to read as follows:

l. Develop options and recommendations to allow children eligible for the hawk-i ~~or hawk-i expansion~~ program to participate in qualified employer-sponsored health plans through a premium assistance program. The options and recommendations shall ensure reasonable alignment between the benefits and costs of the hawk-i ~~and hawk-i expansion programs~~ program and the employer-sponsored health plans consistent with federal law. ~~The options and recommendations shall be completed by January 1, 2009, and submitted to the governor and the gen-~~

~~eral assembly for consideration as part of the hawk-i and hawk-i expansion programs.~~ In addition, the board shall implement the premium assistance program options described under the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-3, for the hawk-i program.

Sec. 29. Section 514I.5, subsection 8, paragraph e, Code 2009, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (15) Translation and interpreter services as specified pursuant to the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-3.

Sec. 30. Section 514I.5, subsection 8, paragraph g, Code 2009, is amended to read as follows:

g. Presumptive eligibility criteria for the program. Beginning January 1, 2010, presumptive eligibility shall be provided for eligible children.

Sec. 31. Section 514I.5, subsection 9, Code 2009, is amended to read as follows:

9. a. The hawk-i board may provide approval to the director to contract with participating insurers to provide dental-only services. In determining whether to provide such approval to the director, the board shall take into consideration the impact on the overall program of single source contracting for dental services.

b. The hawk-i board may provide approval to the director to contract with participating insurers to provide the supplemental dental-only coverage to otherwise eligible children who have private health care coverage as specified in the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-3.

Sec. 32. Section 514I.6, subsections 2 and 3, Code 2009, are amended to read as follows:

2. Provide or reimburse accessible, quality medical or dental services.

3. Require that any plan provided by the participating insurer establishes and maintains a conflict management system that includes methods for both preventing and resolving disputes involving the health or dental care needs of eligible children, and a process for resolution of such disputes.

Sec. 33. Section 514I.6, subsection 4, paragraph a, Code 2009, is amended to read as follows:

a. A list of providers of medical or dental services under the plan.

Sec. 34. Section 514I.7, subsection 2, paragraph d, Code 2009, is amended to read as follows:

d. Monitor and assess the medical and dental care provided through or by participating insurers as well as complaints and grievances.

Sec. 35. Section 514I.8, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. Is a member of a family whose income does not exceed ~~two~~ three hundred percent of the federal poverty level, as defined in 42 U.S.C. § 9902(2), including any revision required by such section, and in accordance with the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-3.

Sec. 36. Section 514I.10, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Cost sharing for an eligible child whose family income exceeds two hundred percent but does not exceed three hundred percent of the federal poverty level may include copayments and graduated premium amounts which do not exceed the limitations of federal law.

Sec. 37. Section 514I.11, subsections 1 and 3, Code 2009, are amended to read as follows:

1. A hawk-i trust fund is created in the state treasury under the authority of the department of human services, in which all appropriations and other revenues of the program ~~and the hawk-i expansion program~~ such as grants, contributions, and participant payments shall be deposited and used for the purposes of the program ~~and the hawk-i expansion program~~. The moneys in the fund shall not be considered revenue of the state, but rather shall be funds of the program.

3. Moneys in the fund are appropriated to the department and shall be used to offset any program ~~and hawk-i expansion program~~ costs.

Sec. 38. MEDICAL ASSISTANCE PROGRAM — PROGRAMMATIC AND PROCEDURAL PROVISIONS. The department of human services shall adopt rules pursuant to chapter 17A to provide for all of the following:

1. To allow for the submission of one pay stub per employer by an individual as verification of earned income for the medical assistance program when it is indicative of future income.

2. To allow for an averaging of three years of income for self-employed families to establish eligibility for the medical assistance program.

3. To extend the period for annual renewal by medical assistance members by mailing the renewal form to the member on the first day of the month prior to the month of renewal.

4. To provide for all of the following in accordance with the requirements for qualification for the performance bonus payments described under the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-3:

a. Utilization of joint applications and supplemental forms, and the same application and renewal verification processes for the medical assistance and hawk-i programs.

b. Implementation of administrative or paperless verification at renewal for the medical assistance program.

c. Utilization of presumptive eligibility when determining a child's eligibility for the medical assistance program.

d. Utilization of the express lane option, including utilization of other public program databases to reach and enroll children in the medical assistance program.

5. To provide translation and interpretation services under the medical assistance program as specified pursuant to the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-3.

Sec. 39. HAWK-I PROGRAM — PROGRAMMATIC AND PROCEDURAL PROVISIONS. The hawk-i board, in consultation with the department of human services, shall adopt rules pursuant to chapter 17A to provide for all of the following:

1. To allow for the submission of one pay stub per employer by an individual as verification of earned income for the hawk-i program when it is indicative of future income.

2. To allow for an averaging of three years of income for self-employed families to establish eligibility for the hawk-i program.

3. To provide for all of the following in accordance with the requirements for qualification for the performance bonus payments described under the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-3:

a. Utilization of joint applications and supplemental forms, and the same application and renewal verification processes for the hawk-i and medical assistance programs.

b. Implementation of administrative or paperless verification at renewal for the hawk-i program.

c. Utilization of presumptive eligibility when determining a child's eligibility for the hawk-i program.

d. Utilization of the express lane option, including utilization of other public program databases to reach and enroll children in the hawk-i program.

Sec. 40. DEMONSTRATION GRANTS — CHIPRA. The department of human services in

cooperation with the department of public health and other appropriate agencies, shall apply for grants available under the Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-3, to promote outreach activities and quality child health outcomes under the medical assistance and hawk-i programs.

Sec. 41. Section 514I.12, Code 2009, is repealed.

Sec. 42. EFFECTIVE DATE. The section of this division of this Act amending section 422.12M, takes effect July 1, 2010.

DIVISION IV
VOLUNTEER HEALTH CARE PROVIDERS

Sec. 43. Section 135.24, Code 2009, is amended to read as follows:

135.24 VOLUNTEER HEALTH CARE PROVIDER PROGRAM ESTABLISHED — IMMUNITY FROM CIVIL LIABILITY.

1. The director shall establish within the department a program to provide to eligible hospitals, clinics, free clinics, field dental clinics, specialty health care provider offices, or other health care facilities, health care referral programs, or charitable organizations, free medical, dental, chiropractic, pharmaceutical, nursing, optometric, psychological, social work, behavioral science, podiatric, physical therapy, occupational therapy, respiratory therapy, and emergency medical care services given on a voluntary basis by health care providers. A participating health care provider shall register with the department and obtain from the department a list of eligible, participating hospitals, clinics, free clinics, field dental clinics, specialty health care provider offices, or other health care facilities, health care referral programs, or charitable organizations.

2. The department, in consultation with the department of human services, shall adopt rules to implement the volunteer health care provider program which shall include the following:

a. Procedures for registration of health care providers deemed qualified by the board of medicine, the board of physician assistants, the dental board, the board of nursing, the board of chiropractic, the board of psychology, the board of social work, the board of behavioral science, the board of pharmacy, the board of optometry, the board of podiatry, the board of physical and occupational therapy, the board of respiratory care, and the Iowa department of public health, as applicable.

b. Procedures for registration of free clinics, ~~and~~ field dental clinics, and specialty health care provider offices.

c. Criteria for and identification of hospitals, clinics, free clinics, field dental clinics, specialty health care provider offices, or other health care facilities, health care referral programs, or charitable organizations, eligible to participate in the provision of free medical, dental, chiropractic, pharmaceutical, nursing, optometric, psychological, social work, behavioral science, podiatric, physical therapy, occupational therapy, respiratory therapy, or emergency medical care services through the volunteer health care provider program. A free clinic, a field dental clinic, a specialty health care provider office, a health care facility, a health care referral program, a charitable organization, or a health care provider participating in the program shall not bill or charge a patient for any health care provider service provided under the volunteer health care provider program.

d. Identification of the services to be provided under the program. The services provided may include, but shall not be limited to, obstetrical and gynecological medical services, psychiatric services provided by a physician licensed under chapter 148, dental services provided under chapter 153, or other services provided under chapter 147A, 148A, 148B, 148C, 149, 151, 152, 152B, 152E, 154, 154B, 154C, 154D, 154F, or 155A.

3. A health care provider providing free care under this section shall be considered an employee of the state under chapter 669, shall be afforded protection as an employee of the state under section 669.21, and shall not be subject to payment of claims arising out of the free care

provided under this section through the health care provider's own professional liability insurance coverage, provided that the health care provider has done all of the following:

a. Registered with the department pursuant to subsection 1.

b. Provided medical, dental, chiropractic, pharmaceutical, nursing, optometric, psychological, social work, behavioral science, podiatric, physical therapy, occupational therapy, respiratory therapy, or emergency medical care services through a hospital, clinic, free clinic, field dental clinic, specialty health care provider office, or other health care facility, health care referral program, or charitable organization listed as eligible and participating by the department pursuant to subsection 1.

4. A free clinic providing free care under this section shall be considered a state agency solely for the purposes of this section and chapter 669 and shall be afforded protection under chapter 669 as a state agency for all claims arising from the provision of free care by a health care provider registered under subsection 3 who is providing services at the free clinic in accordance with this section or from the provision of free care by a health care provider who is covered by adequate medical malpractice insurance as determined by the department, if the free clinic has registered with the department pursuant to subsection 1.

5. A field dental clinic providing free care under this section shall be considered a state agency solely for the purposes of this section and chapter 669 and shall be afforded protection under chapter 669 as a state agency for all claims arising from the provision of free care by a health care provider registered under subsection 3 who is providing services at the field dental clinic in accordance with this section or from the provision of free care by a health care provider who is covered by adequate medical malpractice insurance, as determined by the department, if the field dental clinic has registered with the department pursuant to subsection 1.

5A. A specialty health care provider office providing free care under this section shall be considered a state agency solely for the purposes of this section and chapter 669 and shall be afforded protection under chapter 669 as a state agency for all claims arising from the provision of free care by a health care provider registered under subsection 3 who is providing services at the specialty health care provider office in accordance with this section or from the provision of free care by a health care provider who is covered by adequate medical malpractice insurance, as determined by the department, if the specialty health care provider office has registered with the department pursuant to subsection 1.

6. For the purposes of this section:

a. "Charitable organization" means a charitable organization within the meaning of section 501(c)(3) of the Internal Revenue Code.

b. "Field dental clinic" means a dental clinic temporarily or periodically erected at a location utilizing mobile dental equipment, instruments, or supplies, as necessary, to provide dental services.

c. "Free clinic" means a facility, other than a hospital or health care provider's office which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code and which has as its sole purpose the provision of health care services without charge to individuals who are otherwise unable to pay for the services.

d. "Health care provider" means a physician licensed under chapter 148, a chiropractor licensed under chapter 151, a physical therapist licensed pursuant to chapter 148A, an occupational therapist licensed pursuant to chapter 148B, a podiatrist licensed pursuant to chapter 149, a physician assistant licensed and practicing under a supervising physician pursuant to chapter 148C, a licensed practical nurse, a registered nurse, or an advanced registered nurse practitioner licensed pursuant to chapter 152 or 152E, a respiratory therapist licensed pursuant to chapter 152B, a dentist, dental hygienist, or dental assistant registered or licensed to practice under chapter 153, an optometrist licensed pursuant to chapter 154, a psychologist licensed pursuant to chapter 154B, a social worker licensed pursuant to chapter 154C, a mental health counselor or a marital and family therapist licensed pursuant to chapter 154D, a pharmacist licensed pursuant to chapter 155A, or an emergency medical care provider certified pursuant to chapter 147A.

e. "Specialty health care provider office" means the private office or clinic of an individual

specialty health care provider or group of specialty health care providers as referred by the Iowa collaborative safety net provider network established in section 135.153, but does not include a field dental clinic, a free clinic, or a hospital.

DIVISION V
HEALTH CARE WORKFORCE SUPPORT INITIATIVE

Sec. 44. NEW SECTION. 135.153A SAFETY NET PROVIDER RECRUITMENT AND RETENTION INITIATIVES PROGRAM REPEAL.[1]

The department, in accordance with efforts pursuant to sections 135.163 and 135.164 and in cooperation with the Iowa collaborative safety net provider network governing group as described in section 135.153, shall establish and administer a safety net provider recruitment and retention initiatives program to address the health care workforce shortage relative to safety net providers. Funding for the program may be provided through the health care workforce shortage fund or the safety net provider network workforce shortage account created in section 135.175. The department, in cooperation with the governing group, shall adopt rules pursuant to chapter 17A to implement and administer such program. This section is repealed June 30, 2014.

Sec. 45. NEW SECTION. 135.175 HEALTH CARE WORKFORCE SUPPORT INITIATIVE — WORKFORCE SHORTAGE FUND — ACCOUNTS — REPEAL.

1. a. A health care workforce support initiative is established to provide for the coordination and support of various efforts to address the health care workforce shortage in this state. This initiative shall include the medical residency training state matching grants program created in section 135.176, the health care professional and nursing workforce shortage initiative created in sections 261.128 and 261.129, the safety net provider recruitment and retention initiatives program credited[2] in section 135.153A, health care workforce shortage national initiatives, and the physician assistant mental health fellowship program created in section 135.177.

b. A health care workforce shortage fund is created in the state treasury as a separate fund under the control of the department, in cooperation with the entities identified in this section as having control over the accounts within the fund. The fund and the accounts within the fund shall be controlled and managed in a manner consistent with the principles specified and the strategic plan developed pursuant to sections 135.163 and 135.164.

2. The fund and the accounts within the fund shall consist of moneys appropriated from the general fund of the state for the purposes of the fund or the accounts within the fund; moneys received from the federal government for the purposes of addressing the health care workforce shortage; contributions, grants, and other moneys from communities and health care employers; and moneys from any other public or private source available.

3. The department and any entity identified in this section as having control over any of the accounts within the fund, may receive contributions, grants, and in-kind contributions to support the purposes of the fund and the accounts within the fund.

4. The fund and the accounts within the fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys in the fund and the accounts within the fund shall not be considered revenue of the state, but rather shall be moneys of the fund or the accounts. The moneys in the fund and the accounts within the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except to provide for the purposes of this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund and the accounts within the fund.

5. The fund shall consist of the following accounts:

a. The medical residency training account. The medical residency training account shall be under the control of the department and the moneys in the account shall be used for the purposes of the medical residency training state matching grants program as specified in section 135.176. Moneys in the account shall consist of moneys appropriated or allocated for de-

[1] According to enrolled Act; the phrase "PROGRAM — REPEAL" probably intended
[2] According to enrolled Act; the word "created" probably intended

posit in or received by the fund or the account and specifically dedicated to the medical residency training state matching grants program or account for the purposes of such account.

b. The health care professional and nurse workforce shortage initiative account. The health care professional and nurse workforce shortage initiative account shall be under the control of the college student aid commission created in section 261.1 and the moneys in the account shall be used for the purposes of the health care professional incentive payment program and the nurse workforce shortage initiative as specified in sections 261.128 and 261.129. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the health care professional and nurse workforce shortage initiative or the account for the purposes of the account.

c. The safety net provider network workforce shortage account. The safety net provider network workforce shortage account shall be under the control of the governing group of the Iowa collaborative safety net provider network created in section 135.153 and the moneys in the account shall be used for the purposes of the safety net provider recruitment and retention initiatives program as specified in section 135.153A. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the safety net provider recruitment and retention initiatives program or the account for the purposes of the account.

d. The health care workforce shortage national initiatives account. The health care workforce shortage national initiatives account shall be under the control of the state entity identified for receipt of the federal funds by the federal government entity through which the federal funding is available for a specified health care workforce shortage initiative. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to health care workforce shortage national initiatives or the account and for a specified health care workforce shortage initiative.

e. The physician assistant mental health fellowship program account. The physician assistant mental health fellowship program account shall be under the control of the department and the moneys in the account shall be used for the purposes of the physician assistant mental health fellowship program as specified in section 135.177. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the physician assistant mental health fellowship program or the account for the purposes of the account.

6. a. Moneys in the fund and the accounts in the fund shall only be appropriated in a manner consistent with the principles specified and the strategic plan developed pursuant to sections 135.163 and 135.164 to support the medical residency training state matching grants program, the health care professional incentive payment program, the nurse educator incentive payment and nursing faculty fellowship programs, the safety net recruitment and retention initiatives program, for national health care workforce shortage initiatives, for the physician assistant mental health fellowship program, and to provide funding for state health care workforce shortage programs as provided in this section.

b. State programs that may receive funding from the fund and the accounts in the fund, if specifically designated for the purpose of drawing down federal funding, are the primary care recruitment and retention endeavor (PRIMECARRE), the Iowa affiliate of the national rural recruitment and retention network, the primary care office shortage designation program, the state office of rural health, and the Iowa health workforce center, administered through the bureau of health care access of the department of public health; the area health education centers programs at Des Moines university — osteopathic medical center and the university of Iowa; the Iowa collaborative safety net provider network established pursuant to section 135.153; any entity identified by the federal government entity through which federal funding for a specified health care workforce shortage initiative is received; and a program developed in accordance with the strategic plan developed by the department of public health in accordance with sections 135.163 and 135.164.

c. State appropriations to the fund shall be allocated in equal amounts to each of the accounts within the fund, unless otherwise specified in the appropriation or allocation. Any fed-

eral funding received for the purposes of addressing state health care workforce shortages shall be deposited in the health care workforce shortage national initiatives account, unless otherwise specified by the source of the funds, and shall be used as required by the source of the funds. If use of the federal funding is not designated, twenty-five percent of such funding shall be deposited in the safety net provider network workforce shortage account to be used for the purposes of the account and the remainder of the funds shall be used in accordance with the strategic plan developed by the department of public health in accordance with sections 135.163 and 135.164, or to address workforce shortages as otherwise designated by the department of public health. Other sources of funding shall be deposited in the fund or account and used as specified by the source of the funding.

7. No more than five percent of the moneys in any of the accounts within the fund, not to exceed one hundred thousand dollars in each account, shall be used for administrative purposes, unless otherwise provided by the appropriation, allocation, or source of the funds.

8. The department, in cooperation with the entities identified in this section as having control over any of the accounts within the fund, shall submit an annual report to the governor and the general assembly regarding the status of the health care workforce support initiative, including the balance remaining in and appropriations from the health care workforce shortage fund and the accounts within the fund.

9. This section is repealed June 30, 2014.

Sec. 46. NEW SECTION. 135.176 MEDICAL RESIDENCY TRAINING STATE MATCHING GRANTS PROGRAM — REPEAL.

1. The department shall establish a medical residency training state matching grants program to provide matching state funding to sponsors of accredited graduate medical education residency programs in this state to establish, expand, or support medical residency training programs. Funding for the program may be provided through the health care workforce shortage fund or the medical residency training account created in section 135.175. For the purposes of this section, unless the context otherwise requires, "accredited" means a graduate medical education program approved by the accreditation council for graduate medical education or the American osteopathic association. The grant funds may be used to support medical residency programs through any of the following:

a. The establishment of new or alternative campus accredited medical residency training programs. For the purposes of this paragraph, "new or alternative campus accredited medical residency training program" means a program that is accredited by a recognized entity approved for such purpose by the accreditation council for graduate medical education or the American osteopathic association with the exception that a new medical residency training program that, by reason of an insufficient period of operation is not eligible for accreditation on or before the date of submission of an application for a grant, may be deemed accredited if the accreditation council for graduate medical education or the American osteopathic association finds, after consultation with the appropriate accreditation entity, that there is reasonable assurance that the program will meet the accreditation standards of the entity prior to the date of graduation of the initial class in the program.

b. The provision of new residency positions within existing accredited medical residency or fellowship training programs.

c. The funding of residency positions which are in excess of the federal residency cap. For the purposes of this paragraph, "in excess of the federal residency cap" means a residency position for which no federal Medicare funding is available because the residency position is a position beyond the cap for residency positions established by the federal Balanced Budget Act of 1997, Pub. L. No. 105-33.

2. The department shall adopt rules pursuant to chapter 17A to provide for all of the following:

a. Eligibility requirements for and qualifications of a sponsor of an accredited graduate medical education residency program to receive a grant. The requirements and qualifications shall include but are not limited to all of the following:

(1) Only a sponsor that establishes a dedicated fund to support a residency program that meets the specifications of this section shall be eligible to receive a matching grant. A sponsor funding residency positions in excess of the federal residency cap, as defined in subsection 1, paragraph "c", exclusive of funds provided under the medical residency training state matching grants program established in this section, is deemed to have satisfied this requirement and shall be eligible for a matching grant equal to the amount of funds expended for such residency positions, subject to the limitation on the maximum award of grant funds specified in paragraph "e".

(2) A sponsor shall demonstrate through documented financial information as prescribed by rule of the department, that funds have been reserved and will be expended by the sponsor in the amount required to provide matching funds for each residency proposed in the request for state matching funds.

(3) A sponsor shall demonstrate through objective evidence as prescribed by rule of the department, a need for such residency program in the state.

b. The application process for the grant.

c. Criteria for preference in awarding of the grants, including preference in the residency specialty.

d. Determination of the amount of a grant. The total amount of a grant awarded to a sponsor shall be limited to no more than twenty-five percent of the amount that the sponsor has demonstrated through documented financial information has been reserved and will be expended by the sponsor for each residency sponsored for the purpose of the residency program.

e. The maximum award of grant funds to a particular individual sponsor per year. An individual sponsor shall not receive more than twenty-five percent of the state matching funds available each year to support the program. However, if less than ninety-five percent of the available funds has been awarded in a given year, a sponsor may receive more than twenty-five percent of the state matching funds available if total funds awarded do not exceed ninety-five percent of the available funds. If more than one sponsor meets the requirements of this section and has established, expanded, or supported a graduate medical residency training program, as specified in subsection 1, in excess of the sponsor's twenty-five percent maximum share of state matching funds, the state matching funds shall be divided proportionately among such sponsors.

f. Use of the funds awarded. Funds may be used to pay the costs of establishing, expanding, or supporting an accredited graduate medical education program as specified in this section, including but not limited to the costs associated with residency stipends and physician faculty stipends.

3. This section is repealed June 30, 2014.

Sec. 47. NEW SECTION. 135.177 PHYSICIAN ASSISTANT MENTAL HEALTH FELLOWSHIP PROGRAM — REPEAL.

1. The department, in cooperation with the college student aid commission, shall establish a physician assistant mental health fellowship program in accordance with this section. Funding for the program may be provided through the health care workforce shortage fund or the physician assistant mental health fellowship program account created in section 135.175. The purpose of the program is to determine the effect of specialized training and support for physician assistants in providing mental health services on addressing Iowa's shortage of mental health professionals.

2. The program shall provide for all of the following:

a. Collaboration with a hospital serving a thirteen-county area in central Iowa that provides a clinic at the Iowa veterans home, a private nonprofit agency headquartered in a city with a population of more than one hundred ninety thousand that operates a freestanding psychiatric medical institution for children, a private university with a medical school educating osteopathic physicians located in a city with a population of more than one hundred ninety thousand, the Iowa veterans home, and any other clinical partner designated for the program. Population figures used in this paragraph refer to the most recent certified federal census. The

clinical partners shall provide supervision, clinical experience, training, and other support for the program and physician assistant students participating in the program.

b. Elderly, youth, and general population clinical experiences.

c. A fellowship of twelve months for three physician assistant students, annually.

d. Supervision of students participating in the program provided by the university and the other clinical partners participating in the program.

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

f. The state and private entity clinical partners shall regularly evaluate and document their experiences with the approaches utilized and outcomes achieved by the program to identify an optimal model for operating the program. The evaluation process shall include but is not limited to identifying ways the program's clinical and training components could be modified to facilitate other student and practicing physician assistants specializing as mental health professionals.

3. This section is repealed June 30, 2014.

Sec. 48. Section 261.2, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 10. Administer the health care professional incentive payment program established in section 261.128 and the nursing workforce shortage initiative created in section 261.129. This subsection is repealed June 30, 2014.

Sec. 49. Section 261.23, subsection 1, Code 2009, is amended to read as follows:

1. A registered nurse and nurse educator loan forgiveness program is established to be administered by the commission. The program shall consist of loan forgiveness for eligible federally guaranteed loans for registered nurses and nurse educators who practice or teach in this state. For purposes of this section, unless the context otherwise requires, "nurse educator" means a registered nurse who holds a master's degree or doctorate degree and is employed as a faculty member who teaches nursing as provided in 655 IAC 2.6(152) at a community college, an accredited private institution, or an institution of higher education governed by the state board of regents.

Sec. 50. Section 261.23, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. Complete and return, on a form approved by the commission, an affidavit of practice verifying that the applicant is a registered nurse practicing in this state or a nurse educator teaching at a community college, an accredited private institution, or an institution of higher learning governed by the state board of regents.

Sec. 51. NEW SECTION. 261.128 HEALTH CARE PROFESSIONAL INCENTIVE PAYMENT PROGRAM — REPEAL.

1. The commission shall establish a health care professional incentive payment program to recruit and retain health care professionals in this state. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and nurse workforce shortage account created in section 135.175.

2. The commission shall administer the incentive payment program with the assistance of Des Moines university — osteopathic medical center.

3. The commission, with the assistance of Des Moines university — osteopathic medical center, shall adopt rules pursuant to chapter 17A, relating to the establishment and administration of the health care professional incentive payment program. The rules adopted shall address all of the following:

a. Eligibility and qualification requirements for a health care professional, a community, and a health care employer to participate in the incentive payment program. Any community in the state and all health care specialties shall be considered for participation. However, health care employers located in and communities that are designated as medically underserved areas or populations or that are designated as health professional shortage areas by the health resources and services administration of the United States department of health and human services shall have first priority in the awarding of incentive payments.

(1) To be eligible, a health care professional at a minimum must not have any unserved obligations to a federal, state, or local government or other entity that would prevent compliance with obligations under the agreement for the incentive payment; must have a current and unrestricted license to practice the professional's respective profession; and must be able to begin full-time clinical practice upon signing an agreement for an incentive payment.

(2) To be eligible, a community must provide a clinical setting for full-time practice of a health care professional and must provide a fifty thousand dollar matching contribution for a physician and a fifteen thousand dollar matching contribution for any other health care professional to receive an equal amount of state matching funds.

(3) To be eligible, a health care employer must provide a clinical setting for a full-time practice of a health care professional and must provide a fifty thousand dollar matching contribution for a physician and a fifteen thousand dollar matching contribution for any other health care professional to receive an equal amount of state matching funds.

b. The process for awarding incentive payments. The commission shall receive recommendations from the department of public health regarding selection of incentive payment recipients. The process shall require each recipient to enter into an agreement with the commission that specifies the obligations of the recipient and the commission prior to receiving the incentive payment.

c. Public awareness regarding the program including notification of potential health care professionals, communities, and health care employers about the program and dissemination of applications to appropriate entities.

d. Measures regarding all of the following:

(1) The amount of the incentive payment and the specifics of obligated service for an incentive payment recipient. An incentive payment recipient shall agree to provide service in full-time clinical practice for a minimum of four consecutive years. If an incentive payment recipient is sponsored by a community or health care employer, the obligated service shall be provided in the sponsoring community or health care employer location. An incentive payment recipient sponsored by a health care employer shall agree to provide health care services as specified in an employment agreement with the sponsoring health care employer.

(2) Determination of the conditions of the incentive payment applicable to an incentive payment recipient. At the time of approval for participation in the program, an incentive payment recipient shall be required to submit proof of indebtedness incurred as the result of obtaining loans to pay for educational costs resulting in a degree in health sciences. For the purposes of this subparagraph, "indebtedness" means debt incurred from obtaining a government or commercial loan for actual costs paid for tuition, reasonable education expenses, and reasonable living expenses related to the graduate, undergraduate, or associate education of a health care professional.

(3) Enforcement of the state's rights under an incentive payment agreement, including the commencement of any court action. A recipient who fails to fulfill the requirements of the incentive payment agreement is subject to repayment of the incentive payment in an amount equal to the amount of the incentive payment. A recipient who fails to meet the requirements of the incentive payment agreement may also be subject to repayment of moneys advanced by a community or health care employer as provided in any agreement with the community or employer.

(4) A process for monitoring compliance with eligibility requirements, obligated service provisions, and use of funds by recipients to verify eligibility of recipients and to ensure that state, federal, and other matching funds are used in accordance with program requirements.

(5) The use of the funds received. Any portion of the incentive payment that is attributable

to federal funds shall be used as required by the federal entity providing the funds. Any portion of the incentive payment that is attributable to state funds shall first be used toward payment of any outstanding loan indebtedness of the recipient. The remaining portion of the incentive payment shall be used as specified in the incentive payment agreement.

4. A recipient is responsible for reporting on federal income tax forms any amount received through the program, to the extent required by federal law. Incentive payments received through the program by a recipient in compliance with the requirements of the incentive payment program are exempt from state income taxation.

5. This section is repealed June 30, 2014.

Sec. 52. NEW SECTION. 261.129 NURSING WORKFORCE SHORTAGE INITIATIVE — REPEAL.

1. NURSE EDUCATOR INCENTIVE PAYMENT PROGRAM.

a. The commission shall establish a nurse educator incentive payment program. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and nurse workforce shortage initiative account created in section 135.175. For the purposes of this subsection, "nurse educator" means a registered nurse who holds a master's degree or doctorate degree and is employed as a faculty member who teaches nursing in a nursing education program as provided in 655 IAC 2.6 at a community college, an accredited private institution, or an institution of higher education governed by the state board of regents.

b. The program shall consist of incentive payments to recruit and retain nurse educators. The program shall provide for incentive payments of up to twenty thousand dollars for a nurse educator who remains teaching in a qualifying teaching position for a period of not less than four consecutive academic years.

c. The nurse educator and the commission shall enter into an agreement specifying the obligations of the nurse educator and the commission. If the nurse educator leaves the qualifying teaching position prior to teaching for four consecutive academic years, the nurse educator shall be liable to repay the incentive payment amount to the state, plus interest as specified by rule. However, if the nurse educator leaves the qualifying teaching position involuntarily, the nurse educator shall be liable to repay only a pro rata amount of the incentive payment based on incompleted years of service.

d. The commission, in consultation with the department of public health, shall adopt rules pursuant to chapter 17A relating to the establishment and administration of the nurse educator incentive payment program. The rules shall include provisions specifying what constitutes a qualifying teaching position.

2. NURSING FACULTY FELLOWSHIP PROGRAM.

a. The commission shall establish a nursing faculty fellowship program to provide funds to nursing schools in the state, including but not limited to nursing schools located at community colleges, for fellowships for individuals employed in qualifying positions on the nursing faculty. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and nurse workforce shortage initiative account created in section 135.175. The program shall be designed to assist nursing schools in filling vacancies in qualifying positions throughout the state.

b. The commission, in consultation with the department of public health and in cooperation with nursing schools throughout the state, shall develop a distribution formula which shall provide that no more than thirty percent of the available moneys are awarded to a single nursing school. Additionally, the program shall limit funding for a qualifying position in a nursing school to no more than ten thousand dollars per year for up to three years.

c. The commission, in consultation with the department of public health, shall adopt rules pursuant to chapter 17A to administer the program. The rules shall include provisions specifying what constitutes a qualifying position at a nursing school.

d. In determining eligibility for a fellowship, the commission shall consider all of the following:

(1) The length of time a qualifying position has gone unfilled at a nursing school.

(2) Documented recruiting efforts by a nursing school.
(3) The geographic location of a nursing school.
(4) The type of nursing program offered at the nursing school, including associate, bachelor's, master's, or doctoral degrees in nursing, and the need for the specific nursing program in the state.
3. REPEAL. This section is repealed June 30, 2014.

Sec. 53. HEALTH CARE WORKFORCE INITIATIVES — FEDERAL FUNDING. The department of public health shall work with the department of workforce development and health care stakeholders to apply for federal moneys allocated in the federal American Recovery and Reinvestment Act of 2009 for health care workforce initiatives that are available through a competitive grant process administered by the health resources and services administration of the United States department of health and human services or the United States department of health and human services. Any federal moneys received shall be deposited in the health care workforce shortage fund created in section 135.175 as enacted by this division of this Act and shall be used for the purposes specified for the fund and for the purposes specified in the federal American Recovery and Reinvestment Act of 2009.

Sec. 54. IMPLEMENTATION. This division of this Act shall be implemented only to the extent funding is available.

Sec. 55. CODE EDITOR DIRECTIVES. The Code editor shall do all of the following:
1. Create a new division in chapter 135 codifying section 135.175, as enacted in this division of this Act, as the health care workforce support initiative and fund.
2. Create a new division in chapter 135 codifying sections 135.176 and 135.177, as enacted in this division of this Act, as health care workforce support.
3. Create a new division in chapter 261 codifying section 261.128, as enacted in this division of this Act, as the health care professional incentive payment program.
4. Create a new division in chapter 261 codifying section 261.129, as enacted in this division of this Act, as the nursing workforce shortage initiative.

DIVISION VI
GIFTS — REPORTING OF SANCTIONS

Sec. 56. REPORTING OF SANCTIONS FOR GIFTS. The health profession boards established in chapter 147 shall report to the general assembly by January 15, 2010, any public information regarding sanctions levied against a health care professional for receipt of gifts in a manner not in compliance with the requirements and limitations of the respective health profession as established by the respective board.

DIVISION VII
HEALTH CARE TRANSPARENCY

Sec. 57. NEW SECTION. 135.166 HEALTH CARE DATA — COLLECTION FROM HOSPITALS.
1. The department of public health shall enter into a memorandum of understanding to utilize the Iowa hospital association to act as the department's intermediary in collecting, maintaining, and disseminating hospital inpatient, outpatient, and ambulatory information, as initially authorized in 1996 Iowa Acts, chapter 1212, section 5, subsection 1, paragraph "a", subparagraph (4) and 641 IAC 177.3.
2. The memorandum of understanding shall include but is not limited to provisions that address the duties of the department and the Iowa hospital association regarding the collection, reporting, disclosure, storage, and confidentiality of the data.

Approved May 19, 2009

CHAPTER 119

SEX OFFENDER REGISTRY

S.F. 340

AN ACT relating to the sex offender registry, making fees applicable, and providing for penalties.

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

DIVISION I
SEX OFFENDER REGISTRY

Section 1. NEW SECTION. 692A.101 DEFINITIONS.

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

1. a. "Aggravated offense" means a conviction for any of the following offenses:

(1) Sexual abuse in the first degree in violation of section 709.2.

(2) Sexual abuse in the second degree in violation of section 709.3.

(3) Sexual abuse in the third degree in violation of section 709.4, subsection 1.

(4) Lascivious acts with a child in violation of section 709.8, subsection 1 or 2.

(5) Assault with intent to commit sexual abuse in violation of section 709.11.

(6) Burglary in the first degree in violation of section 713.3, subsection 1, paragraph "d".

(7) Kidnapping, if sexual abuse as defined in section 709.1 is committed during the commission of the offense.

(8) Murder in violation of section 707.2 or 707.3, if sexual abuse as defined in section 709.1 is committed during the offense.

(9) Criminal transmission of human immunodeficiency virus in violation of section 709C.1, subsection 1, paragraph "a".

b. Any conviction for an offense specified in the laws of another jurisdiction or any conviction for an offense prosecuted in federal, military, or foreign court, that is comparable to an offense listed in paragraph "a" shall be considered an aggravated offense for purposes of registering under this chapter.

2. "Aggravated offense against a minor" means a conviction for any of the following offenses, if such offense was committed against a minor, or otherwise involves a minor:

a. Sexual abuse in the first degree in violation of section 709.2.

b. Sexual abuse in the second degree in violation of section 709.3.

c. Sexual abuse in the third degree in violation of section 709.4, except for a violation of section 709.4, subsection 2, paragraph "c", subparagraph (4).

3. "Appearance" means to appear in person at a sheriff's office.

4. "Business day" means every day except Saturday, Sunday, or any paid holiday for county employees in the applicable county.

5. "Change" means to add, begin, or terminate.

6. "Child care facility" means the same as defined in section 237A.1.

7. "Convicted" means found guilty of, pleads guilty to, or is sentenced or adjudicated delinquent for an act which is an indictable offense in this state or in another jurisdiction including in a federal, military, tribal, or foreign court, including but not limited to a juvenile who has been adjudicated delinquent, but whose juvenile court records have been sealed under section 232.150, and a person who has received a deferred sentence or a deferred judgment or has been acquitted by reason of insanity. "Conviction" includes the conviction of a juvenile prosecuted as an adult. "Convicted" also includes a conviction for an attempt or conspiracy to commit an offense. "Convicted" does not mean a plea, sentence, adjudication, deferred sentence, or deferred judgment which has been reversed or otherwise set aside.

8. "Criminal or juvenile justice agency" means an agency or department of any level of government or an entity wholly owned, financed, or controlled by one or more such agencies or

departments which performs as its principal function the apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal or juvenile offenders.

9. "Department" means the department of public safety.

10. "Employee" means an offender who is self-employed, employed by another, and includes a person working under contract, or acting or serving as a volunteer, regardless of whether the self-employment, employment by another, or volunteerism is performed for compensation.

11. "Employment" means acting as an employee.

12. "Foreign court" means a court of a foreign nation that is recognized by the United States department of state that enforces the right to a fair trial during the period in which a conviction occurred.

13. "Habitually lives" means living in a place with some regularity, and with reference to where the sex offender actually lives, which could be some place other than a mailing address or primary address but would entail a place where the sex offender lives on an intermittent basis.

14. "Incarcerated" means to be imprisoned by placing a person in a jail, prison, penitentiary, juvenile facility, or other correctional institution or facility or a place or condition of confinement or forcible restraint regardless of the nature of the institution in which the person serves a sentence for a conviction.

15. "Internet identifier" means an electronic mail address, instant message address or identifier, or any other designation or moniker used for self-identification during internet communication or posting, including all designations used for the purpose of routing or self-identification in internet communications or postings.

16. "Jurisdiction" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the United States Virgin Islands, or a federally recognized Indian tribe.

17. "Loiter" means remaining in a place or circulating around a place under circumstances that would warrant a reasonable person to believe that the purpose or effect of the behavior is to enable a sex offender to become familiar with a location where a potential victim may be found, or to satisfy an unlawful sexual desire, or to locate, lure, or harass a potential victim.

18. "Military offense" means a sex offense specified by the secretary of defense under 10 U.S.C. § 951.

19. "Minor" means a person under eighteen years of age.

20. "Principal residence" for a sex offender means:

a. The residence of the offender, if the offender has only one residence in this state.

b. The residence at which the offender resides, sleeps, or habitually lives for more days per year than another residence in this state, if the offender has more than one residence in this state.

c. The place of employment or attendance as a student, or both, if the sex offender does not have a residence in this state.

21. "Professional licensing information" means the name or other description, number, if applicable, and issuing authority or agency of any license, certification, or registration required by law to engage in a profession or occupation held by a sex offender who is required at the time of the initial requirement to register under this chapter, or any such license, certification, or registration that was issued to an offender within the five-year period prior to conviction for a sex offense that requires registration under this chapter, or any such license, certification, or registration that is issued to an offender at any time during the duration of the registration requirement.

22. "Public library" means any library that receives financial support from a city or county pursuant to section 256.69.

23. a. "Relevant information" means the following information with respect to a sex offender:

(1) Criminal history, including warrants, articles, status of parole, probation, or supervised release, date of arrest, date of conviction, and registration status.

(2) Date of birth.
(3) Passport and immigration documents.
(4) Government issued driver's license or identification card.
(5) DNA sample.
(6) Educational institutions attended as a student, including the name and address of such institutions.
(7) Employment information including name and address of employer.
(8) Fingerprints.
(9) Internet identifiers.
(10) Names, nicknames, aliases, or ethnic or tribal names, and if applicable, the real names of an offender protected under 18 U.S.C. § 3521.
(11) Palm prints.
(12) Photographs.
(13) Physical description, including scars, marks, or tattoos.
(14) Professional licensing information.
(15) Residence.
(16) Social security number.
(17) Telephone numbers, including any landline or wireless numbers.
(18) Temporary lodging information, including dates when residing in temporary lodging.
(19) Statutory citation and text of offense committed that requires registration under this chapter.
(20) Vehicle information for a vehicle owned or operated by an offender including license plate number, registration number, or other identifying number, vehicle description, and the permanent or frequent locations where the vehicle is parked, docked, or otherwise kept.
(21) The name, gender, and date of birth of each person residing in the residence.

b. "Relevant information" does not include relevant information in paragraph "a", subparagraphs (1) and (19), when a sex offender is required to provide relevant information pursuant to this chapter.

24. "Residence" means each dwelling or other place where a sex offender resides, sleeps, or habitually lives, or will reside, sleep, or habitually live, including a shelter or group home. If a sex offender does not reside, sleep, or habitually live in a fixed place, "residence" means a description of the locations where the offender is stationed regularly, including any mobile or transitory living quarters. "Residence" shall be construed to refer to the places where a sex offender resides, sleeps, habitually lives, or is stationed with regularity, regardless of whether the offender declares or characterizes such place as the residence of the offender.

25. "Sex act" means as defined in section 702.17.

26. "Sex offender" means a person who is required to be registered under this chapter.

27. "Sex offense" means an indictable offense for which a conviction has been entered that has an element involving a sexual act, sexual contact, or sexual conduct, and which is enumerated in section 692A.102, and means any comparable offense for which a conviction has been entered under prior law, or any comparable offense for which a conviction has been entered in a federal, military, or foreign court, or another jurisdiction.

28. "Sex offense against a minor" means an offense for which a conviction has been entered for a sex offense classified as a tier I, tier II, or tier III offense under this chapter if such offense was committed against a minor, or otherwise involves a minor.

29. "Sexually violent offense" means an offense for which a conviction has been entered for any of the following indictable offenses:

a. Sexual abuse as defined under section 709.1.

b. Assault with intent to commit sexual abuse in violation of section 709.11.

c. Sexual misconduct with offenders and juveniles in violation of section 709.16.

d. Any of the following offenses, if the offense involves sexual abuse or assault with intent to commit sexual abuse: murder, attempted murder, kidnapping, burglary, or manslaughter.

e. A criminal offense committed in another jurisdiction, including a conviction in a federal,

military, or foreign court, which would constitute an indictable offense under paragraphs "a" through "d" if committed in this state.

30. "Sexually violent predator" means a sex offender who has been convicted of an offense which would qualify the offender as a sexually violent predator under the federal Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071(a)(3)(B), (C), (D), and (E).

31. "SORNA" means the Sex Offender Registration and Notification Act, which is Title I of the federal Adam Walsh Child Protection and Safety Act of 2006.

32. "Student" means a sex offender who enrolls in or otherwise receives instruction at an educational institution, including a public or private elementary school, secondary school, trade or professional school, or institution of higher education. "Student" does not mean a sex offender who enrolls in or attends an educational institution as a correspondence student, distance learning student, or any other form of learning that occurs without physical presence on the real property of an educational institution.

33. "Superintendent" means the superintendent or superintendent's designee of a public school or the authorities in charge of a nonpublic school.

34. "Vehicle" means a vehicle owned or operated by an offender, including but not limited to a vehicle for personal or work-related use, and including a watercraft or aircraft, that is subject to registration requirements under chapter 321, 328, or 462A.

Sec. 2. NEW SECTION. 692A.102 SEX OFFENSE CLASSIFICATIONS.

1. For purposes of this chapter, all individuals required to register shall be classified as a tier I, tier II, or tier III offender. For purposes of this chapter, sex offenses are classified into the following tiers:

a. Tier I offenses include a conviction for the following sex offenses:

(1) Sexual abuse in the second degree in violation of section 709.3, subsection 2, if committed by a person under the age of fourteen.

(2) Sexual abuse in the third degree in violation of section 709.4, subsection 1, 3, or 4, if committed by a person under the age of fourteen.

(3) Sexual abuse in the third degree in violation of section 709.4, subsection 2, paragraph "a" or "b", if committed by a person under the age of fourteen.

(4) Sexual abuse in the third degree in violation of section 709.4, subsection 2, paragraph "c".

(5) Indecent exposure in violation of section 709.9.

(6) Harassment in violation of section 708.7, subsection 1, 2, or 3, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(7) Stalking in violation of section 708.11, except a violation of subsection 3, paragraph "b", subparagraph (3), if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(8) (a) Dissemination or exhibition of obscene material to minors in violation of section 728.2 or telephone dissemination of obscene material to minors in violation of 728.15.

(b) Rental or sale of hard-core pornography, if delivery is to a minor, in violation of section 728.4.

(9) Admitting minors to premises where obscene material is exhibited in violation of section 728.3.

(10) Receipt or possession of child pornography in violation of 18 U.S.C. § 2252.

(11) Material containing child pornography in violation of 18 U.S.C. § 2252A.

(12) Misleading domain names on the internet in violation of 18 U.S.C. § 2252B.

(13) Misleading words or digital images on the internet in violation of section 18 U.S.C. § 2252C.

(14) Failure to file a factual statement about an alien individual in violation of 18 U.S.C. § 2424.

(15) Transmitting information about a minor to further criminal sexual conduct in violation of 18 U.S.C. § 2425.

(16) Any sex offense specified in the laws of another jurisdiction or any sex offense that may

be prosecuted in federal, military, or foreign court, that is comparable to an offense listed in subparagraphs (1) through (15).

(17) Any sex offense under the prior laws of this state or another jurisdiction, or any sex offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraphs (1) through (15).

b. Tier II offenses include a conviction for the following sex offenses:

(1) Detention in brothel in violation of section 709.7.

(2) Lascivious acts with a child in violation of section 709.8, subsection 3 or 4.

(3) Solicitation of a minor to engage in an illegal sex act in violation of section 705.1.

(4) Solicitation of a minor to engage an[1] illegal act under section 709.8, subsection 3, in violation of section 705.1.

(5) Solicitation of a minor to engage in an illegal act under section 709.12, in violation of section 705.1.

(6) False imprisonment of a minor in violation of section 710.7, except if committed by a parent.

(7) Assault with intent to commit sexual abuse if no injury results in violation of section 709.11.

(8) Invasion of privacy-nudity in violation of section 709.21.

(9) Stalking in violation of section 708.11, subsection 3, paragraph "b", subparagraph (3), if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(10) Indecent contact with a child in violation of section 709.12, if the child is thirteen years of age.

(11) Lascivious conduct with a minor in violation of section 709.14.

(12) Sexual exploitation by a counselor, therapist, or school employee in violation of section 709.15, if the victim is thirteen years of age or older.

(13) Sexual misconduct with offenders and juveniles in violation of section 709.16, if the victim is thirteen years of age or older.

(14) Kidnapping of a person who is not a minor in violation of section 710.2, 710.3, or 710.4, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(15) Solicitation of a minor to engage in an illegal act under section 725.3, subsection 2, in violation of section 705.1.

(16) Incest committed against a dependant[2] adult as defined in section 235B.2 in violation of section 726.2.

(17) Incest committed against a minor in violation of section 726.2.

(18) Sexual exploitation of a minor in violation of section 728.12, subsection 2 or 3.

(19) Material involving the sexual exploitation of a minor in violation of 18 U.S.C. § 2252(a), except receipt or possession of child pornography.

(20) Production of sexually explicit depictions of a minor for import into the United States in violation of 18 U.S.C. § 2260.

(21) Transportation of a minor for illegal sexual activity in violation of 18 U.S.C. § 2421.

(22) Coercion and enticement of a minor for illegal sexual activity in violation of 18 U.S.C. § 2422(a) or (b).

(23) Transportation of minors for illegal sexual activity in violation of 18 U.S.C. § 2423(a).

(24) Travel with the intent to engage in illegal sexual conduct with a minor in violation of 18 U.S.C. § 2423.

(25) Engaging in illicit sexual conduct in foreign places in violation of 18 U.S.C. § 2423(c).

(26) Video voyeurism of a minor in violation of 18 U.S.C. § 1801.

(27) Any sex offense specified in the laws of another jurisdiction or any offense that may be prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraphs (1) through (26).

(28) Any sex offense under the prior laws of this state or another jurisdiction, or any sex of-

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[1] According to enrolled Act; the phrase "engage in an" probably intended

[2] According to enrolled Act; the word "dependent" probably intended

fense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to a sex offense listed in subparagraphs (1) through (26).

c. Tier III offenses include a conviction for the following sex offenses:

(1) Murder in violation of section 707.2 or 707.3 if sexual abuse as defined in section 709.1 is committed during the commission of the offense.

(2) Murder in violation of section 707.2 or 707.3, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(3) Voluntary manslaughter in violation of section 707.4, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(4) Involuntary manslaughter in violation of section 707.5, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(5) Attempt to commit murder in violation of section 707.11, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(6) Sexual abuse in the first degree in violation of section 709.2.

(7) Sexual abuse in the second degree in violation of section 709.3, subsection 1 or 3.

(8) Sexual abuse in the second degree in violation of section 709.3, subsection 2, if committed by a person fourteen years of age or older.

(9) Sexual abuse in the third degree in violation of section 709.4, subsection 1, 3, or 4, if committed by a person fourteen years of age or older.

(10) Sexual abuse in the third degree in violation of section 709.4, subsection 2, paragraph "a" or "b", if committed by a person fourteen years of age or older.

(11) Lascivious acts with a child in violation of section 709.8, subsection 1 or 2.

(12) Kidnapping in violation of section 710.2 if sexual abuse as defined in section 709.1 is committed during the commission of the offense.

(13) Kidnapping of a minor in violation of section 710.2, 710.3, or 710.4, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(14) Assault with intent to commit sexual abuse resulting in serious or bodily injury in violation of section 709.11.

(15) Burglary in the first degree in violation of section 713.3, subsection 1, paragraph "d".

(16) Any other burglary in the first degree offense in violation of section 713.3 that is not included in subparagraph (15), if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(17) Attempted burglary in the first degree in violation of section 713.4, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(18) Burglary in the second degree in violation of section 713.5, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(19) Attempted burglary in the second degree in violation of section 713.6, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(20) Burglary in the third degree in violation of section 713.6A, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(21) Attempted burglary in the third degree in violation of section 713.6B, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(22) Criminal transmission of human immunodeficiency virus in violation of section 709C.1, subsection 1, paragraph "a".

(23) Human trafficking in violation of section 710A.2 if sexual abuse or assault with intent to commit sexual abuse is committed or sexual conduct or sexual contact is an element of the offense.

(24) Purchase or sale of an individual in violation of section 710.11 if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(25) Sexual exploitation of a minor in violation of section 728.12, subsection 1.

(26) Indecent contact with a child in violation of section 709.12 if the child is under thirteen years of age.

(27) Sexual exploitation by a counselor, therapist, or school employee in violation of section 709.15, if the child is under thirteen years of age.

(28) Sexual misconduct with offenders and juveniles in violation of section 709.16, if the child is under thirteen years of age.

(29) Child stealing in violation of section 710.5, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(30) Enticing away a minor in violation of section 710.10, if the violation includes an intent to commit sexual abuse, sexual exploitation, sexual contact, or sexual conduct directed towards a minor.

(31) Sex trafficking of children in violation of 18 U.S.C. § 1591.

(32) Aggravated sexual abuse in violation of 18 U.S.C. § 2241.

(33) Sexual abuse in violation of 18 U.S.C. § 2242.

(34) Sexual abuse of a minor or ward in violation of 18 U.S.C. § 2243.

(35) Abusive sexual contact in violation of 18 U.S.C. § 2244.

(36) Offenses resulting in death in violation of 18 U.S.C. § 2245.

(37) Sexual exploitation of children in violation of 18 U.S.C. § 2251.

(38) Selling or buying of children in violation of 18 U.S.C. § 2251A.

(39) Any sex offense specified in the laws of another jurisdiction or any sex offense that may be prosecuted in federal, military, or foreign court, that is comparable to an offense listed in subparagraphs (1) through (38).

(40) Any sex offense under the prior laws of this state or another jurisdiction, or any sex offense under prior law that was prosecuted in federal, military, or foreign court, that is comparable to a sex offense listed in subparagraphs (1) through (38).

2. A sex offender classified as a tier I offender shall be reclassified as a tier II offender, if it is determined the offender has one previous conviction for an offense classified as a tier I offense.

3. A sex offender classified as a tier II offender, shall be reclassified as a tier III offender, if it is determined the offender has a previous conviction for a tier II offense or has been reclassified as a tier II offender because of a previous conviction.

4. Notwithstanding the classifications of sex offenses in subsection 1, any sex offense which would qualify a sex offender as a sexually violent predator, shall be classified as a tier III offense.

5. An offense classified as a tier II offense if committed against a person under thirteen years of age, shall be reclassified as a tier III offense.

6. Convictions of more than one sex offense which require registration under this chapter but which are prosecuted within a single indictment shall be considered as a single offense for purposes of registration.

Sec. 3. NEW SECTION. 692A.103 OFFENDERS REQUIRED TO REGISTER.

1. A person who has been convicted of any sex offense classified as a tier I, tier II, or tier III offense, or an offender required to register in another jurisdiction under the other jurisdiction's sex offender registry, shall register as a sex offender as provided in this chapter if the offender resides, is employed, or attends school in this state. A sex offender shall, upon a first or subsequent conviction, register in compliance with the procedures specified in this chapter, for the duration of time specified in this chapter, commencing as follows:

a. From the date of placement on probation.

b. From the date of release on parole or work release.

c. From the date of release from incarceration.

d. Except as otherwise provided in this section, from the date an adjudicated delinquent is released from placement in a juvenile facility ordered by a court pursuant to section 232.52.

e. Except as otherwise provided in this section, from the date an adjudicated delinquent commences attendance as a student at a public or private educational institution, other than an educational institution located on the real property of a juvenile facility if the juvenile has been ordered placed at such facility pursuant to section 232.52.

f. From the date of conviction for a sex offense requiring registration if probation, incarceration, or placement ordered pursuant to section 232.52 in a juvenile facility is not included in

the sentencing, order, or decree of the court, except as otherwise provided in this section for juvenile cases.

2. A sex offender is not required to register while incarcerated. However, the running of the period of registration is tolled pursuant to section 692A.107 if a sex offender is incarcerated.

3. A juvenile adjudicated delinquent for an offense that requires registration shall be required to register as required in this chapter unless the juvenile court waives the requirement and finds that the person should not be required to register under this chapter.

4. Notwithstanding subsections 3 and 5, a juvenile fourteen years of age or older at the time the offense was committed shall be required to register if the adjudication was for an offense committed by force or the threat of serious violence, by rendering the victim unconscious, or by involuntary drugging of the victim. At the time of adjudication the judge shall make a determination as to whether the offense was committed by force or the threat of serious violence, by rendering the victim unconscious, or by involuntary drugging of the victim.

5. If a juvenile is required to register pursuant to subsection 3, the juvenile court may, upon motion of the juvenile, and after reasonable notice to the parties and hearing, modify or suspend the registration requirements if good cause is shown.

a. The motion to modify or suspend shall be made and the hearing shall occur prior to the discharge of the juvenile from the jurisdiction of the juvenile court for the sex offense that requires registration.

b. If at the time of the hearing the juvenile is participating in an appropriate outpatient treatment program for juvenile sex offenders, the juvenile court may enter orders temporarily suspending the requirement that the juvenile register and may defer entry of a final order on the matter until such time that the juvenile has completed or been discharged from the outpatient treatment program.

c. Final orders shall then be entered within thirty days from the date of the juvenile's completion or discharge from outpatient treatment.

d. Any order entered pursuant to this subsection that modifies or suspends the requirement to register shall include written findings stating the reason for the modification or suspension, and shall include appropriate restrictions upon the juvenile to protect the public during any period of time the registry requirements are modified or suspended. Upon entry of an order modifying or suspending the requirement to register, the juvenile court shall notify the superintendent or the superintendent's designee where the juvenile is enrolled of the decision.

e. This subsection does not apply to a juvenile fourteen years of age or older at the time the offense was committed if the adjudication was for a sex offense committed by force or the threat of serious violence, by rendering the victim unconscious, or by involuntary drugging of the victim.

6. If a juvenile is required to register and the court later modifies or suspends the order regarding the requirement to register, the court shall notify the department within five days of the decision.

Sec. 4. NEW SECTION. 692A.104 REGISTRATION PROCESS.

1. A sex offender shall appear in person to register with the sheriff of each county where the offender has a residence, maintains employment, or is in attendance as a student, within five business days of being required to register under section 692A.103 by providing all relevant information to the sheriff. A sheriff shall accept the registration of any person who is required to register in the county pursuant to the provisions of this chapter.

2. A sex offender shall, within five business days of changing a residence, employment, or attendance as a student, appear in person to notify the sheriff of each county where a change has occurred.

3. A sex offender shall, within five business days of a change in relevant information other than relevant information enumerated in subsection 2, notify the sheriff of the county where the principal residence of the offender is maintained about the change to the relevant information. The department shall establish by rule what constitutes proper notification under this subsection.

4. A sex offender who is required to verify information pursuant to the provisions of section 692A.108 is only required to appear in person in the county where the principal residence of the offender is maintained to verify such information.

5. A sex offender shall, within five business days of the establishment of a residence, employment, or attendance as a student in another jurisdiction, appear in person to notify the sheriff of the county where the principal residence of the offender is maintained, about the establishment of a residence, employment, or attendance in another jurisdiction. A sex offender shall, within five business days of establishing a new residence, employment, or attendance as a student in another jurisdiction, register with the registering agency of the other jurisdiction, if the offender is required to register under the laws of the other jurisdiction. The department shall notify the registering agency in the other jurisdiction of the sex offender's new residence, employment, or attendance as a student in the other jurisdiction.

6. A sex offender, who has multiple residences in this state, shall appear in person to notify the sheriff of each county where a residence is maintained, of the dates the offender will reside at each residence including the date when the offender will move from one residence to another residence.

7. Except as provided in subsection 8, the initial or subsequent registration and any notifications required in subsections 1, 2, 4, 5, and 6 shall be by appearance at the sheriff's office and completion of the initial or subsequent registration or notification shall be on a printed form, which shall be signed and dated by the sex offender. If the sheriff uses an electronic form to complete the initial registration or notification, the electronic form shall be printed upon completion and signed and dated by the sex offender. The sheriff shall transmit the registration or notification form completed by the sex offender within five business days by paper copy, or electronically, using procedures established by the department by rule.

8. The collection of relevant information by a court or releasing agency under section 692A.109 shall serve as the sex offender's initial or subsequent registration for purposes of this section. However, the sex offender shall register by appearing in person in the county of residence to verify the offender's arrival and relevant information. The court or releasing agency shall forward a copy of the registration to the department within five business days of completion of registration using procedures established by the department by rule.

Sec. 5. NEW SECTION. 692A.105 ADDITIONAL REGISTRATION REQUIREMENTS — TEMPORARY LODGING.

In addition to the registration provisions specified in section 692A.104, a sex offender, within five business days of a change, shall also appear in person to notify the sheriff of the county of principal residence, of any location in which the offender is staying when away from the principal residence of the offender for more than five days, by identifying the location and the period of time the offender is staying in such location.

Sec. 6. NEW SECTION. 692A.106 DURATION OF REGISTRATION.

1. Except as otherwise provided in section 232.54, 692A.103, or 692A.128, or this section, the duration of registration required under this chapter shall be for a period of ten years. The registration period shall begin as provided in section 692A.103.

2. A sex offender who has been sentenced to a special sentence under section 903B.1 or 903B.2, shall be required to register for a period equal to the term of the special sentence, but in no case not less than the period specified in subsection 1.

3. A sex offender who is convicted of violating any of the requirements of this chapter shall register for an additional ten years, commencing from the date the offender's registration would have expired under subsection 1 or, in the case of an offender who has been sentenced to a special sentence under section 903B.1 or 903B.2, commencing from the date the offender's registration would have expired under subsection 2.

4. A sex offender shall, upon a second or subsequent conviction that requires a second registration, or upon conviction of an aggravated offense, or who has previously been convicted of one or more offenses that would have required registration under this chapter, register for life.

5. A sexually violent predator shall register for life.

6. If a sex offender ceases to maintain a residence, employment, or attendance as a student in this state, the offender shall no longer be required to register, and the offender shall be placed on inactive status and relevant information shall not be placed on the sex offender registry internet site, after the department verifies that the offender has complied with the registration requirements in another jurisdiction. If the sex offender subsequently reestablishes residence, employment, or attendance as a student in this state, the registration requirement under this chapter shall apply and the department shall remove the offender from inactive status and place any relevant information and any updated relevant information in the possession of the department on the sex offender registry internet site.

Sec. 7. NEW SECTION. 692A.107 TOLLING OF REGISTRATION PERIOD.

1. If a sex offender is incarcerated during a period of registration, the running of the period of registration is tolled until the offender is released from incarceration for that crime.

2. If a sex offender violates any requirements of section 692A.104, 692A.105, 692A.108, 692A.112, 692A.113, 692A.114, or 692A.115, in addition to any criminal penalty prescribed for such violation, the period of registration is tolled until the offender complies with the registration provisions of this chapter.

Sec. 8. NEW SECTION. 692A.108 VERIFICATION OF RELEVANT INFORMATION.

1. A sex offender shall appear in person in the county of principal residence after the offender was initially required to register, to verify residence, employment, and attendance as a student, to allow the sheriff to photograph the offender, and to verify the accuracy of other relevant information during the following time periods after the initial registration:

a. For a sex offender classified as a tier I offender, every year.

b. For a sex offender classified as a tier II offender, every six months.

c. For a sex offender classified as a tier III offender, every three months.

2. A sheriff may require a sex offender to appear in person more frequently than provided in subsection 1 to verify relevant information if good cause is shown. The circumstances under which more frequent appearances are required shall be reasonable, documented by the sheriff, and provided to the offender and the department in writing. Any modification to such requirement shall also be provided to the sex offender and the department in writing.

3. a. At least thirty days prior to an appearance for the verification of relevant information as required by this section, the department shall mail notification of the required appearance to each reported residence of the sex offender. The department shall not be required to mail notification to any sex offender if the residence described or listed in the sex offender's relevant information is insufficient for the delivery of mail.

b. The notice shall state that the sex offender shall appear in person in the county of principal residence on or before a date specified in the notice to verify and update relevant information. The notice shall not be forwarded to another address and shall be returned to the department if the sex offender no longer resides at the address.

4. A photograph of the sex offender shall be updated, at a minimum, annually. The sheriff shall send the updated photograph to the department using procedures established by the department by rule within five business days of the photograph being taken and the department shall post the updated photograph on the sex offender registry's internet site. The sheriff may require the sex offender to submit to being photographed, fingerprinted, or palm printed, more than once per year during any required appearance to verify relevant information.

5. The sheriff may make a reasonable modification to the date requiring a sex offender to make an appearance based on exigent circumstances including man-made or natural disasters. The sheriff shall notify the department of any modification using procedures established by department by rule.

6. A waiver of the next immediate in-person verification pursuant to this section may be granted at the discretion of the sheriff, if the sex offender appears in person at the sheriff's office because of changes to relevant information pursuant to section 692A.104 or 692A.105, and

if the in-person verification pursuant to this section is within thirty days of such in-person appearance. If a waiver is granted, the sheriff shall notify the department of granting the waiver.

Sec. 9. NEW SECTION. 692A.109 DUTY TO FACILITATE REGISTRATION.

1. When a sex offender is released from incarceration from a jail, prison, juvenile facility, or other correctional institution or facility, or when the offender is convicted but not incarcerated, the sheriff, warden, or superintendent of a facility or, in the case of release from foster care or residential treatment or conviction without incarceration, the court shall do the following prior to release or sentencing of the convicted offender:

a. Obtain all relevant information from the sex offender. Additional information for a sex offender required to register as a sexually violent predator shall include but not be limited to other identifying factors, anticipated future places of residence, offense history, and documentation of any treatment received by the person for a mental abnormality or personality disorder.

b. Inform the sex offender of the duty to register under this chapter and SORNA and ensure registration forms are completed and signed.

c. Inform the sex offender that, within five business days of changing a residence, employment, attendance[3] as a student, an appearance is required before the sheriff in the county where the change occurred.

d. Inform the sex offender that, within five business days of a change in relevant information other than a change of residence, employment, or attendance as a student, the sex offender shall notify, in a manner prescribed by rule, the sheriff of the county of principal residence of the change.

e. Inform the sex offender that if the offender establishes residence in another jurisdiction, or becomes employed, or becomes a student in another jurisdiction, the offender must report the offender's new residence, employment, or attendance as a student, to the sheriff's office in the county of the offender's principal residence within five business days, and that, if the other jurisdiction has a registration requirement, the offender shall also be required to register in such jurisdiction.

f. Require the sex offender to read and sign a form stating that the duty of the offender to register under this chapter has been explained and the offender understands the registration requirement. If the sex offender cannot read, is unable to write, or refuses to cooperate, the duty and the form shall be explained orally and a written record shall be maintained by the sheriff, warden, superintendent of a facility, or court explaining the duty and the form.

g. Inform the sex offender who was convicted of a sex offense against a minor of the prohibitions established under section 692A.113 by providing the offender with a written copy of section 692A.113 and relevant definitions of section 692A.101.

h. Inform the sex offender who was convicted of an aggravated offense against a minor of the prohibitions established under section 692A.114 by providing the offender with a written copy of section 692A.114 and relevant definitions of section 692A.101.

i. Inform the sex offender that the offender must submit to being photographed by the sheriff of any county in which the offender is required to register upon initial registration and during any appearance to verify relevant information required under this chapter.

j. Inform the sex offender that any violation of this chapter may result in state or federal prosecution.

2. a. When a sex offender is released from incarceration from a jail, prison, juvenile facility, or other correctional institution or facility, or when the offender is convicted but not incarcerated, the sheriff, warden, superintendent of a facility, or court shall verify that the person has completed initial or subsequent registration forms, and accept the forms on behalf of the sheriff of the county of registration. The sheriff, warden, superintendent of a facility, or the court shall send the initial or subsequent registration information to the department within five business days of completion of the registration. Probation, parole, work release, or any other form of release after conviction shall not be granted unless the offender has registered as required under this chapter.

[3] According to enrolled Act; the phrase "employment, or attendance" probably intended

b. If the sex offender refuses to register, the sheriff, warden, superintendent of a facility, or court shall notify within five business days the county attorney in the county in which the offender was convicted or, if the offender no longer resides in that county, in the county in which the offender resides of the refusal to register. The county attorney shall bring a contempt of court action against the sex offender in the county in which the offender was convicted or, if the offender no longer resides in that county, in the county in which the offender resides. A sex offender who refuses to register shall be held in contempt and may be incarcerated pursuant to the provisions of chapter 665 following the entry of judgment by the court on the contempt action until the offender complies with the registration requirements.

3. The sheriff, warden, or superintendent of a facility, or if the sex offender is placed on probation, the court shall forward one copy of the registration information to the department and to the sheriff of the county in which the principal residence is established within five business days after completion of the registration.

4. The court may order an appropriate law enforcement agency or the county attorney to assist the court in performing the requirements of subsection 1 or 2.

Sec. 10. NEW SECTION. 692A.110 REGISTRATION FEES AND CIVIL PENALTY FOR OFFENDERS.

1. A sex offender shall pay an annual fee in the amount of twenty-five dollars to the sheriff of the county of principal residence, beginning with the first required in-person appearance at the sheriff's office after the effective date of this Act. If the sex offender has more than one principal residence in this state, the offender shall pay the annual fee in the county where the offender is first required to appear in person after the effective date of this Act. The sheriff shall accept the registration. If, at the time of registration, the sex offender is unable to pay the fee, the sheriff may allow the offender time to pay the fee, permit the payment of the fee in installments, or may waive payment of the fee. Fees paid to the sheriff shall be used to defray the costs of duties related to the registration of sex offenders under this chapter.

2. In addition to any other penalty, at the time of conviction for a public offense committed on or after July 1, 1995, which requires a sex offender to register under this chapter, the offender shall be assessed a civil penalty of two hundred dollars, to be payable to the clerk of the district court as provided in section 602.8105 and distributed as provided in section 602.8108. With respect to a conviction for a public offense committed on or after July 1, 2009, which requires a sex offender to register under this chapter, the offender shall be assessed a civil penalty of two hundred fifty dollars, payable to the clerk of the district court as provided in section 602.8105 and distributed as provided in section 602.8108.

3. The fee and penalty required by this section shall not be assessed against a person who has been acquitted by reason of insanity of the offense which requires registration under this chapter.

Sec. 11. NEW SECTION. 692A.111 FAILURE TO COMPLY — PENALTY.

1. A sex offender who violates any requirements of section 692A.104, 692A.105, 692A.108, 692A.112, 692A.113, 692A.114, or 692A.115 commits an aggravated misdemeanor for a first offense and a class "D" felony for a second or subsequent offense. However, a sex offender convicted of an aggravated offense against a minor, a sex offense against a minor, or a sexually violent offense committed while in violation of any of the requirements specified in section 692A.104, 692A.105, 692A.108, 692A.112, 692A.113, 692A.114, or 692A.115 is guilty of a class "C" felony, in addition to any other penalty provided by law. Any fine imposed for a second or subsequent violation shall not be suspended. Notwithstanding section 907.3, the court shall not defer judgment or sentence for any violation of any requirements specified in this chapter. For purposes of this subsection, a violation occurs when a sex offender knows or reasonably should know of the duty to fulfill a requirement specified in this chapter as referenced in the offense charged.

2. Violations in any other jurisdiction under sex offender registry provisions that are sub-

stantially similar to those contained in this section shall be counted as previous offenses. The court shall judicially notice the statutes of other states which are substantially similar to this section.

3. A sex offender who violates any provision of this chapter may be prosecuted in any county where registration is required by the provisions of this chapter.

Sec. 12. NEW SECTION. 692A.112 KNOWINGLY PROVIDING FALSE INFORMATION — PENALTY.

A sex offender shall not knowingly provide false information upon registration, change of relevant information, or during an appearance to verify relevant information.

Sec. 13. NEW SECTION. 692A.113 EXCLUSION ZONES AND PROHIBITION OF CERTAIN EMPLOYMENT-RELATED ACTIVITIES.

1. A sex offender who has been convicted of a sex offense against a minor shall not do any of the following:

a. Be present upon the real property of a public or nonpublic elementary or secondary school without the written permission of the school administrator or school administrator's designee, unless enrolled as a student at the school.

b. Loiter within three hundred feet of the real property boundary of a public or nonpublic elementary or secondary school, unless enrolled as a student at the school.

c. Be present on or in any vehicle or other conveyance owned, leased, or contracted by a public or nonpublic elementary or secondary school without the written permission of the school administrator or school administrator's designee when the vehicle is in use to transport students to or from a school or school-related activities, unless enrolled as a student at the school or unless the vehicle is simultaneously made available to the public as a form of public transportation.

d. Be present upon the real property of a child care facility without the written permission of the child care facility administrator.

e. Loiter within three hundred feet of the real property boundary of a child care facility.

f. Be present upon the real property of a public library without the written permission of the library administrator.

g. Loiter within three hundred feet of the real property boundary of a public library.

h. Loiter on or within three hundred feet of the premises of any place intended primarily for the use of minors including but not limited to a playground available to the public, a children's play area available to the public, recreational or sport-related activity area when in use by a minor, a swimming or wading pool available to the public when in use by a minor, or a beach available to the public when in use by a minor.

2. A sex offender who has been convicted of a sex offense against a minor:

a. Who resides in a dwelling located within three hundred feet of the real property boundary of public or nonpublic elementary or secondary school, child care facility, public library, or place intended primarily for the use of minors as specified in subsection 1, paragraph "h", shall not be in violation of subsection 1 for having an established residence within the exclusion zone.

b. Who is the parent or legal guardian of a minor shall not be in violation of subsection 1 solely during the period of time reasonably necessary to transport the offender's own minor child or ward to or from a place specified in subsection 1.

c. Who is legally entitled to vote shall not be in violation of subsection 1 solely for the period of time reasonably necessary to exercise the right to vote in a public election if the polling location of the offender is located in a place specified in subsection 1.

3. A sex offender who has been convicted of a sex offense against a minor shall not do any of the following:

a. Operate, manage, be employed by, or act as a contractor or volunteer at any municipal, county, or state fair or carnival when a minor is present on the premises.

b. Operate, manage, be employed by, or act as a contractor or volunteer on the premises of any children's arcade, an amusement center having coin or token operated devices for entertainment, or facilities providing programs or services intended primarily for minors, when a minor is present.

c. Operate, manage, be employed by, or act as a contractor or volunteer at a public or nonpublic elementary or secondary school, child care facility, or public library.

d. Operate, manage, be employed by, or act as a contractor or volunteer at any place intended primarily for use by minors including but not limited to a playground, a children's play area, recreational or sport-related activity area, a swimming or wading pool, or a beach.

Sec. 14. NEW SECTION. 692A.114 RESIDENCY RESTRICTIONS — PRESENCE — CHILD CARE FACILITIES AND SCHOOLS.

1. As used in this section:

a. "Minor" means a person who is under eighteen years of age or who is enrolled in a secondary school.

b. "School" means a public or nonpublic elementary or secondary school.

c. "Sex offender" means a person required to be registered under this chapter who has been convicted of an aggravated offense against a minor.

2. A sex offender shall not reside within two thousand feet of the real property comprising a school or a child care facility.

3. A sex offender residing within two thousand feet of the real property comprising a school or a child care facility does not commit a violation of this section if any of the following apply:

a. The sex offender is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.

b. The sex offender is subject to an order of commitment under chapter 229A.

c. The sex offender has established a residence prior to July 1, 2002.

d. The sex offender has established a residence prior to any newly located school or child care facility being established.

e. The sex offender is a minor.

f. The sex offender is a ward in a guardianship, and a district judge or associate probate judge grants an exemption from the residency restriction.

g. The sex offender is a patient or resident at a health care facility as defined in section 135C.1 or a patient in a hospice program, and a district judge or associate probate judge grants an exemption from the residency restriction.

Sec. 15. NEW SECTION. 692A.115 EMPLOYMENT WHERE DEPENDENT ADULTS RESIDE.

A sex offender shall not be an employee of a facility providing services for dependent adults or at events where dependent adults participate in programming and shall not loiter on the premises or grounds of a facility or at an event providing such services or programming.

Sec. 16. NEW SECTION. 692A.116 DETERMINATION OF REQUIREMENT TO REGISTER.

1. An offender may request that the department determine whether the offense for which the offender has been convicted requires the offender to register under this chapter or whether the period of time during which the offender is required to register under this chapter has expired.

2. Application for determination shall be filed with the department and shall be made on forms provided by the department and accompanied by copies of sentencing or adjudicatory orders with respect to each offense for which the offender asks that a determination be made.

3. The department, after filing of the request and after all documentation or information requested by the department is received, shall have ninety days from the filing of the request, to determine whether the offender is required to register under this chapter.

Sec. 17. NEW SECTION. 692A.117 REGISTRATION FORMS AND ELECTRONIC REGISTRATION SYSTEM.

1. Registration forms and an electronic registration system shall be made available by the department.

2. Copies of blank forms shall be available upon request to any registering agency.

Sec. 18. NEW SECTION. 692A.118 DEPARTMENT DUTIES — REGISTRY.

The department shall perform all of the following duties:

1. Develop an electronic system and standard forms for use in the registration of, verifying addresses of, and verifying understanding of registration requirements by sex offenders. Forms used to verify addresses of sex offenders shall contain a warning against forwarding a form to another address and of the requirement to return the form if the offender to whom the form is directed no longer resides at the address listed on the form or the mailing.

2. Maintain a central registry of information collected from sex offenders, which shall be known as the sex offender registry.

3. In consultation with the attorney general, adopt rules under chapter 17A which list specific offenses under present and former law which constitute sex offenses or sex offenses against a minor under this chapter.

4. Adopt rules under chapter 17A, as necessary, to ensure compliance with registration and verification requirements of this chapter, to provide guidelines for persons required to assist in obtaining registry information, and to provide a procedure for the dissemination of information contained in the registry. The procedure for the dissemination of information shall include but not be limited to practical guidelines for use by criminal or juvenile justice agencies in determining when public release of relevant information contained in the registry is appropriate and a requirement that if a member of the general public requests information regarding a specific individual in the manner provided in section 692A.121, the relevant information shall be released. The department, in developing the procedure, shall consult with associations which represent the interests of law enforcement officers. Rules adopted shall also include a procedure for removal of information from the registry upon the reversal or setting aside of a conviction of an offender.

5. Submit sex offender registry data to the federal bureau of investigation for entry of the data into the national sex offender registry.

6. Perform the requirements under this chapter and under federal law in cooperation with the office of sex offender sentencing, monitoring, apprehending, registering, and tracking of the office of justice programs of the United States department of justice.

7. Enter and maintain fingerprints and palm prints of sex offenders in an automated fingerprint identification system maintained by the department and made accessible to law enforcement agencies in this state, of the federal government, or in another jurisdiction. The department or any law enforcement agency may use such prints for criminal investigative purposes, to include comparison against finger and palm prints identified or recovered as evidence in a criminal investigation.

8. Notify a jurisdiction that provided information that a sex offender has or intends to maintain a residence, employment, or attendance as a student, in this state, of the failure of the sex offender to register as required under this chapter.

9. Submit a DNA sample to the combined DNA index system, if a sample has not been submitted.

10. Submit the social security number to the national crime information center, if the number has not been submitted.

11. When the department has a reasonable basis to believe that a sex offender has changed residence to an unknown location, has become a fugitive from justice, or who has otherwise taken flight, the department shall make a reasonable effort to ascertain the whereabouts of the offender, and if such effort fails to identify the location of the offender, an appropriate notice shall be made on the sex offender registry internet site of this state and shall be transmitted

to the national sex offender registry. The department shall notify other law enforcement agencies as deemed appropriate.

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

Sec. 19. NEW SECTION. 692A.119 SEX OFFENDER REGISTRY FUND.

A sex offender registry fund is established as a separate fund within the state treasury under the control of the department. The fund shall consist of moneys received as a result of the imposition of the penalty imposed under section 692A.110 and other funds allocated for purposes of establishing and maintaining the sex offender registry, conducting research and analysis related to sex crimes and offenders, and to perform other duties required under this chapter. Notwithstanding section 8.33, unencumbered or unobligated moneys and any interest remaining in the fund on June 30 of any fiscal year shall not revert to the general fund of the state, but shall remain available for expenditure in subsequent fiscal years.

Sec. 20. NEW SECTION. 692A.120 DUTIES OF THE SHERIFF.

The sheriff of each county shall comply with the requirements of this chapter and rules adopted by the department pursuant to this chapter. The sheriff of each county shall provide information and notices as provided in section 282.9.

Sec. 21. NEW SECTION. 692A.121 AVAILABILITY OF RECORDS.

1. The department shall maintain an internet site for the public and others to access relevant information about sex offenders. The internet site, at a minimum, shall be searchable by name, county, city, zip code, and geographic radius.

2. The department shall provide updated or corrected relevant information within five business days of the information being updated or corrected, from the sex offender registry to the following:

a. A criminal or juvenile justice agency, an agency of the state, a sex offender registry of another jurisdiction, or the federal government.

b. The general public through the sex offender registry internet site.

(1) The following relevant information about a sex offender shall be disclosed on the internet site:

(a) The date of birth.

(b) The name, nickname, aliases, including ethnic or tribal names.

(c) Photographs.

(d) The physical description, including scars, marks, or tattoos.

(e) The residence.

(f) The statutory citation and text of the offense committed that requires registration under this chapter.

(g) A specific reference indicating whether a particular sex offender is subject to residency restrictions pursuant to section 692A.114.

(h) A specific reference indicating whether a particular sex offender is subject to exclusion zone restrictions pursuant to section 692A.113.

(2) The following relevant information shall not be disclosed on the internet site:

(a) The relevant information about a sex offender who was under twenty years of age at the time the offender committed a violation of section 709.4, subsection 2, paragraph "c", subparagraph (4).

(b) The employer name, address, or location where a sex offender acts as an employee in any form of employment.

(c) The address and name of any school where a student required to be on the registry attends.

(d) The real name of a sex offender protected under 18 U.S.C. § 3521.

(e) The statutory citation and text of the offense committed for an incest conviction in violation of section 726.2, however, the citation and text of an incest conviction shall be disclosed on the internet site as a conviction of section 709.4 or 709.8.

(f) Any other relevant information not described in subparagraph (1).

c. The general public through any other means, at the discretion of the department, any relevant information that is available on the internet site.

3. A criminal or juvenile justice agency may provide relevant information from the sex offender registry to the following:

a. A criminal or juvenile justice agency, an agency of the state, or a sex offender registry of another jurisdiction, or the federal government.

b. The general public, any information available to the general public in subsection 2, including public and private agencies, organizations, public places, child care facilities, religious and youth organizations, neighbors, neighborhood associations, community meetings, and employers. The relevant information available to the general public may be distributed to the public through printed materials, visual or audio press releases, radio communications, or through a criminal or juvenile justice agency's internet site.

4. When a sex offender moves into a school district or moves within a school district, the county sheriff of the county of the offender's new residence shall provide relevant information that is available to the general public in subsection 2 to the administrative office of the school district in which the person required to register resides, and shall also provide relevant information to any nonpublic school near the offender's residence.

5. a. A member of the public may contact a county sheriff's office to request relevant information from the registry regarding a specific sex offender. A person making a request for relevant information may make the request by telephone, in writing, or in person, and the request shall include the name of the person and at least one of the following identifiers pertaining to the sex offender about whom the information is sought:

(1) The date of birth of the person.

(2) The social security number of the person.

(3) The address of the person.

(4) Internet identifiers.

(5) Telephone numbers, including any landline or wireless numbers.

b. The relevant information made available to the general public pursuant to this subsection shall include all the relevant information provided to the general public on the internet site pursuant to subsection 2, and the following additional relevant information:

(1) Educational institutions attended as a student, including the name and address of such institution.

(2) Employment information including the name and address of employer.

(3) Temporary lodging information, including the dates when residing at the temporary lodging.

(4) Vehicle information.

c. A county sheriff or police department shall not charge a fee relating to a request for relevant information.

6. A county sheriff shall also provide to a person upon request access to a list of all registrants in that county.

7. The following relevant information shall not be provided to the general public:

a. The identity of the victim.

b. Arrests not resulting in a conviction.

c. Passport and immigration documents.

d. A government issued driver's license or identification card.

e. DNA information.

f. Fingerprints.

g. Palm prints.

h. Professional licensing information.

i. Social security number.

j. Real name protected under 18 U.S.C. § 3521.

8. Notwithstanding sections 232.147 through 232.151, records concerning convictions which are committed by a minor may be released in the same manner as records of convictions of adults.

9. A person may contact the department or a county sheriff's office to verify if a particular internet identifier or telephone number is one that has been included in a registration by a sex offender.

10. The department shall include links to sex offender safety information, educational resources pertaining to the prevention of sexual assaults, and the national sex offender registry.

11. The department shall include on the sex offender registry internet site instructions and any applicable forms necessary for a person seeking correction of information that the person contends is erroneous.

12. When the department receives and approves registration data, such data shall be made available on the sex offender registry internet site within five business days.

13. The department shall maintain an automated electronic mail notification system, which shall be available by free subscription to any person, to provide notice of addition, deletion, or changes to any sex offender registration, relevant information within a postal zip code or, if selected by a subscriber, a geographic radius or, if selected by a subscriber, specific to a sex offender.

14. Sex offender registry records are confidential records not subject to examination and copying by a member of the public and shall only be released as provided in this section.

Sec. 22. NEW SECTION. 692A.122 COOPERATION WITH REGISTRATION.

An agency of state and local government that possesses information relevant to requirements that an offender register under this chapter shall provide that information to the court or the department upon request. All confidential records provided under this section shall remain confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information.

Sec. 23. NEW SECTION. 692A.123 IMMUNITY FOR GOOD FAITH CONDUCT.

Criminal or juvenile justice agencies and employees of criminal or juvenile justice agencies and state agencies and their employees shall be immune from liability for acts or omissions arising from a good faith effort to comply with this chapter.

Sec. 24. NEW SECTION. 692A.124 ELECTRONIC MONITORING.

1. A sex offender who is placed on probation, parole, work release, special sentence, or any other type of conditional release, may be supervised by an electronic tracking and monitoring system in addition to any other conditions of supervision.

2. The determination to use electronic tracking and monitoring to supervise a sex offender shall be based upon a validated risk assessment approved by the department of corrections, and also upon the sex offender's criminal history, progress in treatment and supervision, and other relevant factors.

3. If a sex offender is under the jurisdiction of the juvenile court, the determination to use electronic tracking and monitoring to supervise the sex offender shall be based upon a risk assessment performed by a juvenile court officer.

Sec. 25. NEW SECTION. 692A.125 APPLICABILITY OF CHAPTER AND RETROACTIVITY.

1. The registration requirements of this chapter shall apply to sex offenders convicted on or after the effective date of this Act of a sex offense classified under section 692A.102.

2. The registration requirements of this chapter shall apply to a sex offender convicted of a sex offense or a comparable offense under prior law prior to the effective date of this Act under the following circumstances:

a. Any sex offender including a juvenile offender who is required to be on the sex offender registry as of June 30, 2009.

b. Any sex offender who is incarcerated on or after the effective date of this Act, for conviction of a sex offense committed prior to the effective date of this Act.

c. Any sex offender who is serving a special sentence pursuant to section 903B.1 or 903B.2 prior to the effective date of this Act.

3. For a sex offender required to register pursuant to subsection 1 or 2, each conviction or adjudication for a sex offense requiring registration, regardless of whether such conviction or adjudication occurred prior to, on, or after the effective date of this Act, shall be included in determining the tier requirements pursuant to this chapter.

4. An offender on the sex offender registry as of June 30, 2009, and who is required to be on the registry on or after July 1, 2009, shall be credited for any time on the registry prior to July 1, 2009.

Sec. 26. NEW SECTION. 692A.126 SEXUALLY MOTIVATED OFFENSE — DETERMINATION.

1. If a judge or jury makes a determination, beyond a reasonable doubt, that any of the following offenses for which a conviction has been entered are sexually motivated, the person shall be required to register as provided in this chapter:

a. Murder in the first degree in violation of section 707.2.

b. Murder in the second degree in violation of section 707.3.

c. Voluntary manslaughter in violation of section 707.4.

d. Involuntary manslaughter in violation of section 707.5.

e. Attempt to commit murder in violation of section 707.11.

f. Harassment in violation of section 708.7, subsection 1, 2, or 3.

g. Stalking in violation of section 708.11, subsection 3, paragraph "b", subparagraph (3).

h. Kidnapping in the first degree in violation of section 710.2.

i. Kidnapping in the second degree in violation of section 710.3.

j. Kidnapping in the third degree in violation of section 710.4.

k. Child stealing in violation of section 710.5.

l. Purchase or sale or attempted purchase or sale of an individual in violation of section 710.11.

m. Burglary in the first degree in violation of section 713.3, subsection 1, paragraph "a", "b", or "c".

n. Attempted burglary in the first degree in violation of section 713.4.

o. Burglary in the second degree in violation of section 713.5.

p. Attempted burglary in the second degree in violation of section 713.6.

q. Burglary in the third degree in violation of section 713.6A.

r. Attempted burglary in the third degree in violation of section 713.6B.

2. If a person is convicted of an offense in another jurisdiction, or of an offense that was prosecuted in a federal, military, or foreign court, that is comparable to an offense specified in subsection 1, the person shall be required to register as provided in this chapter if the department makes a determination that the offense was sexually motivated.

3. If a juvenile is convicted of an offense in another jurisdiction, or of an offense as a juvenile in a similar juvenile court proceeding in a federal, military, or foreign court, that is comparable to an offense specified in subsection 1, the person shall be required to register as provided in this chapter if the department makes a determination that the offense was sexually motivated.

Sec. 27. NEW SECTION. 692A.127 LIMITATIONS ON POLITICAL SUBDIVISIONS.

A political subdivision of the state shall not adopt any motion, resolution, or ordinance regulating the residency location of a sex offender or any motion, resolution, or ordinance regulating the exclusion of a sex offender from certain real property. A motion, resolution, or ordinance adopted by a political subdivision of the state in violation of this section is void and unenforceable and any enforcement activity conducted in violation of this section is void.

Sec. 28. NEW SECTION. 692A.128 MODIFICATION.

1. A sex offender who is on probation, parole, work release, special sentence, or any other type of conditional release may file an application in district court seeking to modify the registration requirements under this chapter.

2. An application shall not be granted unless all of the following apply:

a. The date of the commencement of the requirement to register occurred at least two years prior to the filing of the application for a tier I offender and five years prior to the filing of the application for a tier II or III offender.

b. The sex offender has successfully completed all sex offender treatment programs that have been required.

c. A risk assessment has been completed and the sex offender was classified as a low risk to reoffend. The risk assessment used to assess an offender as a low risk to reoffend shall be a validated risk assessment approved by the department of corrections.

d. The sex offender is not incarcerated when the application is filed.

e. The director of the judicial district department of correctional services supervising the sex offender, or the director's designee, stipulates to the modification, and a certified copy of the stipulation is attached to the application.

3. The application shall be filed in the sex offender's county of principal residence.

4. Notice of any application shall be provided to the county attorney of the county of the sex offender's principal residence, the county attorney of any county in this state where a conviction requiring the sex offender's registration occurred, and the department. The county attorney where the conviction occurred shall notify the victim of an application if the victim's address is known.

5. The court may, but is not required to, conduct a hearing on the application to hear any evidence deemed appropriate by the court. The court may modify the registration requirements under this chapter.

6. A sex offender may be granted a modification if the offender is required to be on the sex offender registry as a result of an adjudication for a sex offense, the offender is not under the supervision of the juvenile court or a judicial district judicial department of correctional services, and the department of corrections agrees to perform a risk assessment on the sex offender. However, all other provisions of this section not in conflict with this subsection shall apply to the application prior to an application being granted except that the sex offender is not required to obtain a stipulation from the director of a judicial district department of correctional services, or the director's designee.

7. If the court modifies the registration requirements under this chapter, the court shall send a copy of the order to the department, the sheriff of the county of the sex offender's principal residence, any county attorney notified in subsection 4, and the victim, if the victim's address is known.

Sec. 29. NEW SECTION. 692A.129 PROBATION AND PAROLE OFFICERS.

A probation or parole officer supervising a sex offender is not precluded from imposing more restrictive exclusion zone requirements, employment prohibitions, and residency restrictions than under sections 692A.113 and 692A.114.

Sec. 30. NEW SECTION. 692A.130 RULES.

The department shall adopt rules pursuant to chapter 17A to administer this chapter.

Sec. 31. Sections 692A.1 through 692A.16, Code 2009, are repealed.

DIVISION II
SEX OFFENDER REGISTRY RELATED CHANGES

Sec. 32. Section 13.2, subsection 1, paragraph d, Code 2009, is amended to read as follows:

d. Prosecute and defend all actions and proceedings brought by or against any employee

of a judicial district department of correctional services in the performance of an assessment of risk ~~pursuant to chapter 692A~~.

Sec. 33. Section 22.7, subsection 48, Code 2009, is amended to read as follows:

48. Sex offender registry records under chapter 692A, except as provided in section ~~692A.13~~ 692A.121.

Sec. 34. Section 232.53, subsections 2 and 3, Code 2009, are amended to read as follows:

2. All dispositional orders entered prior to the child attaining the age of seventeen years shall automatically terminate when the child becomes eighteen years of age, except as provided in section 2A.[4] Dispositional orders entered subsequent to the child attaining the age of seventeen years and prior to the child's eighteenth birthday shall automatically terminate one year and six months after the date of disposition. In the case of an adult within the jurisdiction of the court under the provisions of section 232.8, subsection 1, the dispositional order shall automatically terminate one year and six months after the last date upon which jurisdiction could attach.

3. Notwithstanding section 233A.13, a child committed to the training school subsequent to the child attaining the age of seventeen years and prior to the child's eighteenth birthday may be held at the school beyond the child's eighteenth birthday pursuant to subsection 2 or 2A, provided that the training school makes application to and receives permission from the committing court. This extension shall be for the purpose of completion by the child of a course of instruction established for the child pursuant to section 233A.4 and cannot extend for more than one year and six months beyond the date of disposition unless the duration of the dispositional order was extended pursuant to section 2A.[5]

Sec. 35. Section 232.52A, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the duration of a dispositional order is extended pursuant to section 232.53, subsection 2A, the court may continue or extend supervision by an electronic tracking and monitoring system in addition to any other conditions of supervision.

Sec. 36. Section 232.53, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. A dispositional order entered prior to the child attaining the age of seventeen, for a child required to register as a sex offender pursuant to the provisions of chapter 692A, may be extended one year and six months beyond the date the child becomes eighteen years of age.

Sec. 37. Section 232.54, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. With respect to a dispositional order requiring a child to register as a sex offender pursuant to chapter 692A, the juvenile court shall determine whether the child shall remain on the sex offender registry prior to termination of the dispositional order.

Sec. 38. Section 232.116, subsection 1, paragraph o, Code 2009, is amended to read as follows:

o. The parent has been convicted of a felony offense that is a ~~criminal~~ sex offense against a minor as defined in section ~~692A.1~~ 692A.101, the parent is divorced from or was never married to the minor's other parent, and the parent is serving a minimum sentence of confinement of at least five years for that offense.

Sec. 39. Section 272.2, subsection 17, Code 2009, is amended to read as follows:

17. Adopt rules to require that a background investigation be conducted by the division of criminal investigation of the department of public safety on all initial applicants for licensure. The board shall also require all initial applicants to submit a completed fingerprint packet and shall use the packet to facilitate a national criminal history background check. The board shall

[4] According to enrolled Act; the phrase "subsection 2A" probably intended

[5] According to enrolled Act; the phrase "subsection 2A" probably intended

have access to, and shall review the sex offender registry information under section ~~692A.13~~ 692A.121 available to the general public, the central registry for child abuse information established under chapter 235A, and the dependent adult abuse records maintained under chapter 235B for information regarding applicants for license renewal.

Sec. 40. Section 279.13, subsection 1, paragraph b, subparagraph (1), Code 2009, is amended to read as follows:

(1) Prior to entering into an initial contract with a teacher who holds a license other than an initial license issued by the board of educational examiners under chapter 272, the school district shall initiate a state criminal history record check of the applicant through the division of criminal investigation of the department of public safety, submit the applicant's fingerprints to the division for submission to the federal bureau of investigation for a national criminal history record check, and review the sex offender registry information under section ~~692A.13~~ 692A.121 available to the general public, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding applicants for employment as a teacher.

Sec. 41. Section 282.9, subsection 2, Code 2009, is amended to read as follows:

2. Notwithstanding section ~~692A.13~~ 692A.121, or any other provision of law to the contrary, the county sheriff shall provide to the boards of directors of the school districts located within the county the name of any individual under the age of twenty-one who is required to register as a sex offender under chapter 692A.

Sec. 42. Section 598.41A, Code 2009, is amended to read as follows:

598.41A VISITATION — HISTORY OF CRIMES AGAINST A MINOR.

Notwithstanding section 598.41, the court shall consider in the award of visitation rights to a parent of a child, the criminal history of the parent if the parent has been convicted of a ~~criminal offense against a minor, a sexually violent offense against a minor, or sexual exploitation of a minor. As used in this section, "criminal offense against a minor", "sexually violent offense", and "sexual exploitation" mean as defined in section 692A.1~~ sex offense against a minor as defined in section 692A.101.

Sec. 43. Section 600A.8, subsection 10, Code 2009, is amended to read as follows:

10. The parent has been convicted of a felony offense that is a ~~criminal~~ sex offense against a minor as defined in section ~~692A.1~~ 692A.101, the parent is divorced from or was never married to the minor's other parent, and the parent is serving a minimum sentence of confinement of at least five years for that offense.

Sec. 44. Section 602.8105, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. gg. For applicable convictions under section 692A.110 prior to July 1, 2009, a civil penalty of two hundred dollars, and for applicable convictions under section 692A.110 on or after July 1, 2009, a civil penalty of two hundred fifty dollars.

Sec. 45. Section 602.8107, subsection 4, paragraph a, Code 2009, is amended to read as follows:

a. This subsection does not apply to amounts collected for victim restitution, the victim compensation fund, the criminal penalty surcharge, sex offender civil penalty, drug abuse resistance education surcharge, the law enforcement initiative surcharge, county enforcement surcharge, amounts collected as a result of procedures initiated under subsection 5 or under section 8A.504, or fees charged pursuant to section 356.7.

Sec. 46. Section 602.8108, subsection 2, Code 2009, is amended to read as follows:

2. Except as otherwise provided, the clerk of the district court shall report and submit to the

state court administrator, not later than the fifteenth day of each month, the fines and fees received during the preceding calendar month. Except as provided in subsections 3, 4, 5, 7, 8, ~~and~~ 9, and 10, the state court administrator shall deposit the amounts received with the treasurer of state for deposit in the general fund of the state. The state court administrator shall report to the legislative services agency within thirty days of the beginning of each fiscal quarter the amount received during the previous quarter in the account established under this section.

Sec. 47. Section 602.8108, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 10. The clerk of the district court shall remit to the treasurer of state, not later than the fifteenth day of each month, all moneys collected from the sex offender civil penalty provided in section 692A.110 during the preceding calendar month. Of the amount received from the clerk, the treasurer of state shall allocate ten percent to be deposited in the court technology and modernization fund established in subsection 7. The treasurer of state shall deposit the remainder into the sex offender registry fund established in section 692A.119.

Sec. 48. Section 707.2, Code 2009, is amended by adding the following new unnumbered paragraph after subsection 6:
NEW UNNUMBERED PARAGRAPH. For purposes of determining whether a person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 49. Section 707.3, Code 2009, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:
NEW UNNUMBERED PARAGRAPH. For purposes of determining whether a person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 50. Section 707.4, Code 2009, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 3:
NEW UNNUMBERED PARAGRAPH. For purposes of determining whether a person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 51. Section 707.5, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 3. For purposes of determining whether a person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 52. Section 707.11, Code 2009, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:
NEW UNNUMBERED PARAGRAPH. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 53. Section 708.7, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 5. For purposes of determining whether or not the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 54. Section 708.11, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 6. For purposes of determining whether or not the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 55. Section 710.2, Code 2009, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 56. Section 710.3, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 57. Section 710.4, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 58. Section 710.5, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 59. Section 903B.1, Code 2009, is amended to read as follows:

903B.1 SPECIAL SENTENCE — CLASS "B" OR CLASS "C" FELONIES.

A person convicted of a class "C" felony or greater offense under chapter 709, or a class "C" felony under section 728.12, shall also be sentenced, in addition to any other punishment provided by law, to a special sentence committing the person into the custody of the director of the Iowa department of corrections for the rest of the person's life, with eligibility for parole as provided in chapter 906. The board of parole shall determine whether the person should be released on parole or placed in a work release program. The special sentence imposed under this section shall commence upon completion of the sentence imposed under any applicable criminal sentencing provisions for the underlying criminal offense and the person shall begin the sentence under supervision as if on parole or work release. The person shall be placed on the corrections continuum in chapter 901B, and the terms and conditions of the special sentence, including violations, shall be subject to the same set of procedures set out in chapters 901B, 905, 906, and chapter 908, and rules adopted under those chapters for persons on parole or work release. The revocation of release shall not be for a period greater than two years upon any first revocation, and five years upon any second or subsequent revocation. A special sentence shall be considered a category "A" sentence for purposes of calculating earned time under section 903A.2.

Sec. 60. Section 903B.2, Code 2009, is amended to read as follows:

903B.2 SPECIAL SENTENCE — CLASS "D" FELONIES OR MISDEMEANORS.

A person convicted of a misdemeanor or a class "D" felony offense under chapter 709, section 726.2, or section 728.12 shall also be sentenced, in addition to any other punishment provided by law, to a special sentence committing the person into the custody of the director of the Iowa department of corrections for a period of ten years, with eligibility for parole as provided in chapter 906. The board of parole shall determine whether the person should be released on parole or placed in a work release program. The special sentence imposed under this section shall commence upon completion of the sentence imposed under any applicable criminal sentencing provisions for the underlying criminal offense and the person shall begin the sentence under supervision as if on parole or work release. The person shall be placed on

the corrections continuum in chapter 901B, and the terms and conditions of the special sentence, including violations, shall be subject to the same set of procedures set out in chapters 901B, 905, 906, and 908, and rules adopted under those chapters for persons on parole or work release. The revocation of release shall not be for a period greater than two years upon any first revocation, and five years upon any second or subsequent revocation. A special sentence shall be considered a category "A" sentence for purposes of calculating earned time under section 903A.2.

Sec. 61. Section 907.3, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. The offense is a violation of chapter 692A.

Sec. 62. Section 907.3, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. The offense is a violation of chapter 692A.

Sec. 63. NEW SECTION. 915.17A NOTIFICATION BY JUDICIAL DISTRICT DEPARTMENT OF CORRECTIONAL SERVICES.

A judicial district department of correctional services shall notify a registered victim, regarding a sex offender convicted of a sex offense against a minor who is under the supervision of a judicial district department of correctional services, of the following:

1. The beginning date for use of an electronic tracking and monitoring system to supervise the sex offender and the type of electronic tracking and monitoring system used.

2. The date of any modification to the use of an electronic tracking and monitoring system and the nature of the change.

DIVISION III
COHABITATION WITH A SEX OFFENDER

Sec. 64. Section 232.68, subsection 2, paragraph i, Code 2009, is amended to read as follows:

i. ~~Cohabitation with a person~~ Knowingly allowing a person custody or control of, or unsupervised access to a child or minor, after knowing the person is required to register or is on the sex offender registry under chapter 692A ~~in~~ for a violation of section 726.6.

Sec. 65. Section 726.6, subsection 1, paragraph h, Code 2009, is amended to read as follows:

h. ~~Cohabits with a person~~ Knowingly allows a person custody or control of, or unsupervised access to a child or a minor after knowing the person is required to register or is on the sex offender registry as a sex offender under chapter 692A. However, this paragraph does not apply to a person who is a parent~~,~~ or guardian~~, or a person having custody or control over~~ of a child or a minor, who is required to register as a sex offender, or to a person who is married to and living with a person required to register as a sex offender.

DIVISION IV
STATE MANDATE

Sec. 66. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.

Approved May 21, 2009

CHAPTER 120

HUMAN SERVICES — PLANNING,
PLACEMENT, AND SERVICES FOR CHILDREN

S.F. 152

AN ACT relating to administrative and planning requirements involving children for whom the department of human services has responsibility under state or federal law.

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

DIVISION I
TRANSITION PLANNING

Section 1. Section 232.2, subsection 4, paragraph f, Code 2009, is amended to read as follows:

f. (1) When a child is sixteen years of age or older, a written transition plan of services which, based upon an assessment of the child's needs, would assist the child in preparing for the transition from foster care to adulthood. The ~~written~~ transition plan ~~of services~~ and needs assessment shall be developed with a focus on the services, other support, and actions necessary to facilitate the child's successful entry into adulthood. The transition plan shall be personalized at the direction of the child and shall be developed with the child present, honoring the goals and concerns of the child, and shall address the following areas of need when the child becomes an adult, including but not limited to all of the following:

(a) Education.

(b) Employment services and other workforce support.

(c) Health and health care coverage.

(d) Housing.

(e) Relationships, including local opportunities to have a mentor.

(f) If the needs assessment indicates the child is reasonably likely to need or be eligible for services or other support from the adult service system upon reaching age eighteen, the transition plan shall provide for the child's application for adult services.

(2) The transition plan shall be considered a working document and shall be reviewed and updated for each permanency hearing by the court or other formal case permanency plan review. The transition plan shall also be reviewed and updated during the ninety calendar-day period preceding the child's eighteenth birthday and during the ninety calendar-day period immediately preceding the date the child is expected to exit foster care, if the child remains in foster care after the child's eighteenth birthday. The transition plan may be reviewed and updated more frequently.

(3) The transition plan shall be developed and reviewed by the department in collaboration with a child-centered transition team. The transition team shall be comprised of the child's caseworker and persons selected by the child, persons who have knowledge of services available to the child, and any person who may reasonably be expected to be a service provider for the child when the child becomes an adult or to become responsible for the costs of services at that time~~, including~~. If the child is reasonably likely to need or be eligible for adult services, the transition team membership shall include representatives from the adult services system. The adult services system representatives may include but are not limited to the administrator of county general relief under chapter 251 or 252 or of the central point of coordination process implemented under section 331.440. The membership of the transition team and the meeting dates for the team shall be documented in the transition plan.

(4) The final transition plan shall specifically identify how the need for housing will be addressed.

(5) If the child is interested in pursuing higher education, the transition plan shall provide for the child's participation in the college student aid commission's program of assistance in applying for federal and state aid under section 261.2.

~~(2)~~ (6) If the needs assessment indicates the child is reasonably likely to need or be eligible for services or other support from the adult service system upon reaching age eighteen, the transition plan shall be reviewed and approved by the transition committee for the area in which the child resides, in accordance with section 235.7, before the child reaches age seventeen and one-half. The transition committee's review and approval shall be indicated in the case permanency plan.

~~(3)~~ (7) Provision for the department or a designee of the department on or before the date the child reaches age eighteen to provide to the child a certified copy of the child's birth certificate and to facilitate securing a federal social security card. The fee for the certified copy that is otherwise chargeable under section 144.13A, 144.46, or 331.605 shall be waived by the state or county registrar.

DIVISION II
EDUCATION-RELATED REQUIREMENTS, RELATIVE PLACEMENT, AND SIBLING CONSIDERATIONS

Sec. 2. Section 232.2, subsection 4, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. Documentation of the educational stability of the child while in foster care. The documentation shall include but is not limited to all of the following:

(1) Evidence there was an evaluation of the appropriateness of the child's educational setting while in placement and of the setting's proximity to the educational setting in which the child was enrolled at the time of placement.

(2) An assurance either that the department coordinated with appropriate local educational agencies to identify how the child could remain in the educational setting in which the child was enrolled at the time of placement or, if it was determined it was not in the child's best interest to remain in that setting, that the affected educational agencies would immediately and appropriately enroll the child in another educational setting during the child's placement and ensure that the child's educational records were provided for use in the new educational setting. For the purposes of this subparagraph, "local educational agencies" means the same as defined in the federal Elementary and Secondary Education Act of 1965, section 9101, as codified in 20 U.S.C. section 7801(26).

Sec. 3. NEW SECTION. 232.84 TRANSFER OF CUSTODY — NOTICE TO ADULT RELATIVES.

1. For the purposes of this section, unless the context otherwise requires, "agency" means the department, juvenile court services, or a private agency.

2. Within thirty days after the entry of an order under this chapter transferring custody of a child to an agency for placement, the agency shall exercise due diligence in identifying and providing notice to the child's grandparents, aunts, uncles, adult siblings, and adult relatives suggested by the child's parents, subject to exceptions due to the presence of family or domestic violence.

3. The notice content shall include but is not limited to all of the following:

a. A statement that the child has been or is being removed from the custody of the child's parent or parents.

b. An explanation of the options the relative has under federal, state, and other law to participate in the care and placement of the child on a temporary or permanent basis. The options addressed shall include but are not limited to assistance and support options, options for participating in legal proceedings, and any options that may be lost by failure to respond to the notice.

c. A description of the requirements for the relative to serve as a foster family home provider or other type of care provider for the child and the additional services, training, and other support available for children receiving such care.

d. Information concerning the option to apply for kinship guardianship assistance payments.

Sec. 4. NEW SECTION. 234.4 EDUCATION OF CHILDREN IN DEPARTMENTAL PROGRAMS.

If the department of human services has custody or has other responsibility for a child based upon the child's involvement in a departmental program involving foster care, preadoption or adoption, or subsidized guardianship placement and the child is subject to the compulsory attendance law under chapter 299, the department shall fulfill the responsibilities outlined in section 299.1 and other responsibilities under federal and state law regarding the child's school attendance. As part of fulfilling the responsibilities described in this section, if the department has custody or other responsibility for placement and care of a child and the child transfers to a different school during or immediately preceding the period of custody or other responsibility, within the first six weeks of the transfer date the department shall assess the student's degree of success in adjusting to the different school.

Sec. 5. NEW SECTION. 280.29 ENROLLMENT OF CHILDREN IN FOSTER CARE — TRANSFER OF EDUCATIONAL RECORDS.

In order to facilitate the educational stability of children in foster care, a school district, upon notification by an agency of the state that a child in foster care is transferring into the school district, shall provide for the immediate and appropriate enrollment of the child. A school district or an accredited nonpublic school, upon notification by an agency of the state that a child in foster care is transferring from the school district or accredited nonpublic school to another school district or accredited nonpublic school, shall promptly provide for the transfer of all of the educational records of the child not later than five school days after receiving the notification.

Sec. 6. Section 282.1, subsection 3, Code 2009, is amended to read as follows:

3. Lives in a juvenile detention center~~, foster care facility,~~ or residential facility in the district.

Sec. 7. Section 282.19, Code 2009, is amended to read as follows:

282.19 CHILD LIVING IN SUBSTANCE ABUSE OR FOSTER CARE ~~FACILITY~~ PLACEMENT.

1. A child who is living in a ~~licensed child foster care facility as defined in section 237.1, or in a~~ facility that provides residential treatment as "facility" is defined in section 125.2, which is located in a school district other than the school district in which the child resided before ~~receiving foster care~~ entering the facility may enroll in and attend an accredited school in the school district in which the child is living.

2. A child who is living in a licensed individual or agency child foster care facility, as defined in section 237.1, or in an unlicensed relative foster care placement, shall remain enrolled in and attend an accredited school in the school district in which the child resided and is enrolled at the time of placement, unless it is determined by the juvenile court or the public or private agency of this state that has responsibility for the child's placement that remaining in such school is not in the best interests of the child. If such a determination is made, the child may attend an accredited school located in the school district in which the child is living and not in the school district in which the child resided prior to receiving foster care.

3. The instructional costs for students who do not require special education shall be paid as provided in section 282.31, subsection 1, paragraph "b" or for students who require special education shall be paid as provided in section 282.31, subsections 2 or 3.

Sec. 8. Section 282.29, Code 2009, is amended to read as follows:

282.29 CHILDREN PLACED BY DISTRICT COURT.

Notwithstanding section 282.31, subsection 1, a child who has been identified as requiring special education, who has been placed in a facility~~, or~~ home, or other placement by the district court, and for whom parental rights have been terminated by the district court, shall be provided special education programs and services on the same basis as the programs and services

are provided for children requiring special education who are residents of the school district in which the child has been placed. The special education instructional costs shall be paid as provided in section 282.31, subsection 2 or 3.

Sec. 9. Section 282.31, subsection 1, paragraph b, subparagraph (1), Code 2009, is amended to read as follows:

(1) A child who lives in a facility or other placement pursuant to section 282.19, and who does not require special education and who is enrolled in the educational program of the district of residence at the time the child is placed, shall be included in the basic enrollment of the school district in which the child is enrolled. A child who lives in a facility or ~~home~~ other placement pursuant to section 282.19, and who does not require special education and who is not enrolled in the educational program of the district of residence of the child, shall be included in the basic enrollment of the school district in which the facility or ~~home~~ other placement is located.

Sec. 10. Section 282.31, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. The actual special education instructional costs incurred for a child who lives in a facility or other placement pursuant to section 282.19 or for a child who is placed in a facility or home pursuant to section 282.29, who requires special education and who is not enrolled in the educational program of the district of residence of the child but who receives an educational program from the district in which the facility, ~~or~~ home, or other placement is located, shall be paid by the district of residence of the child to the district in which the facility, ~~or~~ home, or other placement is located, and the costs shall include the cost of transportation.

Approved May 22, 2009

CHAPTER 121

PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN — REIMBURSEMENT

S.F. 236

AN ACT relating to psychiatric medical institution for children services and providing an effective date.

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

Section 1. PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN — REIMBURSEMENT.

1. For the purposes of this section, unless the context otherwise requires, "psychiatric institution" means a psychiatric medical institution for children licensed under chapter 135H and receiving medical assistance program reimbursement.

2. The department of human services, in consultation with psychiatric institution providers, shall develop a cost-based rate setting methodology with levels of reimbursement based on acuity for psychiatric institution providers in accordance with this section.

3. a. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, psychiatric institution providers may submit a projected cost report to be used to set a prospective rate for the rate period of July 1, 2009, through June 30, 2010. For that fiscal year, the maximum reim-

bursement rate for psychiatric institution providers shall be 103 percent of the patient-day weighted statewide average cost of psychiatric institution providers located within the state, based on the cost reports for the preceding fiscal year. However, the average cost computation shall not include the psychiatric institution at the state mental health institute located at Independence, and upon receiving federal approval, the reimbursement rate for that psychiatric institution shall be as provided in the state plan amendment under subsection 5. The reimbursement payments made to psychiatric institution providers for the fiscal year beginning July 1, 2009, and ending June 30, 2010, shall be cost settled to actual cost, not to exceed the maximum reimbursement rate for the fiscal year. Any overpayment amount shall be returned within 30 days of submission of a notice of overpayment to the provider.

b. Notwithstanding paragraph "a", on a case-by-case basis for psychiatric institution services provided to children with intensive needs who would otherwise require placement outside the state, the department may apply an exception to policy process to authorize provider reimbursement in excess of the maximum reimbursement rate under paragraph "a".

4. a. By January 1, 2010, the department shall develop a methodology for cost-based reimbursement with an acuity adjustment based on the aggregate acuity level of each psychiatric institution's patient mix. Under the methodology, each psychiatric institution's aggregate acuity level shall be recalculated periodically. The department shall work with psychiatric institution provider representatives to develop the methodology.

b. The department shall implement the cost-based reimbursement with acuity adjustment methodology beginning on July 1, 2010.

5. The department shall submit a medical assistance state plan amendment to the centers for Medicare and Medicaid services of the United States department of health and human services requesting authorization to reimburse the psychiatric institution at the state mental health institute located at Independence at 100 percent of actual costs. Upon receiving approval of the plan amendment, for the fiscal year beginning July 1, 2009, an amount equivalent to the resulting savings shall be transferred from the appropriation for the state mental health institute at Independence to the medical assistance appropriation to be used for the purposes described in this section.

6. The department shall track the number of admissions of Iowa children to out-of-state psychiatric medical institutions for children and the corresponding expenditures, and if necessary, shall adopt utilization control strategies to assure that utilization of such out-of-state admission is reduced, while maintaining access to treatment options that are in the best interests of the child and the child's family.

7. The department, in consultation with providers, shall develop and implement outcome measures for all psychiatric institution providers beginning on July 1, 2010.

8. The department of human services shall adopt rules pursuant to chapter 17A to implement this section.

Sec. 2. Section 249A.31, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Effective July 1, 2010, the department shall apply a cost-based reimbursement methodology for reimbursement of psychiatric medical institution for children providers.

Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 22, 2009

CHAPTER 122

COUNTY COMMISSIONS OF VETERAN AFFAIRS
— ACTIVITIES REPORTING

S.F. 254

AN ACT requiring the preparation of a report by the department of veterans affairs relating to the activities of county commissions of veteran affairs.

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

Section 1. Section 35A.5, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 15. Annually, by August 31, prepare and submit a report to the governor and the general assembly relating to county commissions of veteran affairs. Copies of the report shall also be provided to each county board of supervisors and to each county commission of veteran affairs by electronic means. Pursuant to section 35B.11, the department may request any information necessary to prepare the report from each county commission of veteran affairs. The report shall include all of the following:

a. Information related to compliance with the training requirements under section 35B.6 during the previous calendar year.

b. The weekly operating schedule of each county commission of veteran affairs office maintained under section 35B.6.

c. The number of hours of veterans' services provided by each county commission of veteran affairs executive director or administrator during the previous calendar year.

d. Population of each county, including the number of veterans residing in each county.

e. The total amount of compensation, disability benefits, or pensions received by the residents of each county under laws administered by the United States department of veterans affairs.

f. An analysis of the information contained in paragraphs "a" through "e", including an analysis of such information for previous years.

Approved May 22, 2009

CHAPTER 123

ECONOMIC DEVELOPMENT FINANCIAL
ASSISTANCE PROGRAMS — MISCELLANEOUS CHANGES

S.F. 344

AN ACT relating to the requirements of certain financial assistance programs administered by the department of economic development including a reorganization of the grow Iowa values fund and creating a grow Iowa values financial assistance program.

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

DIVISION I
GROW IOWA VALUES FUND REORGANIZATION

Section 1. NEW SECTION. 15G.108A DEFINITIONS.

For purposes of this chapter, unless the context otherwise requires:

1. "Base employment level" means the number of full-time equivalent positions at a busi-

ness, as established by the department and a business using the business's payroll records, as of the date a business applies for financial assistance under the program.

2. "Benefit" means nonwage compensation provided to an employee. Benefits typically include medical and dental insurance plans, pension, retirement, and profit-sharing plans, child care services, life insurance coverage, vision insurance coverage, disability insurance coverage, and any other nonwage compensation as determined by the board.

3. "Board" means the Iowa economic development board.

4. "County wage" means the county wage calculation performed by the department pursuant to section 15G.112, subsection 3.

5. "Created job" means a new, permanent, full-time equivalent position added to a business's payroll in excess of the business's base employment level.

6. "Department" means the department of economic development.

7. "Financial assistance" means assistance provided only from the funds, rights, and assets legally available to the department pursuant to this chapter and includes but is not limited to assistance in the form of grants, loans, forgivable loans, and royalty payments.

8. "Fiscal impact ratio" means a ratio calculated by estimating the amount of taxes to be received from a business by the state and dividing the estimate by the estimated cost to the state of providing certain financial incentives to the business, reflecting a ten-year period of taxation and incentives and expressed in terms of current dollars. For purposes of the grow Iowa values financial assistance program, "fiscal impact ratio" does not include taxes received by political subdivisions.

9. "Full-time equivalent position" means a non-part-time position for the number of hours or days per week considered to be full-time work for the kind of service or work performed for an employer. Typically, a full-time equivalent position requires two thousand eighty hours of work in a calendar year, including all paid holidays, vacations, sick time, and other paid leave.

10. "Fund" means the grow Iowa values fund created in section 15G.111.

11. "Maintenance period" means the period of time between the project completion date and maintenance period completion date.

12. "Maintenance period completion date" means the date on which the maintenance period ends.

13. "Project completion date" means the date by which a recipient of financial assistance has agreed to meet all the terms and obligations contained in an agreement with the department as described in section 15G.112, subsection 1, paragraph "d".

14. "Project completion period" means the period of time between the date financial assistance is awarded and the project completion date.

15. "Qualifying wage threshold" means the county wage or the regional wage, as calculated by the department pursuant to section 15G.112, subsection 3, whichever is lower.

16. "Regional wage" means the regional wage calculation performed by the department pursuant to section 15G.112, subsection 3.

17. "Retained job" means a full-time equivalent position, in existence at the time an employer applies for financial assistance which remains continuously filled or authorized to be filled as soon as possible and which is at risk of elimination if the project for which the employer is seeking assistance does not proceed.

Sec. 2. Section 15G.111, Code 2009, is amended to read as follows:

15G.111 ~~APPROPRIATIONS~~ GROW IOWA VALUES FUND — APPROPRIATION — ALLOCATION OF FUND MONEYS.

~~1. a. For the fiscal period beginning July 1, 2007, and ending June 30, 2015, there is appropriated each fiscal year from the grow Iowa values fund created in section 15G.108, the following amounts for the purposes designated:~~

~~(1) For each fiscal year of the fiscal period beginning July 1, 2007, and ending June 30, 2009, to the department of economic development thirty million dollars for the following programs administered by the department:~~

(a) The targeted small business financial assistance program established pursuant to section 15.247.

(b) The community economic betterment program established pursuant to section 15.317.

(c) The entrepreneurial ventures assistance program established pursuant to section 15.339.

(d) The value-added agricultural products and processes financial assistance program established pursuant to section 15E.111.

(e) The physical infrastructure financial assistance program established pursuant to section 15E.175.

(f) The loan and credit guarantee program established pursuant to section 15E.224.

(2) For each fiscal year of the fiscal period beginning July 1, 2009, and ending June 30, 2015, to the department of economic development thirty-two million dollars for the following programs administered by the department:

(a) The targeted small business financial assistance program established pursuant to section 15.247.

(b) The community economic betterment program established pursuant to section 15.317.

(c) The entrepreneurial ventures assistance program established pursuant to section 15.339.

(d) The value-added agricultural products and processes financial assistance program established pursuant to section 15E.111.

(e) The physical infrastructure financial assistance program established pursuant to section 15E.175.

(f) The loan and credit guarantee program established pursuant to section 15E.224.

b. Each year that moneys are appropriated under this subsection, the department shall allocate a percentage of the moneys for each of the following types of activities:

(1) Business start-ups.

(2) Business expansion.

(3) Business modernization.

(4) Business attraction.

(5) Business retention.

(6) Marketing.

(7) Research and development.

c. The department shall require an applicant for moneys appropriated under this subsection to include in the application a statement regarding the intended return on investment. A recipient of moneys appropriated under this subsection shall annually submit a statement to the department regarding the progress achieved on the intended return on investment stated in the application. A recipient of moneys appropriated under this subsection shall also annually submit a statement to the department regarding the type and amount of funds spent on any major maintenance, repair, or renovation of any new or existing building. The department, in cooperation with the department of revenue, shall develop a method of identifying and tracking each new job created and the leveraging of moneys through financial assistance from moneys appropriated under this subsection. The department of economic development shall identify research and development activities funded through financial assistance from not more than ten percent of the moneys appropriated under this subsection, and, instead of determining return on investment and job creation for the identified funding, determine the potential impact on the state's economy. The department's annual project status report satisfies the reporting requirement contained in this section.

d. The department may use moneys appropriated under this subsection to procure technical assistance from either the public or private sector, for information technology purposes, for a statewide labor shed study, and for rail, air, or river port transportation-related purposes. The use of moneys appropriated for rail, air, or river port transportation-related purposes must be directly related to an economic development project and the moneys must be used to leverage other financial assistance moneys.

~~e. Of the moneys appropriated under this subsection, the department may use up to one and one-half percent for administrative purposes.~~

~~f. The Iowa economic development board shall approve or deny applications for financial assistance provided with moneys appropriated under this subsection. In providing such financial assistance, the board shall, whenever possible, coordinate the assistance with other programs administered by the department of economic development, including the community economic betterment program established in section 15.317 and the value-added agricultural products and processes financial assistance program established in section 15E.111.~~

~~g. It is the policy of this state to expand and stimulate the state economy by advancing, promoting, and expanding biotechnology industries in this state. To implement this policy, the Iowa economic development board shall consider providing assistance to projects that increase value-added income to individuals or organizations involved in agricultural business or biotechnology projects. Such a project need not create jobs specific to the project site; however, such a project must foster the knowledge and creativity necessary to promote the state's agricultural economy and to increase employment in urban and rural areas as a result.~~

~~2. a. For the fiscal period beginning July 1, 2005, and ending June 30, 2015, there is appropriated each fiscal year from the grow Iowa values fund created in section 15G.108 to the department of economic development~~

1. FUND CREATED. A grow Iowa values fund is created in the state treasury under the control of the department of economic development consisting of the following:

a. The moneys appropriated to the department pursuant to section 15G.110.

b. Payments of interest, repayments of moneys loaned, and recaptures of grants and loans made pursuant to this chapter.

c. All moneys accruing to the department, including payments of interest, repayments of moneys loaned, royalty payments received, and recaptures of grants, loans, or other forms of financial assistance provided to recipients, from the department's administration of the following preexisting programs:

(1) The community economic betterment program established pursuant to section 15.317, Code 2009.

(2) The entrepreneurial ventures assistance program established pursuant to section 15.339, Code 2009.

(3) The value-added agricultural products and processes financial assistance program established pursuant to section 15E.111, Code 2009.

(4) The physical infrastructure assistance program established pursuant to section 15E.175, Code 2009.

(5) The loan and credit guarantee program established pursuant to section 15E.224, Code 2009.

2. FUND ADMINISTRATION.

a. The department shall administer the fund consistent with the provisions of this chapter and with other pertinent Acts of the general assembly, including providing financial assistance awards pursuant to section 15G.112.

b. Moneys credited to the fund are not subject to section 8.33. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

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

3. APPROPRIATION. For each fiscal year of the fiscal period beginning July 1, 2009, and ending June 30, 2015, there is appropriated from the fund to the department of economic development for purposes of making expenditures pursuant to this chapter fifty million dollars.

4. DEPARTMENTAL PURPOSES. Of the moneys appropriated to the department pursuant to subsection 3, the department shall allocate thirty-two million dollars each fiscal year as follows:

a. For administrative costs, an amount not more than one and one-half percent[1] of the moneys subject to allocation under this subsection.

b. For awards of financial assistance pursuant to section 15G.112, an amount approved by the board.

c. For marketing proposals pursuant to section 15G.109, an amount approved by the board.

d. For a statewide labor shed study conducted in coordination with the department of workforce development, an amount approved by the board.

e. For responding to opportunities and threats, as described in section 15G.113, an amount approved by the board.

f. For procuring technical assistance from either the public or private sector and for information technology purposes, an amount approved by the board.

g. For covering existing guarantees made under the loan and credit guarantee program established pursuant to section 15E.224, Code 2009, an amount approved by the board.

h. During the fiscal year beginning July 1, 2009, and ending June 30, 2010, for deposit in the renewable fuel infrastructure fund as provided in section 15G.205, two million dollars. This paragraph is repealed on July 1, 2010.

5. BOARD OF REGENTS INSTITUTIONS. Of the moneys appropriated to the department pursuant to subsection 3, the department shall allocate five million dollars each fiscal year for financial assistance to institutions of higher learning under the control of the state board of regents.

a. The financial assistance allocated pursuant to this subsection is for capacity building infrastructure in areas related to technology commercialization, for marketing and business development efforts in areas related to technology commercialization, entrepreneurship, and business growth, and for infrastructure projects and programs needed to assist in the implementation of activities under chapter 262B.

b. In allocating moneys to institutions under the control of the state board of regents, the board shall require the institutions to provide a one-to-one match of additional moneys for the activities funded with moneys appropriated under this subsection.

c. The state board of regents shall annually prepare a report for submission to the governor, the general assembly, the department, and the legislative services agency regarding the activities, projects, and programs funded with moneys ~~appropriated~~ allocated under this subsection.

~~b.~~ d. The state board of regents may ~~allocate~~ disburse any moneys ~~appropriated~~ allocated under this subsection and received from the department for financial assistance to a single biosciences development organization determined by the department to possess expertise in promoting the area of bioscience entrepreneurship. The organization must be composed of representatives of both the public and the private sector and shall be composed of subunits or subcommittees in the areas of existing identified biosciences platforms, education and workforce development, commercialization, communication, policy and governance, and finance. Such financial assistance shall be used for purposes of activities related to biosciences and bioeconomy development under chapter 262B, and to accredited private universities in this state.

~~3. For the fiscal period beginning July 1, 2005, and ending June 30, 2015, there is appropriated each fiscal year from the grow Iowa values fund created in section 15G.108 to the department of economic development~~

6. STATE PARKS. Of the moneys appropriated to the department pursuant to subsection 3, the department shall allocate one million dollars each fiscal year for purposes of providing financial assistance for projects in targeted state parks, state banner parks, and destination parks.

a. The department of natural resources shall submit a plan to the ~~department of economic development~~ board for the proposed expenditure of moneys ~~appropriated under~~ received from the department pursuant to this subsection. The plan shall focus on improving state parks, state banner parks, and destination parks for economic development purposes. The board shall approve, deny, modify, or defer proposed expenditures under the plan. Based on

[1] See chapter 184, §37 herein

the ~~report~~ plan submitted and the action of the board in regard to the plan, the department of economic development shall provide financial assistance to the department of natural resources for support of state parks, state banner parks, and destination parks.

b. For purposes of this subsection, "state banner park" means a park with multiple uses and which focuses on the economic development benefits of a community or area of the state.

~~4. For the fiscal period beginning July 1, 2005, and ending June 30, 2015, there is appropriated each fiscal year from the grow Iowa values fund created in section 15G.108 to the office of the treasurer of state~~

7. CULTURAL TRUST FUND. Of the moneys appropriated to the department pursuant to subsection 3, the department shall allocate one million dollars each fiscal year for deposit in the Iowa cultural trust fund created in section 303A.4. The board of trustees of the Iowa cultural trust shall annually prepare a report for submission to the governor, the general assembly, the department, and the legislative services agency regarding the activities, projects, and programs funded with moneys allocated under this subsection.

~~5. For the fiscal period beginning July 1, 2005, and ending June 30, 2015, there is appropriated each fiscal year from the grow Iowa values fund created in section 15G.108 to the department of economic development~~

8. COMMUNITY COLLEGES. Of the moneys appropriated to the department pursuant to subsection 3, the department shall allocate seven million dollars each fiscal year for deposit into the workforce training and economic development funds of the community colleges created pursuant to section 260C.18A.

~~6. a. For the fiscal period beginning July 1, 2005, and ending June 30, 2015, there is appropriated each fiscal year from the grow Iowa values fund created in section 15G.108 to the department of economic development~~

9. REGIONAL FINANCIAL ASSISTANCE. Of the moneys appropriated to the department pursuant to subsection 3, the department shall allocate one million dollars each fiscal year for providing economic development region financial assistance under section 15E.232, subsections 3, 5, 6, 7, and 8, and under section 15E.233, and for providing financial assistance for business accelerators pursuant to section 15E.351.

~~b.~~ a. Of the moneys ~~appropriated~~ allocated in this subsection, the department shall transfer three hundred fifty thousand dollars each fiscal year for the fiscal period beginning July 1, ~~2005~~ 2009, and ending June 30, 2015, to Iowa state university of science and technology, for purposes of providing financial assistance to establish small business development centers in areas of the state previously served by a small business development center, to develop business succession plans, and to maintain existing small business development centers. Of the three hundred fifty thousand dollars transferred each fiscal year pursuant to this paragraph, not more than one hundred thousand dollars shall be used for business succession activities. Financial assistance for a small business development center shall not exceed fifty thousand dollars per fiscal year and shall not be awarded unless the city or county where the center is located or scheduled to be located demonstrates the ability to obtain local matching moneys on a dollar-for-dollar basis for at least twenty-five percent of the cost of the center.

~~c.~~ b. Of the moneys ~~appropriated~~ allocated under this subsection, the department may use up to fifty thousand dollars each fiscal year during the fiscal period beginning July 1, ~~2005~~ 2009, and ending June 30, 2015, for purposes of providing training, materials, and assistance to Iowa business resource centers.

~~7. a. For the fiscal period beginning July 1, 2006, and ending June 30, 2009, there is appropriated for each fiscal year from the grow Iowa values fund created in section 15G.108 two million dollars for deposit in the renewable fuel infrastructure fund as provided in section 15G.205.~~

~~b. This subsection is repealed on July 1, 2009.~~

~~8. For the fiscal period beginning July 1, 2007, and ending June 30, 2015, there is appropriated for each fiscal year from the grow Iowa values fund created in section 15G.108 to the department of economic development~~

10. COMMERCIALIZATION SERVICES. Of the moneys appropriated to the department[2]

[2] See chapter 184, §8 herein

pursuant to subsection 3, the department shall allocate three million dollars for the purpose of providing the commercialization services described in section 15.411, subsections 2 and 3.

~~9. For the fiscal period beginning July 1, 2008, and ending June 30, 2015, from the moneys appropriated each fiscal year from the grow Iowa values fund created in section 15G.108, to the department for program administration pursuant to subsection 1, paragraph "a", the department may allocate up to five million dollars to projects qualifying for assistance under the physical infrastructure financial assistance program established pursuant to section 15E.175 which, notwithstanding section 15G.112, shall not be subject to job or wage requirements. The department may allocate moneys from the grow Iowa values fund above five million dollars each year to projects qualifying for assistance under the physical infrastructure financial assistance program but such projects shall be subject to the job and wage requirements of section 15G.112.~~

~~10. Notwithstanding section 8.33, moneys that remain unexpended at the end of a fiscal year shall not revert to any fund but shall remain available for expenditure for the designated purposes during the succeeding fiscal year.~~[2]

Sec. 3. Section 15G.112, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

15G.112 GROW IOWA VALUES FINANCIAL ASSISTANCE PROGRAM.

1. PROGRAM ESTABLISHED.

a. The department shall establish and administer a grow Iowa values financial assistance program for purposes of providing financial assistance from the fund to applicants. The financial assistance shall be provided from moneys credited to the grow Iowa values fund and not otherwise obligated or allocated pursuant to section 15G.111.

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

c. In making awards of financial assistance pursuant to subsections 4 and 5, the department shall calculate the fiscal impact ratio, and in reviewing each application to determine the amount of financial assistance to award, the board shall consider the appropriateness of the award to the fiscal impact ratio of the project and to other factors deemed relevant by the board.

d. For each award of financial assistance under the program, the department and the recipient of the financial assistance shall enter into an agreement describing the terms and obligations under which the financial assistance is being provided. The department may negotiate, subject to approval by the board, the terms and obligations of the agreement. An agreement shall contain but need not be limited to all of the following terms and obligations:

(1) A project completion date.

(2) A maintenance period completion date.

(3) The number of jobs to be created or retained.

(4) The amount of financial assistance to be provided under the program.

(5) An amount of matching funds from a city or county. The department shall adopt by rule a formula for determining the amount of matching funds required.

e. The department may enforce the terms and obligations of agreements described in paragraph "d".

f. A recipient of financial assistance shall meet all terms and obligations in an agreement by the project completion date, but the board may for good cause extend the project completion date.

g. During the maintenance period, a recipient of financial assistance shall continue to comply with the terms and obligations of an agreement entered into pursuant to paragraph "d".

h. If a business that is approved to receive financial assistance experiences a layoff within this state or closes any of its facilities within this state, the board has the discretion to reduce or eliminate some or all of the amount of financial assistance to be received. If a business has

[2] See chapter 184, §8 herein

received financial assistance under this part and experiences a layoff within this state or closes any of its facilities within this state, the business may be subject to repayment of all or a portion of the incentives that the business has received.

2. STANDARD PROGRAM REQUIREMENTS. In addition to the eligibility requirements of the individual program components applicable to the financial assistance sought, a business shall be subject to all of the following requirements:

a. The business shall submit to the department with its application for financial assistance a report describing all violations of environmental law or worker safety law within the last five years. If, upon review of the application, the board finds that a business has a record of violations of the law, statutes, rules, or regulations that tends to show a consistent pattern, the board shall not make an award of financial assistance to the business unless the board finds either that the violations did not seriously affect public health, public safety, or the environment, or, if such violations did seriously affect public health, public safety, or the environment, that mitigating circumstances were present.

b. The business shall not have closed, or substantially reduced, operations in one area of this state and relocated substantially the same operations in a community in another area of this state. However, this paragraph shall not be construed to prohibit a business from expanding its operation in a community if existing operations of a similar nature in this state are not closed or substantially reduced.

c. The proposed project shall not negatively impact other businesses in competition with the business being considered for assistance. The department shall make a good faith effort to identify existing Iowa businesses within an industry in competition with the business being considered for financial assistance. The department shall make a good faith effort to determine the probability that the proposed financial assistance will displace employees of the existing businesses. In determining the impact on businesses in competition with the business being considered for financial assistance, jobs created or retained as a result of other jobs being displaced elsewhere in the state shall not be considered direct jobs created or retained.

d. The business shall only employ individuals legally authorized to work in this state. In addition to any and all other applicable penalties provided by current law, all or a portion of the assistance received by a business which has received financial assistance under the program and is found to knowingly employ individuals not legally authorized to work in this state is subject to recapture by the department.

3. COUNTY AND REGIONAL WAGE CALCULATIONS.

a. In administering the financial assistance program, the department shall annually calculate a county wage and a regional wage for each county for purposes of determining the eligibility of applicants for financial assistance under the program.

(1) The county wage and the regional wage shall be an hourly wage rate based on data from the most recent four quarters of wage and employment information from the quarterly covered wage and employment data report issued by the department of workforce development.

(2) The department shall not include the value of benefits when calculating the county wage or the regional wage.

b. The county wage shall be the average of the wages paid for jobs performed in the county by employers in all employment categories except the employment categories of government, agriculture, and mining.

c. The regional wage shall be calculated as follows:

(1) Multiplying by four the county wage of a county.

(2) Adding together the county wage of each of the counties adjacent to the county.

(3) Adding the result obtained in subparagraph (1) to the result obtained in subparagraph (2).

(4) Dividing the result obtained in subparagraph (3) by the sum of the number of counties adjacent to the county plus four.

4. ONE HUNDRED THIRTY PERCENT WAGE COMPONENT.

a. In order to qualify for financial assistance under this component of the program, a business shall meet all of the following requirements:

(1) The business shall create or retain jobs as part of a project, and the jobs created or retained shall meet one of the following requirements:

(a) If the business is creating jobs, the business shall demonstrate that the jobs will pay at least one hundred percent of the qualifying wage threshold at the start of the project completion period, at least one hundred thirty percent of the qualifying wage threshold by the project completion date, and at least one hundred thirty percent of the qualifying wage threshold until the maintenance period completion date.

(b) If the business is retaining jobs, the business shall demonstrate that the jobs retained will pay at least one hundred thirty percent of the qualifying wage threshold throughout both the project completion period and the maintenance period.

(2) The business shall provide a sufficient package of benefits to each employee holding a created or retained job. The board, at the recommendation of the department, shall adopt rules determining what constitutes a sufficient package of benefits.

(3) The business shall demonstrate that the jobs created or retained will have a sufficient impact on state and local government revenues as determined by the department after calculating the fiscal impact ratio of the project.

(4) The business shall not be a retail business or a business where entrance is limited by a cover charge or membership requirement.

b. A business providing a sufficient package of benefits to each employee holding a created or retained job shall qualify for a credit against any of the one hundred thirty percent qualifying wage threshold requirements described in paragraph "a", subparagraph (1). The credit shall be calculated and applied as follows:

(1) By multiplying the qualifying wage threshold of the county in which the business is located by one and three-tenths.

(2) By multiplying the result of subparagraph (1) by one-tenth.

(3) The amount of the result of subparagraph (2) shall be credited against the amount of the one hundred thirty percent qualifying wage threshold requirement that the business is required to meet under paragraph "a", subparagraph (1).

(4) The credit shall not be applied against the one hundred percent of qualifying wage threshold requirement described in paragraph "a", subparagraph (1).

c. Notwithstanding the qualifying wage threshold requirements described in paragraph "a", subparagraph (1), if a business is also the recipient of financial assistance under another program administered by the department, and the other program requires the payment of higher wages than the wages required under this subsection, the business shall be required to pay the higher wages.

d. An applicant may apply to the board for a waiver of the qualifying wage threshold requirements of this subsection.

5. ONE HUNDRED PERCENT WAGE COMPONENT. In order to qualify for financial assistance under this component of the program, a business shall meet all of the following requirements:

a. The business shall create or retain jobs as part of a project, and the jobs created or retained shall meet one of the following qualifying wage thresholds:

(1) If the business is creating jobs, the business shall demonstrate that the jobs pay at least one hundred percent of the qualifying wage threshold at the start of the project completion period, by the project completion date, and until the maintenance period completion date.

(2) If the business is retaining jobs, the business shall demonstrate that the jobs retained will pay at least one hundred percent of the qualifying wage threshold throughout both the project completion period and the maintenance period.

b. The business shall provide a sufficient package of benefits to each employee holding a created or retained job. The board, at the recommendation of the department, shall adopt rules determining what constitutes a sufficient package of benefits.

c. The business shall demonstrate that the jobs created or retained will have a sufficient impact on state and local government revenues as determined by the department after calculating the fiscal impact ratio of the project.

d. The business shall not be a retail business or a business where entrance is limited by a cover charge or membership requirement.

6. ENTREPRENEURIAL COMPONENT.

a. In order to qualify for financial assistance under the entrepreneurial component of the program, a business shall meet all of the following requirements:

(1) The business shall be an early-stage business. For purposes of this subparagraph, "early-stage business" means a business that has been competing in a particular industry for three years or less.

(2) The business shall have consulted with and obtained a letter of endorsement from either a business accelerator approved by the department or from an entrepreneurial development organization recognized by the department.

b. Notwithstanding subsection 1, paragraph "d", subparagraph (5), a business applying for financial assistance under the entrepreneurial component is eligible for financial assistance regardless of whether the business has received matching funds from a city or county.

c. In awarding financial assistance under the entrepreneurial component of the program, the department and the board shall give priority to businesses in those sectors of the Iowa economy with the greatest potential for growth and expansion. Sectors having such potential include but are not limited to biotechnology, recyclable materials, software development, computer-related products, advanced materials, advanced manufacturing, and medical and surgical instruments.

7. INFRASTRUCTURE COMPONENT. In order to qualify for financial assistance under the infrastructure component of the program, a business or community shall be engaged in a physical infrastructure project. For purposes of this subsection, "physical infrastructure project" means a project that creates necessary infrastructure for economic success throughout Iowa, provides the foundation for the creation of jobs, and that involves the investment of a substantial amount of capital. Physical infrastructure projects include but are not limited to projects involving any mode of transportation; public works and utilities such as sewer, water, power, or telecommunications; physical improvements that mitigate, prevent, or eliminate environmental contamination; and other similar projects deemed to be physical infrastructure by the department.

8. VALUE-ADDED AGRICULTURE COMPONENT.

a. In order to qualify for financial assistance under the value-added agriculture component of the program, a business shall be a production facility engaged in the process of adding value to agricultural products. Projects considered eligible under this subsection include but are not limited to innovative agricultural products and processes, innovative and new renewable fuels, agricultural biotechnology, biomass and alternative energy production, and organic products and emerging markets. Financial assistance is available for project development as well as project creation.

b. The board and the department shall not award financial assistance under the value-added agriculture component in an amount exceeding fifty percent of the total capital investment in a project.

c. Notwithstanding subsection 1, paragraph "d", subparagraph (5), a business applying for financial assistance under the value-added agriculture component is eligible for financial assistance regardless of whether the business has received matching funds from a city or county.

9. DISASTER RECOVERY COMPONENT. In order to qualify for financial assistance under the disaster recovery component of the program, a business shall meet all of the following conditions:

a. The business is located in an area declared a disaster area by a federal official.

b. The business has sustained substantial physical damage and has closed as the result of a natural disaster.

c. The business has a plan for reopening that includes employing a sufficient number of the employees the business employed before the natural disaster occurred. The department shall adopt rules governing the number of employees that is sufficient under this paragraph.

d. The business will pay wages at the same level after reopening as the business paid before the natural disaster occurred.

Sec. 4. NEW SECTION. 15G.113 OPPORTUNITIES AND THREATS.

1. The department, with the approval of the board, may award financial assistance from the fund to a business, an individual, a development corporation, a nonprofit organization, an organization established in section 28H.1, or a political subdivision of this state if, in the opinion of the department, a project presents a unique opportunity for economic development in this state, or if the project addresses a situation constituting a threat to the continued economic prosperity of this state.

2. The board shall adopt rules governing the eligibility of projects for financial assistance pursuant to this section.

Sec. 5. NEW SECTION. 15G.114 RULES.

1. The board, upon the recommendation of the department, shall adopt rules for the administration of this chapter in accordance with chapter 17A.

2. To the extent necessary, the rules shall provide for the inclusion of uniform terms and obligations in agreements between the department and the recipients of financial assistance under the grow Iowa values financial assistance program, the high quality jobs program, and the enterprise zone program. For purposes of this section, "terms and obligations" includes but is not limited to the created or retained jobs, qualifying wage thresholds, project completion dates, project completion periods, maintenance periods, and maintenance period completion dates that are applicable to the grow Iowa values financial assistance program, the high quality job creation program, and the enterprise zone program.

Sec. 6. NEW SECTION. 15G.115 APPLICATIONS — ADVISORY BODY RECOMMENDATIONS — FINAL BOARD ACTIONS.

1. The department shall accept and process applications for financial assistance under the grow Iowa values financial assistance program. After processing the applications, the department shall prepare them for review by advisory committees and for final action by the board as described in this section.

2. a. Each application from a business for financial assistance under the grow Iowa values financial assistance program shall be reviewed by the due diligence committee established by the board pursuant to section 15.103, subsection 6. The due diligence committee shall make a recommendation on each application to the board.

b. Each application from a business for financial assistance under the value-added agriculture component of the grow Iowa values financial assistance program shall be reviewed by the agricultural products advisory council established in section 15.203, which shall make a recommendation on each application to the board.

3. In overseeing the administration of the grow Iowa values fund and grow Iowa values financial assistance program pursuant to this chapter, the board shall do all of the following:

a. At the first scheduled meeting of the board after the start of a new fiscal year, take final action on all of the following:

(1) The department's recommendations for the annual fiscal year allocation of moneys in the fund, as provided in section 15G.111, subsection 4. The board may adjust the allocation of moneys during the fiscal year as necessary.

(2) The department's recommendations for the allocation of moneys among the program components referred to in section 15G.112, subsection 1, paragraph "b". The board may adjust the allocation of moneys during the fiscal year as necessary.

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

c. Take final action on the required plans for proposed expenditures submitted by the entities receiving moneys allocated under section 15G.111, subsections 5 through 8.

d. Take final action on any rules recommended by the department for the implementation of the provisions of this chapter.

Sec. 7. Section 260G.6, Code 2009, is amended to read as follows:

260G.6 ~~PROGRAM CAPITAL FUNDS ALLOCATION~~ FUND ESTABLISHED — ALLOCATION OF MONEYS.

1. An accelerated career education fund is established in the state treasury under the control of the department of economic development consisting of moneys appropriated to the department for purposes of funding the cost of accelerated career education program capital projects.

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

3. If moneys are appropriated by the general assembly to support program capital costs, the moneys shall be allocated according to rules adopted by the department of economic development pursuant to chapter 17A.

4. In order to receive ~~such~~ moneys pursuant to this section, a program agreement approved by the community college board of directors ~~must~~ shall be in place, program capital cost requests shall be approved by the Iowa economic development board created in section 15.103, program capital cost requests shall be approved or denied not later than sixty days following receipt of the request by the department of economic development, and employer contributions toward program capital costs shall be certified and agreed to in the agreement.

Sec. 8. Sections 15.315 through 15.325, 15.338, 15.339, 15E.111, 15E.112, 15E.175, 15E.221 through 15E.227, and 15G.108, Code 2009, are repealed.

Sec. 9. FUND AND ACCOUNT BALANCE TRANSFERS.

1. Notwithstanding any provision of law to the contrary, effective July 1, 2009, the unencumbered or unobligated balance remaining in any of the funds or accounts associated with the following programs on June 30, 2009, shall be transferred to the grow Iowa values fund established in section 15G.112:

a. The community economic betterment program established pursuant to section 15.317.

b. The entrepreneurial ventures assistance program established pursuant to section 15.339.

c. The value-added agricultural products and processes financial assistance program established pursuant to section 15E.111.

d. The physical infrastructure financial assistance program established pursuant to section 15E.175.

e. The loan and credit guarantee program established pursuant to section 15E.224.

2. If any moneys in the loan and credit guarantee fund established pursuant to section 15E.227 are obligated or encumbered at the close of the fiscal year ending June 30, 2009, but subsequently become unencumbered or otherwise cease to be obligated, such moneys shall be transferred to the grow Iowa values fund established in section 15G.112 as soon as practicable.

3. Effective July 1, 2009, all unencumbered and unobligated moneys appropriated to the department of economic development pursuant to 2008 Iowa Acts, chapter 1179, section 1, subsection 5, and 2008 Iowa Acts, chapter 1179, section 9, subsection 2, shall be transferred to the accelerated career education fund established in section 260G.6, subsection 1.[3]

DIVISION II
HIGH QUALITY JOBS PROGRAM

Sec. 10. Section 15.326, Code 2009, is amended to read as follows:

15.326 SHORT TITLE.

This part shall be known and may be cited as the "High Quality ~~Job Creation Act~~" Jobs Program".

[3] See chapter 184, §27, 28 herein

Sec. 11. Section 15.327, Code 2009, is amended to read as follows:

15.327 DEFINITIONS.

As used in this part, unless the context otherwise requires:

1. "Benefit" has the same meaning as defined in section 15G.108A.

~~1.~~ 2. "Community" means a city, county, or entity established pursuant to chapter 28E.

~~2.~~ 3. "Contractor or subcontractor" means a person who contracts with the eligible business or subcontracts with a contractor for the provision of property, materials, or services for the construction or equipping of a facility of the eligible business.

4. "Created job" has the same meaning as defined in section 15G.108A.

~~3.~~ 5. "Department" means the Iowa department of economic development.

~~4.~~ 6. "Eligible business" means a business meeting the conditions of section 15.329.

7. "Fiscal impact ratio" has the same meaning as defined in section 15G.108A.

8. "Maintenance period completion date" has the same meaning as defined in section 15G.108A.

~~5.~~ 9. "Program" means the high quality ~~job creation~~ jobs program.

~~6.~~ 10. "Project ~~completion" means the first date upon which the average annualized production of finished product for the preceding ninety-day period at the manufacturing facility operated by the eligible business is at least fifty percent of the initial design capacity of the facility. The eligible business shall inform the department of revenue in writing within two weeks of project~~ completion date" has the same meaning as defined in section 15G.108A.

~~7.~~ 11. "Qualifying investment" means a capital investment in real property including the purchase price of land and existing buildings and structures, site preparation, improvements to the real property, building construction, and long-term lease costs. "Qualifying investment" also means a capital investment in depreciable assets.

12. "Qualifying wage threshold" has the same meaning as defined in section 15G.108A.

13. "Retained job" has the same meaning as defined in section 15G.108A.

Sec. 12. Section 15.329, subsections 1, 2, and 5, Code 2009, are amended to read as follows:

1. To be eligible to receive incentives under this part, a business shall meet all of the following requirements:

a. If the qualifying investment is ten million dollars or more, the community has approved by ordinance or resolution the start-up, location, or expansion of the business for the purpose of receiving the benefits of this part.

b. The business has not closed or substantially reduced ~~its operation~~ operations in one area of ~~the~~ this state and relocated substantially the same ~~operation~~ operations in ~~the~~ a community in another area of this state. This ~~subsection does~~ paragraph shall not be construed to prohibit a business from expanding its operation in ~~the~~ a community if existing operations of a similar nature in ~~the~~ this state are not closed or substantially reduced.

~~c. The business is not a retail or service business.~~

~~2. In addition to the requirements of subsection 1, a business shall do at least four of the following in order to be eligible for incentives under the program:~~

~~a. Offer a pension or profit-sharing plan to full-time employees.~~

~~b. (1) Produce or manufacture high value-added goods or services or be engaged in one of the following industries:~~

~~(a) Value-added agricultural products.~~

~~(b) Insurance and financial services.~~

~~(c) Plastics.~~

~~(d) Metals.~~

~~(e) Printing paper or packaging products.~~

~~(f) Drugs and pharmaceuticals.~~

~~(g) Software development.~~

~~(h) Instruments and measuring devices and medical instruments.~~

~~(i) Recycling and waste management.~~

~~(j) Telecommunications.~~

~~(k) Trucking and warehousing.~~

~~(2) Retail and service businesses shall not be eligible for benefits under this part.~~

~~c. Provide and pay at least eighty percent of the cost of a standard medical and dental insurance plan for all full-time employees working at the facility in which the new investment occurred.~~

~~d. Make child care services available to its employees.~~

~~e. Invest annually no less than one percent of pretax profits, from the facility located to Iowa or expanded under the program, in research and development in Iowa.~~

~~f. Invest annually no less than one percent of pretax profits, from the facility located to Iowa or expanded under the program, in worker training and skills enhancement.~~

~~g. Have an active productivity and safety improvement program involving management and worker participation and cooperation with benchmarks for gauging compliance.~~

~~h. Occupy an existing facility, at least one of the buildings of which shall be vacant and shall contain at least twenty thousand square feet.~~

c. The business shall create or retain jobs as part of a project, and the jobs created or retained shall meet one of the following qualifying wage thresholds:

(1) If the business is creating jobs, the business shall demonstrate that the jobs will pay at least one hundred percent of the qualifying wage threshold at the start of the project completion period, at least one hundred thirty percent of the qualifying wage threshold by the project completion date, and at least one hundred thirty percent of the qualifying wage threshold until the maintenance period completion date.

(2) If the business is retaining jobs, the business shall demonstrate that the jobs retained will pay at least one hundred thirty percent of the qualifying wage threshold throughout both the project completion period and the maintenance period.

d. The business shall provide a sufficient package of benefits to each employee holding a created or retained job. The board, at the recommendation of the department, shall adopt rules determining what constitutes a sufficient package of benefits.

e. The business shall demonstrate that the jobs created or retained will have a sufficient impact on state and local government revenues as determined by the department after calculating the fiscal impact ratio of the project.

f. The business shall not be a retail business or a business where entrance is limited by a cover charge or membership requirement.

g. Notwithstanding the qualifying wage threshold requirements in paragraph "c", if a business is also the recipient of financial assistance under another program administered by the department, and the other program requires the payment of higher wages than the wages required under this subsection, the business shall be required to pay the higher wages.

2. A business providing a sufficient package of benefits to each employee holding a created or retained job shall qualify for a credit against the qualifying wage threshold requirements described in subsection 1, paragraph "c". The credit shall be calculated in the manner described in section 15G.112, subsection 4, paragraph "b".

5. The department shall also consider a variety of factors~~,~~ including but not limited to the following in determining the eligibility of a business to participate in the program:

a. The quality of the jobs to be created or retained. In rating the quality of the jobs, the department shall place greater emphasis on those jobs that have a higher wage scale, have a lower turnover rate, are full-time or career-type positions, provide comprehensive health benefits, or have other related factors which could be considered to be higher in quality, than to other jobs. Businesses that have wage scales substantially below that of existing Iowa businesses in that area should be rated as providing the lowest quality of jobs and should therefore be given the lowest ranking for providing such assistance.

b. The impact of the proposed project on other businesses in competition with the business being considered for assistance. The department shall make a good faith effort to identify existing Iowa businesses within an industry in competition with the business being considered for assistance. The department shall make a good faith effort to determine the probability that the proposed financial assistance will displace employees of the existing businesses. In deter-

mining the impact on businesses in competition with the business being considered for assistance, jobs created or retained as a result of other jobs being displaced elsewhere in the state shall not be considered direct jobs created or retained.

c. The economic impact to ~~the~~ this state of the proposed project. In measuring the economic impact, the department shall place greater emphasis on projects which ~~have greater consistency with the state strategic plan than other projects. Greater consistency may include any or all of~~ demonstrate the following:

(1) A business with a greater percentage of sales out-of-state or of import substitution.
(2) A business with a higher proportion of in-state suppliers.
(3) A project which would provide greater diversification of the state economy.
(4) A business with fewer in-state competitors.
(5) A potential for future job growth.
(6) A project which is not a retail operation.

~~d. If a business has, within three years of application for assistance, acquired or merged with an Iowa corporation or company and the business has made a good faith effort to hire the workers of the acquired or merged company.~~

~~e. Whether a business provides for a preference for hiring residents of the state, except for out-of-state employees offered a transfer to Iowa.~~

~~f. Whether all known required environmental permits have been issued and regulations met before moneys are released.~~

Sec. 13. Section 15.330, subsection 4, Code 2009, is amended to read as follows:

4. ~~A business creating fifteen or fewer new high quality jobs shall have up to three years to complete a project and shall be required to maintain the jobs for an additional two years. A business creating sixteen or more new high quality jobs shall have up to five years to complete a project and shall be required to maintain the jobs for an additional two years.~~ A project completion date, a maintenance period completion date, the number of jobs to be created or retained, or certain other terms and obligations described in section 15G.112, subsection 1, paragraph "d", as the department deems necessary in order to make the requirements in project agreements uniform. The department, with the approval of the board, may adopt rules as necessary for making such requirements uniform. Such rules shall be in compliance with the provisions of this part and with the provisions of chapter 15G.

Sec. 14. Section 15.331A, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The eligible business shall inform the department of revenue in writing within two weeks of project completion. For purposes of this section, "project completion" means the first date upon which the average annualized production of finished product for the preceding ninety-day period at the manufacturing facility operated by the eligible business is at least fifty percent of the initial design capacity of the facility.

Sec. 15. Section 15.333, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

An eligible business may claim a tax credit equal to a percentage of the new investment directly related to new jobs created or retained by the location or expansion of an eligible business under the program. The tax credit shall be amortized equally over five calendar years. The tax credit shall be allowed against taxes imposed under chapter 422, division II, III, or V, and against the moneys and credits tax imposed in section 533.329. If the business is a partnership, S corporation, limited liability company, cooperative organized under chapter 501 and filing as a partnership for federal tax purposes, or estate or trust electing to have the income taxed directly to the individual, an individual may claim the tax credit allowed. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of the partnership, S corporation, limited liability company, cooperative organized under chapter 501 and filing as a partnership for federal tax purposes, or estate or trust. The percent-

age shall be determined as provided in section 15.335A. Any tax credit in excess of the tax liability for the tax year may be credited to the tax liability for the following seven years or until depleted, whichever occurs first.

Sec. 16. Section 15.335A, Code 2009, is amended to read as follows:

15.335A TAX INCENTIVES.

1. Tax incentives are available to eligible businesses as provided in this section. The incentives are based upon the number of ~~new high quality~~ jobs created or retained that pay at least one hundred thirty percent of the qualifying wage threshold as computed pursuant to section 15G.112, subsection 4, and the amount of the qualifying investment made according to the following schedule:

~~a. The number of new high quality jobs created with an annual wage, including benefits, equal to or greater than one hundred thirty percent of the average county wage is one of the following:~~

~~(1)~~ a. The number of jobs is zero and economic activity is furthered by the qualifying investment and the amount of the qualifying investment is one of the following:

~~(a)~~ (1) Less than one hundred thousand dollars, then the tax incentive is the investment tax credit of up to one percent.

~~(b)~~ (2) At least one hundred thousand dollars but less than five hundred thousand dollars, then the tax incentives are the investment tax credit of up to one percent and the sales tax refund.

~~(c)~~ (3) At least five hundred thousand dollars, then the tax incentives are the investment tax credit of up to one percent, the sales tax refund, and the additional research and development tax credit.

~~(2)~~ b. The number of jobs is one but not more than five and the amount of the qualifying investment is one of the following:

~~(a)~~ (1) Less than one hundred thousand dollars, then the tax incentive is the investment tax credit of up to two percent.

~~(b)~~ (2) At least one hundred thousand dollars but less than five hundred thousand dollars, then the tax incentives are the investment tax credit of up to two percent and the sales tax refund.

~~(c)~~ (3) At least five hundred thousand dollars, then the tax incentives are the investment tax credit of up to two percent, the sales tax refund, and the additional research and development tax credit.

~~(3)~~ c. The number of jobs is six but not more than ten and the amount of the qualifying investment is one of the following:

~~(a)~~ (1) Less than one hundred thousand dollars, then the tax incentive is the investment tax credit of up to three percent.

~~(b)~~ (2) At least one hundred thousand dollars but less than five hundred thousand dollars, then the tax incentives are the investment tax credit of up to three percent and the sales tax refund.

~~(c)~~ (3) At least five hundred thousand dollars, then the tax incentives are the investment tax credit of up to three percent, the sales tax refund, and the additional research and development tax credit.

~~(4)~~ d. The number of jobs is eleven but not more than fifteen and the amount of the qualifying investment is one of the following:

~~(a)~~ (1) Less than one hundred thousand dollars, then the tax incentive is the investment tax credit of up to four percent.

~~(b)~~ (2) At least one hundred thousand dollars but less than five hundred thousand dollars, then the tax incentives are the investment tax credit of up to four percent and the sales tax refund.

~~(c)~~ (3) At least five hundred thousand dollars, then the tax incentives are the investment tax credit of up to four percent, the sales tax refund, and the additional research and development tax credit.

~~(5)~~ e. The number of jobs is sixteen ~~or~~ but not more than thirty and the amount of the qualifying investment is one of the following:

~~(a)~~ (1) Less than one hundred thousand dollars, then the tax incentive is the investment tax credit of up to five percent.

~~(b)~~ (2) At least one hundred thousand dollars but less than five hundred thousand dollars, then the tax incentives are the investment tax credit of up to five percent and the sales tax refund.

~~(c)~~ (3) At least five hundred thousand dollars, then the tax incentives are the investment tax credit of up to five percent, the sales tax refund, and the additional research and development tax credit.

~~b. In lieu of paragraph "a", the number of new high quality jobs created with an annual wage, including benefits, equal to or greater than one hundred sixty percent of the average county wage is one of the following:~~

~~(1)~~ f. The number of jobs is ~~twenty-one~~ thirty-one but not more than ~~thirty~~ forty and the amount of the qualifying investment is at least ten million dollars, then the tax incentives are the local property tax exemption, the investment tax credit of up to six percent, the sales tax refund, and the additional research and development tax credit.

~~(2)~~ g. The number of jobs is ~~thirty-one~~ forty-one but not more than ~~forty~~ sixty and the amount of the qualifying investment is at least ten million dollars, then the tax incentives are the local property tax exemption, the investment tax credit of up to seven percent, the sales tax refund, and the additional research and development tax credit.

~~(3)~~ h. The number of jobs is ~~forty-one~~ sixty-one but not more than ~~fifty~~ eighty and the amount of the qualifying investment is at least ten million dollars, then the tax incentives are the local property tax exemption, the investment tax credit of up to eight percent, the sales tax refund, and the additional research and development tax credit.

~~(4)~~ i. The number of jobs is ~~fifty-one~~ eighty-one but not more than ~~sixty~~ one hundred and the amount of the qualifying investment is at least ten million dollars, then the tax incentives are the local property tax exemption, the investment tax credit of up to nine percent, the sales tax refund, and the additional research and development tax credit.

~~(5)~~ j. The number of jobs is at least ~~sixty-one~~ one hundred one and the amount of the qualifying investment is at least ten million dollars, then the tax incentives are the local property tax exemption, the investment tax credit of up to ten percent, the sales tax refund, and the additional research and development tax credit.

2. For purposes of this section:

a. "Additional research and development tax credit" means the research activities credit as provided under section 15.335.

~~b. "Average county wage" means the annualized, average hourly wage based on wage information compiled by the department of workforce development.~~

~~c. "Benefits" means all of the following:~~

~~(1) Medical and dental insurance plans. If an employer offers medical insurance under both single and family coverage plans, the employer shall be given credit for providing medical insurance under family coverage plans to all new employees.~~

~~(2) Pension and profit-sharing plans.~~

~~(3) Child care services.~~

~~(4) Life insurance coverage.~~

~~(5) Other benefits identified by rule of the department of revenue.~~

b. "Benefits" means the same as defined in section 15G.108A.

c. "County wage" means the same as defined in section 15G.108A.

d. "Investment tax credit" means the investment tax credit or the insurance premium tax credit as provided under section 15.333 or 15.333A, respectively.

e. "Local property tax exemption" means the property tax exemption as provided under section 15.332.

f. "Qualifying wage threshold" means the same as defined in section 15G.108A.

g. "Regional wage" means the same as defined in section 15G.108A.

~~f.~~ h. "Sales tax refund" means the sales and use tax refund as provided under section 15.331A or the corporate tax credit for certain sales taxes paid by third-party developers as provided under section 15.331C.

3. A community may apply to the Iowa economic development board for a project-specific waiver from the ~~average county wage calculations~~ qualifying wage threshold requirement provided in subsection 1 in order ~~for an eligible business to receive~~ to seek tax incentives for an eligible business. The board may grant a project-specific waiver from the ~~average county wage calculations~~ qualifying wage threshold requirement in subsection 1 for the remainder of ~~the~~ a calendar year, based on ~~average~~ county wage or regional wage calculations brought forth by the applicant county including~~,~~ but not limited to~~,~~ any of the following:

a. The ~~average~~ county wage calculated without wage data from the business in the county employing the greatest number of full-time employees.

b. The ~~average~~ regional wage calculated without wage data from up to two adjacent counties.

c. The ~~average~~ county wage calculated without wage data from the largest city in the county.

d. A qualifying wage guideline for a specific project based upon unusual economic circumstances present in the city or county.

e. The annualized, average hourly wage paid by all businesses in the county located outside the largest city of the county.

f. The annualized, average hourly wage paid by all businesses other than the largest employer in the entire county.

~~4. Average wage calculations made under this section shall be calculated quarterly using wage data submitted to the department of workforce development during the previous four quarters.~~

~~5.~~ 4. Each calendar year, the department shall not approve more than three million six hundred thousand dollars worth of investment tax credits for projects with qualifying investments of less than one million dollars.

~~6.~~ 5. The department shall negotiate the amount of tax incentives provided to an applicant under the program in accordance with this section and section 15G.112, as applicable.

DIVISION III
ENTERPRISE ZONES

Sec. 17. Section 15E.193, subsections 1 and 2, Code 2009, are amended to read as follows:

1. A business which is or will be located, in whole or in part, in an enterprise zone is eligible to receive incentives and assistance under this division if the business has not closed or reduced its operation in one area of the state and relocated substantially the same operation into the enterprise zone and if the business meets all of the following requirements:

a. Is not a retail business or a business where entrance is limited by a cover charge or membership requirement.

~~b. Provides all full-time employees with the option of choosing one of the following:~~

~~(1) The business pays eighty percent of both of the following:~~

~~(a) The cost of a standard medical insurance plan.~~

~~(b) The cost of a standard dental insurance plan or an equivalent plan.~~

~~(2) The business provides the employee with a monetarily equivalent plan to the plan provided for in subparagraph (1).~~

~~c. Pays an average wage that is at or greater than ninety percent of the lesser of the average county wage or average regional wage, as determined by the department. However, the wage paid by the business shall not be less than seven dollars and fifty cents per hour.~~

b. (1) The business shall provide a sufficient package of benefits to each employee holding a created or retained job. For purposes of this paragraph, "created job" and "retained job" have the same meaning as defined in section 15G.108A.

(2) The board, upon the recommendation of the department, shall adopt rules determining what constitutes a sufficient package of benefits.

c. The business shall pay a wage that is at least ninety percent of the qualifying wage threshold. For purposes of this paragraph, "qualifying wage threshold" has the same meaning as defined in section 15G.108A.

d. Creates or retains at least ten full-time equivalent positions and maintains them ~~for at least ten years. For an existing business in counties with a population of ten thousand or less or in cities with a population of two thousand or less, the commission may adopt a provision that allows the business to create at least five initial jobs with the additional jobs to be added in five years. The business shall include in its strategic plan the timeline for job creation. If the existing business fails to meet the ten-job creation requirement within the five-year period, all incentives or assistance will cease immediately~~ until the maintenance period completion date. For purposes of this paragraph, "maintenance period completion date" and "full-time equivalent position" have the same meanings as defined in section 15G.108A.

e. Makes a capital investment of at least five hundred thousand dollars. ~~If the business will be occupying a vacant building suitable for industrial use, the fair market value of the building and land, not to exceed two hundred fifty thousand dollars, shall be counted toward the capital investment requirement. An existing business that has been operating in the enterprise zone for at least five years is exempt from the capital investment requirement of this paragraph of up to two hundred fifty thousand dollars of the fair market value, as established by an appraisal, of the building and land.~~

f. If the business is only partially located in an enterprise zone, the business must be located on contiguous parcels of land.

2. In addition to meeting the requirements under subsection 1, an eligible business shall provide the enterprise zone commission with all of the following:

a. The long-term strategic plan for the business which shall include labor and infrastructure needs.

b. Information dealing with the benefits the business will bring to the area.

c. Examples of why the business should be considered or would be considered a good business enterprise.

d. The impact the business will have on other businesses in competition with it. The enterprise zone commission shall make a good faith effort to identify existing Iowa businesses within an industry in competition with the business being considered for assistance. The enterprise zone commission shall make a good faith effort to determine the probability that the proposed financial assistance will displace employees of the existing businesses. In determining the impact on businesses in competition with the business being considered for assistance, jobs created or retained as a result of other jobs being displaced elsewhere in the state shall not be considered direct jobs created or retained.

~~e. An affidavit that it has not, within the last five years, violated state or federal environmental and worker safety statutes, rules, and regulations or if such violation has occurred that there were mitigating circumstances or such violations did not seriously affect public health or safety or the environment.~~

e. A report describing all violations of environmental law or worker safety law within the last five years. If, upon review of the application, the enterprise zone commission finds that a business has a record of violations of the law, statutes, rules, or regulations that tends to show a consistent pattern, the enterprise zone commission shall not make an award of financial assistance to the business unless the board finds either that the violations did not seriously affect public health, public safety, or the environment, or, if such violations did seriously affect public health, public safety, or the environment, that mitigating circumstances were present.

DIVISION IV
CONFORMING AMENDMENTS

Sec. 18. Section 15.103, subsection 6, Code 2009, is amended to read as follows:

6. As part of the organizational structure of the department, the board shall establish a due diligence committee and a loan and credit guarantee committee composed of members of the

board. The committees shall serve in an advisory capacity to the board and shall carry out any duties assigned by the board in relation to programs administered by the department. The loan and credit guarantee committee shall advise the board on the winding up of loan guarantees made under the loan and credit guarantee program established pursuant to section 15E.224, Code 2009, and on the proper amount of the allocation described in section 15G.111, subsection 4, paragraph "g".

Sec. 19. Section 15.104, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 1. Perform duties related to the administration of the grow Iowa values fund and grow Iowa values financial assistance program as described in chapter 15G.

Sec. 20. Section 15.104, subsection 9, paragraphs a and b, Code 2009, are amended to read as follows:

a. FINANCIAL ASSISTANCE ~~PROGRAMS~~. Data on all assistance provided to ~~business finance projects under the community economic betterment program established in section 15.317,~~ eligible businesses under the high quality ~~job creation~~ jobs program described in section 15.326~~, and eligible facilities under the value-added agricultural products and processes financial assistance program established in section 15E.111~~.

b. PROJECTS FUNDED THROUGH THE GROW IOWA VALUES ~~FUND~~ FINANCIAL ASSISTANCE PROGRAM ESTABLISHED IN SECTION 15G.112. For each job creation or retention business finance project receiving moneys from the grow Iowa values fund ~~created in section 15G.108~~, the following information:

(1) The net number of new jobs created as of June 30 of the prior year. For the purposes of this subparagraph, "net number of new jobs" is the number of new or retained jobs as identified in the contract.

(2) The number of jobs created, as of June 30 of the prior year, that are at or above the qualifying wage threshold for the project. For the purposes of this subparagraph, "qualifying wage threshold" ~~means the wage that meets the required percentage of the average county or average regional wage for the programs or funding sources involved with the project~~ has the same meaning as defined in section 15G.108A.

(3) The number of retained jobs, as of June 30 of the prior year. For the purposes of this subparagraph, "retained jobs" means the number of retained jobs as identified in the contract.

(4) The total amount expended by a business, as of June 30 of the prior year, toward the total project cost as identified in the contract.

(5) The project's location.

(6) The amount, if any, of private and local matching funds, as of June 30 of the prior year.

(7) The amount spent on research and development activities, as of June 30 of the prior year.

Sec. 21. Section 15.104, subsection 9, paragraphs i and j, Code 2009, are amended to read as follows:

i. GROW IOWA VALUES FUND EXPENDITURES. Detailed financial data that delineate expenditures made under each component of the grow Iowa values fund created in section ~~15G.108~~ 15G.111.

j. RENEWABLE FUEL PROGRAMS. A detailed accounting of expenditures in support of renewable fuel infrastructure programs, as provided in sections 15G.203 and 15G.204. The renewable fuel infrastructure board established in section 15G.202 shall approve that portion of the department's annual report regarding projects supported from the grow Iowa values fund created in section ~~15G.108~~ 15G.111. This paragraph is repealed on July 1, 2012.

Sec. 22. Section 15.116, Code 2009, is amended to read as follows:

15.116 TECHNOLOGY COMMERCIALIZATION COMMITTEE.

To evaluate and approve funding for the projects and programs ~~under~~ referred to in section 15G.111, subsection ~~2~~ 10, the economic development board shall create a technology commercialization committee composed of members with expertise in the areas of biosciences, engineering, manufacturing, pharmaceuticals, materials, information solutions, software, and en-

ergy. At least one member of the technology commercialization committee shall be a member of the economic development board. An organization designated by the department, composed of members from both the public and private sectors and composed of subunits or subcommittees in the areas of already identified bioscience platforms, education and workforce development, commercialization, communication, policy and governance, and finance, shall provide funding recommendations to the technology commercialization committee.

Sec. 23. Section 15.203, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The agricultural products advisory council shall review applications for financial assistance under the value-added agriculture component of the grow Iowa values financial assistance program established in section 15G.112.

Sec. 24. Section 15.313, subsection 1, Code 2009, is amended to read as follows:

1. a. An Iowa strategic investment fund is created as a revolving fund consisting of any money appropriated by the general assembly for that purpose and any other moneys available to and obtained or accepted by the department from the federal government or private sources for placement in the fund. ~~The fund shall also include all of the following:~~

~~(1) All unencumbered and unobligated funds from the special community economic betterment program fund created under 1990 Iowa Acts, chapter 1262, section 1, subsection 18, remaining on June 30, 1992, all repayments of loans or other awards made under the community economic betterment account or under the community economic betterment program during any fiscal year beginning on or after July 1, 1985, and recaptures of awards.~~

~~(2) All unencumbered and unobligated funds from the targeted small business financial assistance program, the financing rural economic development or successor loan program, and the value-added agricultural products and processes financial assistance fund remaining on June 30, 1992, and all repayments of loans or other awards or recaptures of awards made under these programs.~~

b. Notwithstanding section 8.33, moneys in the strategic investment fund at the end of each fiscal year shall not revert to any other fund but shall remain in the strategic investment fund for expenditure for subsequent fiscal years.

Sec. 25. Section 15A.7, subsection 3, Code 2009, is amended to read as follows:

3. That the employer shall agree to pay wages for the jobs for which the credit is taken of at least the ~~average~~ county wage or ~~average~~ the regional wage, as calculated by the department pursuant to section 15G.112, subsection 3, whichever is lower~~, as compiled annually by the department of economic development for the community economic betterment program~~. ~~For the purposes of this section, the average regional wage shall be compiled based upon the service delivery areas in section 84B.2.~~ Eligibility for the supplemental credit shall be based on a one-time determination of starting wages by the community college.

Sec. 26. Section 15E.120, subsection 5, Code 2009, is amended to read as follows:

5. Loan repayments received by the Iowa department of economic development shall be deposited into a special account to be used at its discretion as matching funds to attract financial assistance from and to participate in programs with national rural development and finance corporations. Funds in this special account shall not revert to the state general fund at the end of any fiscal year. If the programs for which the funds in the special account are to be used are terminated or expire, the funds in the special account and funds that would be repaid, if any, to the special account shall be transferred or repaid to ~~the community economic betterment account of~~ the strategic investment fund established in section 15.313.

Sec. 27. Section 15E.231, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

In order for an economic development region to receive moneys ~~from~~ under the grow Iowa values ~~fund created~~ financial assistance program established in section ~~15G.108~~ 15G.112, an

economic development region's regional development plan must be approved by the department. An economic development region shall consist of not less than three counties, unless two contiguous counties have a combined population of at least three hundred thousand based on the most recent federal decennial census. An economic development region shall establish a focused economic development effort that shall include a regional development plan relating to one or more of the following areas:

Sec. 28. Section 15E.351, subsection 1, Code 2009, is amended to read as follows:

1. The department shall establish and administer a business accelerator program to provide financial assistance for the establishment and operation of a business accelerator for technology-based, value-added agricultural, information solutions, alternative and renewable energy including the alternative and renewable energy sectors listed in section 476.42, subsection 1, paragraph "a", or advanced manufacturing start-up businesses or for a satellite of an existing business accelerator. The program shall be designed to foster the accelerated growth of new and existing businesses through the provision of technical assistance. The department ~~shall use moneys appropriated to the department from the grow Iowa values fund pursuant to section 15G.111, subsection 1~~, subject to the approval of the economic development board, ~~to~~ may provide financial assistance under this section from moneys allocated for regional financial assistance pursuant to section 15G.111, subsection 9.

Sec. 29. Section 159A.6B, unnumbered paragraph 2, Code 2009, is amended to read as follows:

The office may execute contracts in order to provide technical support and outreach services for purposes of assisting and educating interested persons as provided in this section. The office may also contract with a consultant to provide part or all of these services. The office may require that a person receiving assistance pursuant to this section contribute up to fifty percent of the amount required to support the costs of contracting with the consultant to provide assistance to the person. The office shall assist the person in completing any technical information required in order to receive assistance by the department of economic development pursuant to the value-added ~~agricultural products and processes~~ agriculture component of the grow Iowa values financial assistance program ~~created~~ established pursuant to section ~~15E.111~~ 15G.112. The office shall cooperate with the department of economic development, the department of natural resources, and regents institutions or other universities and colleges ~~as provided in section 15E.111,~~ in order to carry out this section.

Sec. 30. Section 266.19, Code 2009, is amended to read as follows:

266.19 RENEWABLE FUEL — ASSISTANCE.

The university shall cooperate in assisting renewable fuel production facilities supporting livestock operations managed by persons receiving assistance pursuant to the value-added ~~agricultural products and processes~~ agriculture component of the grow Iowa values financial assistance program established in section ~~15E.111~~ 15G.112.

Sec. 31. Section 455B.104, subsection 2, Code 2009, is amended to read as follows:

2. The department shall assist persons applying for assistance to establish and operate renewable fuel production facilities pursuant to the value-added ~~agricultural products and processes~~ agriculture component of the grow Iowa values financial assistance program established in section ~~15E.111~~ 15G.112.

Sec. 32. Section 455B.433, Code 2009, is amended to read as follows:

455B.433 PHYSICAL INFRASTRUCTURE ASSISTANCE — FUNDING — LIABILITY.

1. The department of natural resources shall work in conjunction with the Iowa department of economic development to identify environmentally contaminated sites which qualify for the ~~physical~~ infrastructure ~~assistance~~ component of the grow Iowa values financial assistance program ~~under~~ established in section ~~15E.175~~ 15G.112. The department shall provide an as-

sessment of the site and shall provide any emergency response activities which the department deems necessary. The department may take any further action, including remediation of the site, that the department deems to be appropriate and which promotes the purposes of the ~~physical~~ infrastructure ~~assistance program~~ component.

2. The department shall be reimbursed from the ~~physical infrastructure assistance~~ grow Iowa values fund ~~under~~ created in section ~~15E.175~~ 15G.111 for any costs incurred pursuant to this section.

3. A person shall not have standing pursuant to section 455B.111 to commence a citizen suit which is based upon property that is part of the ~~physical~~ infrastructure ~~assistance~~ component of the grow Iowa values financial assistance program ~~pursuant to~~ established in section ~~15E.175~~ 15G.112.

Sec. 33. CONDITIONAL ENACTMENTS.

1. If 2009 Iowa Acts, Senate File 142,[4] is enacted, the section of that Act amending section 15G.111 is repealed and section 15G.111, subsection 10, as enacted in this Act, is amended to read as follows:

10. COMMERCIALIZATION SERVICES. Of the moneys appropriated to the department pursuant to subsection 3, the department shall allocate three million dollars for ~~the purpose of providing the commercialization services described in section 15.411, subsections 2 and 3~~ deposit in the innovation and commercialization development fund created in section 15.412.

2. If 2009 Iowa Acts, Senate File 142,[5] is enacted, section 15.116, as amended in this Act, is amended to read as follows:

15.116 TECHNOLOGY COMMERCIALIZATION COMMITTEE.

To evaluate and ~~approve~~ make recommendations to the board on appropriate funding for the projects and programs ~~referred to in section 15G.111, subsection 10~~ applying for financial assistance from the innovation and commercialization development fund created in section 15.412, the economic development board shall create a technology commercialization committee composed of members with expertise in the areas of biosciences, engineering, manufacturing, pharmaceuticals, materials, information solutions, software, and energy. At least one member of the technology commercialization committee shall be a member of the economic development board. An organization designated by the department, composed of members from both the public and private sectors and composed of subunits or subcommittees in the areas of already identified bioscience platforms, education and workforce development, commercialization, communication, policy and governance, and finance, shall provide funding recommendations to the technology commercialization committee.

3. If 2009 Iowa Acts, Senate File 142,[6] is enacted, section 15G.115, subsection 2, as enacted in this Act, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Each application for financial assistance from funds allocated by the department for deposit in the innovation and commercialization development fund pursuant to section 15G.111, subsection 10, shall be reviewed by the technology commercialization committee established in section 15.116, which shall make a recommendation on each application to the board.

Approved May 22, 2009

[4] Chapter 82 herein
[5] Chapter 82 herein
[6] Chapter 82 herein

CHAPTER 124

MOTOR VEHICLE REGULATIONS —
LICENSING OF FOREIGN NATIONALS — FALSE CONVICTIONS

S.F. 356

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

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

Section 1. Section 321.196, subsection 1, Code 2009, is amended to read as follows:

1. Except as otherwise provided, a driver's license, other than an instruction permit, chauffeur's instruction permit, or commercial driver's instruction permit issued under section 321.180, expires five years from the licensee's birthday anniversary occurring in the year of issuance if the licensee is between the ages of seventeen years eleven months and seventy years on the date of issuance of the license. If the licensee is under the age of seventeen years eleven months or age seventy or over, the license is effective for a period of two years from the licensee's birthday anniversary occurring in the year of issuance. A licensee whose license is restricted due to vision or other physical deficiencies may be required to renew the license every two years. If a licensee is a foreign national who is temporarily present in this state, the license shall be issued only for the length of time the foreign national is authorized to be present as ~~determined~~ verified by the department, not to exceed two years.

Sec. 2. NEW SECTION. 321.200A CONVICTIONS BASED UPON FRAUD.

1. If a person discovers a record of conviction for a scheduled violation under this chapter was entered by fraudulent use of the person's name or by use of other fraudulent identification, the person may, within one year of the date of the discovery of the conviction, submit a written application to the department to investigate the allegation. The department may summarily reject the application as submitted, or proceed to investigate the application. If the department investigates the application, the department may either deny the application or if the department determines the allegation is warranted, approve the application. If the department investigates the application the department shall also issue a report and findings with the decision of the department. The rejection, approval, or denial of an application is not subject to contested case proceedings or further review as provided in chapter 17A. If the application is investigated, the department shall provide the applicant with a certified copy of the decision of the department. If the department approves the application, the department shall also provide the applicant with a certified copy of the investigative report and findings. The department shall also provide certified copies of the department's decision approving or denying the application together with the investigative report and findings to the appropriate prosecuting attorney in the city or county that prosecuted the scheduled violation, and to the district court in the county that prosecuted the scheduled violation. The department may electronically provide copies of any decision approving or denying the application and the investigative report and findings, to the district court.

2. A person who discovers that a record of conviction for a scheduled violation under this chapter was entered by fraudulent use of the person's name or by use of other fraudulent identification, may bypass the application process in subsection 1, and move in district court to set aside the judgment of conviction within one year of discovery of the conviction. An applicant with an approved application under subsection 1, shall also move in district court to set aside the judgment of conviction in order to have the department expunge or alter the records of the department or rescind or modify an administrative sanction. If the district court grants the motion to set aside the judgment, the district court shall order the charging agency or official

to modify the records of the agency or official to reflect the order setting aside the judgment. The clerk of the district court shall provide the court order setting aside the judgment, either by regular mail or electronic means, to the charging agency or official, and the department of transportation. The clerk of the district court shall also provide the applicant with a certified copy of the court order at no cost to the applicant.

3. Notwithstanding the department's approval of an application pursuant to subsection 1, the department shall not expunge or alter the records of the department or rescind or modify an administrative sanction unless the department receives an order from the district court setting aside the previous judgment of the court as provided in subsection 2. Upon receiving a copy of an order from the district court setting aside the previous judgment of the court, the department shall expunge the record and shall rescind any administrative sanction imposed upon the applicant as a result of the judgment, unless the applicant is subject to sanctions for other reasons. The department may impose a new sanction if expunging the judgment would result in a lesser or different sanction.

4. The department shall adopt rules pursuant to chapter 17A to implement this section.

Sec. 3. Section 811.9, Code 2009, is amended to read as follows:

811.9 FORFEITURE OF APPEARANCE BOND.

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

Approved May 22, 2009

CHAPTER 125

STATEWIDE BROADBAND
POLICY DEVELOPMENT — STUDY

S.F. 372

AN ACT requesting the establishment of a statewide broadband policy development interim study committee.

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

Section 1. STATEWIDE BROADBAND POLICY DEVELOPMENT INTERIM STUDY COMMITTEE. The legislative council is requested to establish an interim study committee to evaluate the need for statewide broadband access, the extent to which such access exists, and the necessity for and content of a statewide broadband policy. In conducting the study, the committee shall review exclusively the provisions of the federal communications code and other federal laws affecting the implementation of broadband. The committee shall be composed of ten members, representing both political parties and both houses of the general assembly. Five members shall be members of the senate, three of whom shall be appointed by the majority leader of the senate, and two of whom shall be appointed by the minority leader of the senate. Five members shall be members of the house of representatives, three of whom

shall be appointed by the speaker of the house of representatives, and two of whom shall be appointed by the minority leader of the house of representatives. If the committee decides to issue a report on its review of federal law to the general assembly, the report shall be issued by January 15, 2010.

Approved May 22, 2009

CHAPTER 126

CERTIFIED MOTOR VEHICLE OPERATING RECORDS — RESALE AND USE

S.F. 374

AN ACT concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable.

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

Section 1. Section 321A.3, subsection 8, Code 2009, is amended to read as follows:

8. a. (1) A person ~~making a request for a record or an abstract~~ who purchases a certified abstract of an operating record directly from the department under this section ~~that is subject to a fee~~ shall only use ~~the record or abstract requested~~, sell, disclose, or distribute the abstract or any portion of the abstract one time, for one purpose, and ~~it~~ the person shall not supply that ~~record~~ abstract or any portion of that abstract to more than one other person. ~~Any subsequent use of the same record or abstract shall require that the~~ The person shall make a subsequent request for the record or[1] abstract and pay an additional fee for the request in the same manner as provided for the initial request for any subsequent use, sale, disclosure, or distribution of the same certified abstract or any portion of the abstract or to supply the same certified abstract or any portion of the abstract to another person, except as provided in subparagraph (2).

(2) Notwithstanding the limitation on use, sale, disclosure, and distribution of a certified abstract under subparagraph (1), a person who purchases a certified abstract under this section may provide a copy of the previously purchased certified abstract to the person who is an insurer who was originally supplied the certified abstract by the person who purchased the certified abstract.

b. A person who is supplied a certified abstract or any portion of the abstract by a person who purchases the certified abstract under paragraph "a" shall only use the abstract one time, for one purpose, and shall not reuse, sell, disclose, or distribute the abstract or any portion of the abstract except as provided in paragraph "c".

c. A person who is an insurer or an insurance producer licensed under chapter 522B who purchases a certified abstract under this section or a person who is supplied a certified abstract or any portion of the abstract pursuant to paragraph "b" may use the certified abstract pursuant to this paragraph "c" for more than one use for the following purposes:

(1) To provide a copy to a consumer with respect to a specific decision impacting the consumer and made in whole or in part based upon information contained in the certified abstract, as defined by rule of the department.

(2) Internal auditing purposes, or similar internal purposes as defined by rule of the department.

(3) Internal purposes in a manner consistent with the federal Driver's Privacy Protection Act, 18 U.S.C. § 2721-2725, by a person who is an insurer.

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[1] See chapter 179, §37 herein

(4) To show compliance with the retention requirements imposed under this section or other applicable law.

(5) By an insurer, to provide a copy to an insurance producer licensed under chapter 522B and appointed by the insurer for purposes of a specific application for coverage. However, a producer who is provided a certified abstract pursuant to this subparagraph shall not reuse, sell, disclose, or distribute the abstract with respect to any transaction not associated with the insurer who appointed the producer.

(6) To provide a copy to an insurer for purposes of a specific application for coverage if the person requesting the certified abstract is an insurance producer licensed under chapter 522B and appointed by the insurer for purposes of the specific application for coverage.

(7) To provide a copy, for the purpose of a specific application for coverage or for a purpose as provided under subparagraphs (1) through (4), to an affiliate of the person who is an insurer who originally purchased or was supplied the certified abstract. An affiliate who receives a copy of a certified abstract pursuant to this subparagraph shall only use the copy of the abstract one time and shall not reuse, sell, disclose, or distribute the copy to any other person, except as provided under subparagraphs (1) through (5) in the same manner as permitted for a person who is an insurer.

d. For purposes of this subsection, "affiliate" means an insurer who directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the person who is an insurer.

e. A person ~~requesting a record or an abstract~~ who purchases a certified abstract directly from the department pursuant to this section shall keep records for a period of five years identifying ~~who the record or~~ the persons to whom the abstract is provided ~~to~~, and the use of the ~~record or~~ abstract~~, for a period of five years~~. Records maintained pursuant to this subsection shall be made available to the department upon request. A person who is otherwise supplied a certified abstract and who then provides that abstract to another person for a purpose other than the purposes identified under paragraph "c" shall also be subject to the recordkeeping requirements under this paragraph.

f. A person shall not ~~sell, retain, distribute, provide, or transfer any record or~~ use, sell, disclose, or distribute any abstract information or portion of the ~~record or~~ abstract information acquired under this ~~agreement~~ section except as authorized by this section and any applicable rules of the department ~~and~~. Nothing in this section shall be construed to authorize the use, sale, disclosure, or distribution of personal information, protected personal information, or highly protected personal information as prohibited under section 321.11 or the federal Driver's Privacy Protection Act, 18 U.S.C. § 2721 – 2725.

Approved May 22, 2009

CHAPTER 127

PRESCRIPTION DRUG DONATION REPOSITORY PROGRAM

S.F. 377

AN ACT relating to the prescription drug donation repository program.

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

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

135M.1 PURPOSE.

The purpose of this chapter is to improve the health of low-income Iowans and Iowans who

have been victims of a state of disaster emergency proclaimed by the governor pursuant to section 29C.6 or a public health disaster as defined in section 135.140, subsection 6, through a prescription drug donation repository that authorizes medical facilities, ~~and~~ pharmacies, and the department to redispense prescription drugs and supplies that would otherwise be destroyed.

Sec. 2. Section 135M.3, subsection 4, Code 2009, is amended to read as follows:

4. a. A medical facility or pharmacy that receives prescription drugs or supplies may distribute the prescription drugs or supplies to another eligible medical facility or pharmacy for use pursuant to the program.

b. The department may receive prescription drugs or supplies directly from the prescription drug donation repository contractor and may distribute such prescription drugs and supplies through persons licensed to dispense prescription drugs and supplies to an eligible individual for use by the individual pursuant to the program. The department may receive and distribute such prescription drugs or supplies under this paragraph during or in preparation for a state of disaster emergency proclaimed by the governor pursuant to section 29C.6 or during or in preparation for a public health disaster as defined in section 135.140, subsection 6.

Sec. 3. Section 135M.4, subsection 5, paragraph b, Code 2009, is amended to read as follows:

b. (1) Eligibility criteria for individuals to receive donated prescription drugs and supplies dispensed by medical facilities and pharmacies under the program. The standards shall prioritize dispensing to individuals who are indigent or uninsured, but may permit dispensing to other individuals if an uninsured or indigent individual is unavailable.

(2) Eligibility criteria for individuals to receive donated prescription drugs and supplies dispensed directly by the department through persons licensed to dispense prescription drugs and supplies. The department shall accept and dispense donated prescription drugs and supplies received from the prescription drug donation repository contractor during or in preparation for a state of disaster emergency proclaimed by the governor pursuant to section 29C.6 or during or in preparation for a public health disaster as defined in section 135.140, subsection 6.

Sec. 4. Section 135M.5, subsection 2, Code 2009, is amended to read as follows:

2. Except as provided in subsection 3, a person ~~other than~~ including the department or the department's employees, agents, or volunteers, but not a drug manufacturer subject to subsection 1, acting reasonably and in good faith, is immune from civil liability and criminal prosecution for injury to or the death of an individual to whom a donated prescription drug is dispensed under this chapter and shall be exempt from disciplinary action related to the person's acts or omissions related to the donation, acceptance, distribution, or dispensing of a donated prescription drug under this chapter.

Approved May 22, 2009

CHAPTER 128

DRAMSHOP LIABILITY INSURANCE
— USE OF LOSS HISTORY

S.F. 379

AN ACT relating to the use of insurance loss history in the issuance of dramshop liability insurance.

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

Section 1. Section 123.92, Code 2009, is amended to read as follows:

123.92 CIVIL LIABILITY FOR DISPENSING OR SALE AND SERVICE OF BEER, WINE, OR INTOXICATING LIQUOR (DRAMSHOP ACT) — LIABILITY INSURANCE — UNDERAGE PERSONS.

1. a. Any person who is injured in person or property or means of support by an intoxicated person or resulting from the intoxication of a person, has a right of action for all damages actually sustained, severally or jointly, against any licensee or permittee, whether or not the license or permit was issued by the division or by the licensing authority of any other state, who sold and served any beer, wine, or intoxicating liquor to the intoxicated person when the licensee or permittee knew or should have known the person was intoxicated, or who sold to and served the person to a point where the licensee or permittee knew or should have known the person would become intoxicated.

b. If the injury was caused by an intoxicated person, a permittee or licensee may establish as an affirmative defense that the intoxication did not contribute to the injurious action of the person. ~~The remedy provided by this section shall apply both prospectively, to actions filed on or after July 1, 1992, and retrospectively, to actions pending in trial or appellate courts prior to July 1, 1992.~~

2. Every liquor control licensee and class "B" beer permittee, except a class "E" liquor control licensee, shall furnish proof of financial responsibility by the existence of a liability insurance policy in an amount determined by the division. If an insurer provides dramshop liability insurance at a new location to a licensee or permittee who has a positive loss experience at other locations for which such insurance is provided by the insurer, and the insurer bases premium rates at the new location on the negative loss history of the previous licensee or permittee at that location, the insurer shall examine and consider adjusting the premium for the new location not less than thirty months after the insurance is issued, based on the loss experience of the licensee or permittee at that location during that thirty-month period of time.

3. a. Notwithstanding section 123.49, subsection 1, any person who is injured in person or property or means of support by an intoxicated person who is under legal age or resulting from the intoxication of a person who is under legal age, has a right of action for all damages actually sustained, severally or jointly, against a person who is not a licensee or permittee and who dispensed or gave any beer, wine, or intoxicating liquor to the intoxicated underage person when the nonlicensee or nonpermittee who dispensed or gave the beer, wine, or intoxicating liquor to the underage person knew or should have known the underage person was intoxicated, or who dispensed or gave beer, wine, or intoxicating liquor to the underage person to a point where the nonlicensee or nonpermittee knew or should have known that the underage person would become intoxicated.

b. If the injury was caused by an intoxicated person who is under legal age, a person who is not a licensee or permittee and who dispensed or gave beer, wine, or intoxicating liquor to the underage person may establish as an affirmative defense that the intoxication did not contribute to the injurious action of the underage person.

c. For purposes of this ~~paragraph~~ subsection, "dispensed" or "gave" means the act of physically presenting a receptacle containing beer, wine, or intoxicating liquor to the underage person whose actions or intoxication results in the sustaining of damages by another person.

However, a person who dispenses or gives beer, wine, or intoxicating liquor to an underage person shall only be liable for any damages if the person knew or should have known that the underage person was under legal age.

Approved May 22, 2009

CHAPTER 129

PROPERTY RIGHTS, DISASTER RECOVERY,
AND ABANDONED PROPERTY

S.F. 415

AN ACT relating to the acquisition of title to disaster-affected abandoned property by cities in certain years and authorizing cities to establish a property rights defense account.

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

Section 1. NEW SECTION. 384.3A PROPERTY RIGHTS DEFENSE ACCOUNT.

1. A city may establish a property rights defense account within the city's general fund. If a property rights defense account is established under this section, moneys which remain unclaimed under section 2, subsection 11, paragraph "d", of this Act, may be deposited in the account. Interest or earnings on moneys in the property rights defense account shall be credited to the account. Moneys in the property rights defense account are not subject to transfer, appropriation, or reversion to any other account or fund, or any other use except as provided in this section.

2. Moneys in the account shall be used for the reimbursement of reasonable attorney fees and reasonable costs incurred by a property owner as the result of proceedings initiated under this Act, chapters 6A and 6B, and section 657A.10A.

3. Property owners shall apply to the city council on a form prescribed by the city council. If sufficient funds exist in the account, the city council shall reimburse each property owner who applies for all reasonable attorney fees and reasonable costs incurred. If insufficient funds exist in the account to reimburse a property owner for all reasonable attorney fees and reasonable costs incurred, the city council shall reimburse the property owner for the fees and costs in an amount equal to the remaining balance in account.[1]

Sec. 2. PETITION BY CITY FOR TITLE TO DISASTER-AFFECTED ABANDONED PROPERTY.

1. In lieu of the procedures in sections 657A.2 through 657A.10A, a city in which a disaster-affected abandoned building is located may petition the court to enter judgment awarding title to the disaster-affected abandoned property to the city. For the purposes of this section, "disaster-affected abandoned building" means a building that is abandoned as defined in section 657A.1, and the land the building is located on, that was damaged by a disaster as defined in section 29C.2 between May 1, 2008, and September 1, 2008, that is located in an area for which the governor proclaimed a state of disaster emergency during 2008, that constitutes a public nuisance, and that is not feasible to rehabilitate.

2. At least thirty days prior to filing a petition for title to disaster-affected abandoned property under this section, the city shall attempt to notify the owner of the property of the city's intent to acquire the property. The city shall mail the notice by certified mail to the owner at the

[1] See chapter 179, §148, 153 herein

owner's last known address, to any contract purchaser of record of the property, to any tenant known to be occupying the property, and to any record lienholder or encumbrancer of the property at the lienholder's or encumbrancer's last known address. The city shall also cause the notice to be posted in a conspicuous place on the building.

3. a. If more than one disaster-affected abandoned building is located on a parcel of real estate, the city may combine the actions into one petition. The owner of the building and land, mortgagees of record, lienholders or encumbrancers of record, the county in which the property is located if delinquent property taxes are owing, the holder of tax sale certificates, and other known persons who hold an interest in the property shall be named as respondents on the petition.

b. The petition shall be filed in the district court of the county in which the property is located. A petition under this section shall be filed not later than December 31, 2010. The action shall be in equity.

4. a. Service on the owner and any other named respondents shall be by certified mail. The petition shall be mailed to each respondent at the respondent's last known address as reflected in county records. The city shall also cause the petition to be published once in a newspaper of general circulation in the county within ten days of the petition being filed. Service of the petition shall be deemed complete on the date of publication.

b. In lieu of mailing and publishing the petition, the city may cause the petition to be served upon such persons in the manner provided by the Iowa rules of civil procedure for the personal service of original notice.

c. In addition to notice provided under paragraph "a" or paragraph "b", the city shall also cause notice of the petition to be posted in a conspicuous place on the building.

5. The city shall set forth in the petition all public nuisance conditions existing on the property, the fair market value of the property in the property's condition existing on the date the petition is filed as determined by an appraisal prepared for the city, the amount of delinquent property taxes or special assessments on the property, and evidence that the city has attempted to provide notice under subsection 2. A copy of the appraisal shall be attached to the petition.

6. The city may request a hearing on the petition not sooner than sixty days after the filing of the petition. Notice of the hearing shall be provided to all respondents in the manner provided in subsection 4. Notice of the hearing shall be given not less than thirty days prior to the date of the hearing.

7. Notwithstanding any provision of this section to the contrary, the district court shall dismiss the petition upon receipt of a written request from the property owner to do so. The property owner shall also provide notice of the request to the petitioning city.

8. In determining whether a property is a disaster-affected abandoned building, the court shall consider the following for each building that is located on the property and named in the petition and the building grounds:

a. Whether any property taxes or special assessments on the property were delinquent at the time the petition was filed.

b. Whether any utilities are currently being provided to the property.

c. Whether the building is unoccupied by the owner or lessees or licensees of the owner.

d. Whether the building meets the city's housing code for being fit for human habitation, occupancy, or use.

e. Whether the building is exposed to the elements such that deterioration of the building is occurring.

f. Whether the building is boarded up.

g. Past efforts to rehabilitate the building and grounds.

h. The presence of vermin, accumulation of debris, and uncut vegetation.

i. Other public nuisance conditions existing on the property.

j. Past and current compliance with orders of the local housing official.

k. Any other evidence the court deems relevant.

9. In lieu of the considerations in subsection 8, if the city can establish to the court's satisfac-

tion that all parties with an interest in the property have received proper notice and consented to the entry of an order awarding title to the property to the city, the court shall enter judgment against the respondents granting the city title to the property.

10. If the court determines that the property is a disaster-affected abandoned building or that subsection 9 applies, the court shall enter judgment awarding title to the city and shall determine an award of damages pursuant to subsection 11. The title awarded to the city shall be free and clear of any claims, liens, or encumbrances held by the respondents.

11. a. If the court awards title of the property to the city, the court shall order the city to pay an award to the respondents in an amount equal to the fair market value of the property in its current condition. The city shall deposit the award with the clerk of the district court. Upon deposit of the amount awarded with the clerk of the district court, title to the property shall pass to the city, and the city may take possession of the property.

b. Notice of the deposit with the clerk of the district court shall be provided to all respondents in the manner provided in subsection 4.

c. The court shall retain jurisdiction of the action to determine the priority of liens and other interests of each respondent in the amount deposited with the clerk of the district court. Upon the request of any respondent, the court shall apportion the amount deposited with the clerk of the district court among the respondents.

d. If the amount deposited with the clerk of the district court is not claimed within two years of the date of deposit, the clerk of the district court shall transfer the money to the city for deposit in the city's property rights defense account or in the general fund of the city.

Approved May 22, 2009

CHAPTER 130

TRANSPORTATION — ADMINISTRATION, REGULATION, ENFORCEMENT, AND FUNDING

S.F. 419

AN ACT relating to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, the motor fuel tax formula, and the issuance of citations, establishing a cap on annual deposits to the TIME-21 fund, providing a penalty, and providing effective and retroactive applicability dates.

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

DIVISION I
ADMINISTRATION

Section 1. Section 321.145, subsection 2, paragraph b, subparagraph (5), Code 2009, is amended by striking the subparagraph.

DIVISION II
DRIVER LICENSING

Sec. 2. Section 321.180B, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Persons under age eighteen shall not be issued a license or permit to operate a motor vehicle

except under the provisions of this section. However, the department may issue restricted and special driver's licenses to certain minors as provided in sections 321.178 and 321.194, and driver's licenses restricted to motorized bicycles as provided in section 321.189. A license or permit shall not be issued under this section or section 321.178 or 321.194 without the consent of a parent or guardian or a person having custody of the applicant under chapter 232 or 600A. An additional consent is required each time a license or permit is issued under this section or section 321.178 or 321.194. The consent must be signed by at least one parent, ~~or~~ guardian, or custodian on an affidavit form provided by the department.

Sec. 3. Section 321.180B, subsection 1, unnumbered paragraph 3, Code 2009, is amended to read as follows:

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

Sec. 4. Section 321.180B, subsection 2, Code 2009, is amended to read as follows:

2. INTERMEDIATE LICENSE. The department may issue an intermediate driver's license to a person sixteen or seventeen years of age who possesses an instruction permit issued under subsection 1 or a comparable instruction permit issued by another state for a minimum of six months immediately preceding application, and who presents an affidavit signed by a parent, ~~or~~ guardian, or custodian on a form to be provided by the department that the permittee has accumulated a total of twenty hours of street or highway driving of which two hours were conducted after sunset and before sunrise and the street or highway driving was with the permittee's parent, guardian, custodian, instructor, a person certified by the department, or a person at least twenty-five years of age who had written permission from a parent, ~~or~~ guardian, or custodian to accompany the permittee, and whose driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and who has been accident and violation free continuously for, the six-month period immediately preceding the application for an intermediate license. An applicant for an intermediate license must meet the requirements of section 321.186, including satisfactory completion of driver education as required in section 321.178, and payment of the required license fee before an intermediate license will be issued. A person issued an intermediate license must limit the number of passengers in the motor vehicle when the intermediate licensee is operating the motor vehicle to the number of passenger safety belts.

Except as otherwise provided, a person issued an intermediate license under this subsection who is operating a motor vehicle between the hours of twelve-thirty a.m. and five a.m. must be accompanied by a person issued a driver's license valid for the vehicle operated who is the parent, ~~or~~ guardian, or custodian of the permittee, a member of the permittee's immediate family if the family member is at least twenty-one years of age, an approved driver education instructor, a prospective driver education instructor who is enrolled in a practitioner preparation program with a safety education program approved by the state board of education, or a person at least twenty-five years of age if written permission is granted by the parent, ~~or~~ guardian, or custodian, and who is actually occupying a seat beside the driver. However, a licensee may operate a vehicle to and from school-related extracurricular activities and work without

an accompanying driver between the hours of twelve-thirty a.m. and five a.m. if such licensee possesses a waiver on a form to be provided by the department. An accompanying driver is not required between the hours of five a.m. and twelve-thirty a.m.

Sec. 5. Section 321.180B, subsection 4, Code 2009, is amended to read as follows:

4. FULL DRIVER'S LICENSE. A full driver's license may be issued to a person seventeen years of age who possesses an intermediate license issued under subsection 2 or a comparable intermediate license issued by another state for a minimum of twelve months immediately preceding application, and who presents an affidavit signed by a parent, ~~or~~ guardian, or custodian on a form to be provided by the department that the intermediate licensee has accumulated a total of ten hours of street or highway driving of which two hours were conducted after sunset and before sunrise and the street or highway driving was with the licensee's parent, guardian, custodian, instructor, a person certified by the department, or a person at least twenty-five years of age who had written permission from a parent, ~~or~~ guardian, or custodian to accompany the licensee, whose driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and who has been accident and violation free continuously for, the twelve-month period immediately preceding the application for a full driver's license, and who has paid the required fee.

Sec. 6. Section 321.184, subsection 1, Code 2009, is amended to read as follows:

1. CONSENT REQUIRED. The application of an unmarried person under the age of eighteen years for a driver's license shall contain the verified consent and confirmation of the applicant's birthday by either parent of the applicant, the guardian of the applicant, or a person having custody of the applicant under chapter 232 or 600A. Officers and employees of the department may administer the oaths without charge.

Sec. 7. Section 321.194, subsection 1, paragraph a, subparagraph (1), Code 2009, is amended to read as follows:

(1) During the hours of ~~6~~ 5 a.m. to 10 p.m. over the most direct and accessible route between the licensee's residence and schools of enrollment or the closest school bus stop or public transportation service, and between schools of enrollment, for the purpose of attending duly scheduled courses of instruction and extracurricular activities within the school district.

Sec. 8. Section 321.194, subsection 1, paragraph a, Code 2009, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (1A) To a service station for the purpose of refueling, so long as the service station is the station closest to the route the licensee is traveling on under subparagraph (1).

Sec. 9. Section 321.208, subsection 1, paragraph b, Code 2009, is amended by striking the paragraph.

Sec. 10. Section 321.208, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. Operating a motor vehicle while ~~under the influence of an alcoholic beverage or other drug or controlled substance or a combination of such substances~~ intoxicated, as provided in section 321J.2, subsection 1.

Sec. 11. Section 321.210A, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. Upon receipt of a report of a failure to pay the fine, penalty, surcharge, or court costs from the clerk of the district court, the department shall in accordance with its rules, suspend the person's driver's license until the fine, penalty, surcharge, or court costs are paid~~, unless the person proves to the satisfaction of the department that the person cannot pay the fine, penalty, surcharge, or court costs~~.

Sec. 12. Section 321.218, subsection 3, Code 2009, is amended to read as follows:

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

b. If the department receives a record of a conviction of a person under this section but the person's driving record does not indicate what the original grounds of suspension were, the period of suspension under this subsection shall be for a period not to exceed six months.

Sec. 13. Section 321J.4, subsection 2, Code 2009, is amended to read as follows:

2. If a defendant is convicted of a violation of section 321J.2, and the defendant's driver's license or nonresident operating privilege has not already been revoked under section 321J.9 or 321J.12 for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for two years if the defendant has had a previous conviction or revocation under this chapter. The defendant shall not be eligible for any temporary restricted license for ~~one year~~ forty-five days after the effective date of revocation. The defendant shall be ordered to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned by the defendant if the defendant seeks a temporary restricted license at the end of the minimum period of ineligibility. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

Sec. 14. Section 321J.8, subsection 1, paragraph c, subparagraph (2), Code 2009, is amended to read as follows:

(2) If the person is operating a noncommercial motor vehicle and holding a commercial driver's license as defined in section 321.1 and either refuses to submit to the test or ~~operates a motor vehicle while under the influence of an alcoholic beverage or other drug or controlled substance or a combination of such substances~~ submits to the test and the results indicate the presence of a controlled substance or other drug or an alcohol concentration equal to or in excess of the level prohibited by section 321J.2, the person is disqualified from operating a commercial motor vehicle for the applicable period under section 321.208 in addition to any revocation of the person's driver's license or nonresident operating privilege which may be applicable under this chapter.

Sec. 15. Section 321J.13, subsection 6, paragraphs a and c, Code 2009, are amended to read as follows:

a. The department shall grant a request for a hearing to rescind the revocation if the person whose motor vehicle license or operating privilege has been or is being revoked under section 321J.9 or 321J.12 submits a petition containing information relating to the discovery of new evidence that provides grounds for ~~recision~~ rescission of the revocation.

c. Such a holding by the court in the criminal action is binding on the department, and the department shall rescind the revocation. If the offense for which the revocation was imposed was committed while the person was operating a noncommercial motor vehicle and holding a commercial driver's license and the department disqualified the person from operating a commercial motor vehicle under section 321.208, subsection 2, paragraph "a" or "b", as a result of the revocation, the department shall also rescind the disqualification.

Sec. 16. Section 805.6, subsection 1, paragraph d, Code 2009, is amended to read as follows:

d. The written appearance defined in paragraph "b" shall not be used for any offense other than a simple misdemeanor ~~and shall not be used for any offense under section 321.218 or 321A.32~~.

Sec. 17. Section 321.192, Code 2009, is repealed.

Sec. 18. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. The section of this division of this Act amending section 321J.13, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2005, for disqualifications in effect on or after that date.

DIVISION III
VEHICLES

Sec. 19. Section 312.2, subsection 19, paragraph a, Code 2009, is amended by striking the paragraph and inserting in lieu thereof the following:

a. The treasurer of state, before making the allotments provided for in this section, shall credit monthly to the TIME-21 fund created in section 312A.2 the following amounts:

(1) One-half of the amount received by the treasurer from trailer registration fees pursuant to section 321.123, subsection 1, paragraph "a", subparagraph (1).

(2) Two-thirds of the amount received by the treasurer from trailer registration fees collected pursuant to section 321.123, subsection 1, paragraph "a", subparagraph (2).

(3) One-third of the amount received by the treasurer from trailer registration fees collected pursuant to section 321.123, subsection 2.

Sec. 20. Section 321.1, subsection 17, Code 2009, is amended to read as follows:

17. "Dealer" means every person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered hereunder and who has an established place of business for such purpose in this state. "Dealer" includes those persons required to be licensed as dealers under chapters 322 and 322C.

Sec. 21. Section 321.18, subsection 7, Code 2009, is amended to read as follows:

7. Any school bus in this state used exclusively for the transportation of pupils to and from school or a school function or for the purposes provided in section 285.1, subsection 1, and section 285.10, subsection 9, or used exclusively for the transportation of children enrolled in a federal head start program. Upon application the department shall, without charge, issue a registration certificate and ~~shall also issue~~ registration plates. ~~which shall have imprinted thereon the words "Private School Bus" and a distinguishing number assigned to the applicant. Such~~ The plates shall be attached to the front and rear of each bus exempt from registration under this subsection.

Sec. 22. Section 321.22, Code 2009, is amended to read as follows:

321.22 URBAN AND REGIONAL TRANSIT EQUIPMENT CERTIFICATES AND PLATES.

1. An urban transit company or system having a franchise to operate in any city and any regional transit system may make application to the department, upon forms furnished by the department, for a certificate containing a distinguishing number and for one or more pairs of ~~transit bus~~ registration plates to be attached to the front and rear of buses owned or operated by the transit company or system.

2. The department shall issue to the applicant a certificate, or certificates, containing, but not limited to, the applicant's name and address, the distinguishing number assigned to the applicant, and such other information deemed necessary by the department for proper identification of the buses.

3. The department shall issue ~~transit bus~~ registration plates ~~as applied for, which shall be imprinted with the words "Transit Bus" and the distinguishing number assigned~~ to the applicant.

4. The department shall issue the certificates and plates without fee.

Sec. 23. Section 321.89, subsection 2, Code 2009, is amended to read as follows:

2. AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority, upon the authority's own initiative or upon the request of any other authority having the

duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody an abandoned vehicle on private property. The police authority may employ its own personnel, equipment, and facilities or hire a private entity, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity who is a garagekeeper, as defined in section 321.90, to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle. The owners, lienholders, or other claimants of the abandoned vehicle shall not have a cause of action against a private entity for action taken under this section if the private entity provides notice as required by subsection 3, paragraph "a", ~~to those persons whose names were provided by the police authority~~.

Sec. 24. Section 321.89, subsections 3 and 4, Code 2009, are amended to read as follows:

3. NOTIFICATION OF OWNER, LIENHOLDERS, AND OTHER CLAIMANTS.

a. A police authority or private entity that takes into custody an abandoned vehicle shall notify, within twenty days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties' last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model, and vehicle identification number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of notice required pursuant to this subsection. The notice shall also state that the failure of the owner, lienholders, or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders, and claimants of all right, title, claim, and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. ~~The~~ If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garagekeeper's lien as described in section 321.90, subsection 1, and may proceed to sell or dispose of the vehicle. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving ~~the~~ notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten-day reclaiming period, the owner, lienholders, or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders, or claimants after the expiration of the ten-day reclaiming period.

b. If it is impossible to determine with reasonable certainty the identity and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under this section. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in paragraph "a".

4. AUCTION OF ABANDONED VEHICLES.

a. If an abandoned vehicle has not been reclaimed as provided for in subsection 3, the police authority or private entity shall make a determination as to whether or not the vehicle shall be sold for use upon the highways. If the vehicle is not sold for use upon the highways, it shall be sold for junk, or demolished and sold as scrap. The police authority or private entity shall sell the vehicle at public auction. Notwithstanding any other provision of this section, a police authority or private entity may dispose of the vehicle to a demolisher for junk without public auction after complying with the notification procedures in subsection 3. The purchaser of the vehicle takes title free and clear of all liens and claims of ownership, shall receive a sales receipt from the police authority or private entity, and is entitled to register the vehicle and receive a certificate of title if sold for use upon the highways. If the vehicle is sold or disposed of to a demolisher for junk, the demolisher shall make application for a junking certificate to the county treasurer within thirty days of purchase and shall surrender the sales receipt in lieu of the certificate of title.

b. From the proceeds of the sale of an abandoned vehicle the police authority, if the police authority did not hire a private entity, shall reimburse itself for the expenses of the auction, the costs of towing, preserving, and storing which resulted from placing the abandoned vehicle in custody, all notice and publication costs incurred pursuant to subsection 3, the cost of inspection, and any other costs incurred except costs of bookkeeping and other administrative costs. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for ninety days, and shall then be deposited in the road use tax fund. The costs to police authorities of auction, towing, preserving, storage, and all notice and publication costs, and all other costs which result from placing abandoned vehicles in custody, whenever the proceeds from a sale of the abandoned vehicles are insufficient to meet these expenses and costs, shall be paid from the road use tax fund and are the obligation of the last owner or owners, jointly and severally.

c. The director of transportation shall establish by rule a claims procedure to be followed by police authorities in obtaining expenses and costs from the fund and procedures for reimbursement of expenses and costs to a private entity hired by a police authority to take custody of an abandoned vehicle. If a private entity has been hired by a police authority, the police authority shall file a claim with the department for reimbursement of towing fees which shall be paid from the road use tax fund.

Sec. 25. Section 321.166, subsection 2, Code 2009, is amended to read as follows:

2. Every registration plate or pair of plates shall display a registration plate number which shall consist of alphabetical or numerical characters or a combination thereof and the name of this state, which may be abbreviated. Every registration plate issued by the county treasurer shall display the name of the county, including any plate issued pursuant to section 321.34, except Pearl Harbor and purple heart registration plates issued prior to January 1, 1997, ; registration plates issued pursuant to section 321.34, subsection 13, paragraph "d"; and collegiate, fire fighter, and medal of honor registration plates. Special truck registration plates shall display the word "special". The department may adopt rules to implement this subsection.

Sec. 26. Section 321.166, subsection 9, Code 2009, is amended to read as follows:

9. Special registration plates issued pursuant to section 321.34 beginning January 1, 1997, other than gold star, medal of honor, collegiate, fire fighter, and natural resources registration plates, shall be consistent with the design and color of regular registration plates but shall provide a space on a portion of the plate for the purpose of allowing the placement of a distinguishing processed emblem. Special registration plates shall also comply with the requirements for regular registration plates as provided in this section to the extent the requirements are consistent with the section authorizing a particular special vehicle registration plate.

Sec. 27. Section 321A.17, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 9. The registration suspension required under this section does not

apply to a motor vehicle awarded to an individual under an order entered pursuant to section 598.21, if all of the following apply:

a. The individual was the co-owner of the motor vehicle with a spouse who is required to file and maintain proof of financial responsibility.

b. The individual is not otherwise required to file and maintain proof of financial responsibility.

c. The individual is not able to obtain title to the motor vehicle in the individual's sole name due to a lien against the motor vehicle that existed at the time the order was entered pursuant to section 598.21.

Sec. 28. Section 321F.9, Code 2009, is amended to read as follows:

321F.9 OPTION TO PURCHASE — DEALER'S LICENSE.

Any person engaged in business in this state shall not enter into any agreement for the use of a motor vehicle under the terms of which that person grants to another an option to purchase the motor vehicle without first having obtained a motor vehicle dealer's license under the provisions of chapter 322, and all sales of motor vehicles under such options shall be subject to sales or use taxes imposed under the provisions of chapter 423. Nothing contained in this section shall require such person to have a place of business as provided by section 322.6, subsection ~~8~~ 1, paragraph "h".

Sec. 29. Section 321H.2, subsections 6, 8, and 9, Code 2009, are amended to read as follows:

6. "Used vehicle parts dealer" means a person engaged in the business of selling bodies, parts of bodies, frames or component parts of used vehicles subject to registration ~~under chapter 321~~.

8. "Vehicle rebuilder" means a person engaged in the business of rebuilding or restoring to operating condition vehicles subject to registration ~~under chapter 321~~, which have been damaged or wrecked.

9. "Vehicle salvager" means a person engaged in the business of scrapping, recycling, dismantling, or storing wrecked or damaged vehicles or selling reusable parts of vehicles or storing vehicles not currently registered which vehicles are vehicles subject to registration ~~under chapter 321~~.

Sec. 30. Section 321H.2, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 9A. "Vehicle subject to registration" means any vehicle that is of a type required to be registered under chapter 321 when operated on a public highway, including but not limited to a vehicle that is inoperable, salvage, or rebuilt.

Sec. 31. Section 321H.3, Code 2009, is amended to read as follows:

321H.3 PROHIBITIONS.

Except for educational institutions~~, people~~; persons licensed as new vehicle dealers under chapter 322~~, people~~; persons engaged in a hobby not for profit~~, people~~; persons engaged in the business of purchasing bodies, parts of bodies, frames, or component parts of vehicles only for sale as scrap metal; or ~~a person~~ persons licensed under the provisions of this chapter as ~~an~~ authorized vehicle ~~recycler~~ recyclers, a person in this state shall not engage in the business of any of the following:

1. Selling or offering for sale used bodies, parts of bodies, frames, or component parts of more than six used vehicles subject to registration ~~under chapter 321~~ in a ~~calendar year; or~~ twelve-month period.

2. ~~Wrecking or dismantling in a calendar year~~ Dismantling, scrapping, recycling, salvaging, or obtaining a junking certificate for[1] more than six vehicles ~~or the parts of more than six vehicles~~ subject to registration ~~under chapter 321 for resale; or~~ in a twelve-month period.

3. Rebuilding or restoring for sale ~~six or~~ more than six wrecked or salvage vehicles subject to registration ~~under chapter 321~~ in a ~~calendar year; or~~ twelve-month period.

4. Storing more than six vehicles not currently registered or storing damaged vehicles ex-

[1] See chapter 179, §74 herein

cept where such storing of damaged vehicles is incidental to the primary purpose of the repair of motor vehicles for others~~, scrapping, disposing, salvaging or recycling more than six vehicles or parts of more than six vehicles subject to registration under chapter 321 in a calendar year~~.

Sec. 32. Section 321H.4, subsections 2 and 3, Code 2009, are amended to read as follows:

2. a. Application for a license as an authorized vehicle recycler shall be made to the department on forms provided by the department. The application shall be accompanied by a fee of seventy dollars for a two-year period or part thereof. The license shall be approved or disapproved within thirty days after application for the license. A license expires on December 31 of even-numbered years. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee. A separate license shall be obtained for each county in which an applicant conducts operations.

b. The applicant shall specify which business or businesses, as enumerated in subsection 1, the applicant is applying for a license to engage in. An applicant shall have or demonstrate that the applicant will have the facilities and equipment necessary to engage in the business or businesses for which the applicant is applying for a license. The license shall specify which business or businesses the applicant has been authorized to engage in.

3. Each licensee shall file with the department a supplemental statement form when the licensee's principal place of business, an extension, or the operation of business in the county is changed to differ from the information contained on the initial license application form ~~within fifteen days after each~~ at least ten days prior to any operational change. The department shall notify each licensee of the approval of a change in license status. If a change in license status is approved by the department the licensee shall surrender the old license to the department together with a thirty-five dollar fee. The department shall issue a new license modified to reflect the principal place of business, each extension, and the operations of the licensee.

Sec. 33. Section 321H.6, Code 2009, is amended to read as follows:

321H.6 DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.

The license of a person issued under the provisions of this chapter may be denied, revoked, or suspended if the department finds ~~that the licensee has~~ any of the following:

1. ~~Violated~~ The licensee has violated any ~~provisions~~ provision of this chapter~~; or~~.

2. ~~Made~~ The licensee has made any material misrepresentation to the department in connection with an application for a license, junking certificate, salvage certificate, certificate of title, or registration of a vehicle~~; or~~.

3. ~~Been~~ The licensee has been convicted of a fraudulent practice ~~in connection with selling or offering for sale vehicles or parts of vehicles subject to registration under chapter 321; or~~ or any other indictable offense in connection with selling or other activity relating to motor vehicles, in this state or any other state.

4. ~~Failed~~ The licensee has failed to maintain an established principal place of business in the county without notification to the department~~; or~~.

5. ~~Had~~ The licensee has had a license issued under the provisions of this chapter denied, suspended, or revoked within the previous three years~~; or~~.

~~6. Been convicted of violation of any of sections 321.52, 321.71, 321.78, 321.92, 321.97, 321.98, 321.99, 321.100, or 714.16.~~

Sec. 34. Section 321H.8, Code 2009, is amended to read as follows:

321H.8 PENALTIES.

1. A person convicted of violating a provision of this chapter is guilty of a serious misdemeanor.

2. A person convicted of a fraudulent practice or any other indictable offense in connection with selling or other activity relating to motor vehicles, in this state or any other state, shall

not for a period of five years from the date of conviction be an owner, salesperson, employee, officer of a corporation, or representative of a licensed motor vehicle recycler or represent themselves as an owner, salesperson, employee, officer of a corporation, or representative of a licensed motor vehicle recycler.

Sec. 35. Section 322.3, subsection 12, Code 2009, is amended to read as follows:

12. A person convicted of a fraudulent practice or any other indictable offense in connection with selling~~, bartering, or otherwise dealing in~~ or other activity relating to motor vehicles, in this state or any other state, shall not for a period of five years from the date of conviction be an owner, salesperson, employee, officer of a corporation, or ~~dealer~~ representative of a licensed motor vehicle dealer or represent themselves as an owner, salesperson, employee, or ~~dealer~~ representative of a licensed motor vehicle dealer.

Sec. 36. Section 322.6, Code 2009, is amended to read as follows:

322.6 DENIAL OF LICENSE.

1. The department may deny the application of ~~any~~ a person for a license as a motor vehicle dealer and refuse to issue a license to the person ~~as such,~~ if, after reasonable notice and a hearing, the department determines ~~that such applicant~~ any of the following:

~~1.~~ a. ~~Has~~ The applicant made a material false statement in the application for the license~~;~~ ~~or~~.

~~2.~~ b. ~~Has~~ The applicant has not complied with the provisions of this chapter or any rules or regulations ~~promulgated~~ adopted by the department ~~thereunder~~ pursuant to this chapter, except as otherwise provided~~; or~~.

~~3.~~ c. ~~Is~~ The applicant is of bad business repute~~; or~~.

~~4.~~ d. ~~Has~~ The applicant has been ~~guilty~~ convicted of a fraudulent ~~act~~ practice in connection with selling~~, bartering, or otherwise dealing in~~ or other activity relating to motor vehicles~~; or~~ in this or any other state.

~~5.~~ e. ~~Is~~ The applicant is about to engage in ~~any~~ a fraudulent practice or other indictable offense in connection with ~~the sale, barter, or otherwise dealing in~~ selling or other activity relating to motor vehicles~~, which is fraudulent or in violation of the law; or~~ in this or any other state.

~~6.~~ f. ~~Has~~ The applicant has entered into a contract or agreement or is about to enter into a contract or agreement with ~~any~~ a manufacturer or distributor of motor vehicles which is contrary to any provision of this chapter~~; or~~.

~~7.~~ g. ~~Has~~ The applicant has a contract or agreement with ~~any~~ a manufacturer or distributor of motor vehicles or is about to enter into a contract or agreement with ~~any~~ a manufacturer or distributor of motor vehicles~~,~~ who, without just, reasonable, and lawful cause ~~therefor~~, has terminated within ninety days from the date of application a contract or agreement with a motor vehicle dealer in any county of the state in which the applicant proposes to engage in business~~;~~.

~~8.~~ h. ~~Does~~ The applicant does not have a place of business within the meaning of this chapter, unless the applicant is a person referred to in ~~subsection 7 of~~ section 322.3~~;~~, subsection 7.

~~9.~~ i. ~~Has~~ The applicant has violated any ~~of the provisions~~ provision of ~~sections~~ section 321.78, 321.81, 321.92, 321.97, 321.98, 321.99, 321.100, 539.4, 714.1, ~~and~~ or 714.16~~; or~~.

~~10.~~ j. ~~If it has been judicially determined~~ Following a judicial determination that the ~~licensee has~~ applicant intentionally violated any ~~of the provisions~~ provision of the Iowa consumer credit code, chapter 537, ~~and the licensee~~ the applicant continues to make consumer credit sales, consumer loans, or consumer leases in violation of the Iowa consumer credit code, chapter 537.

k. The applicant is or will be acting on behalf of a person whose dealer license has been revoked as provided in this chapter.

2. It shall be sufficient cause for refusal or revocation of a license as a motor vehicle dealer in the case of a partnership or corporation if any member of the partnership or any officer or director of the corporation has committed ~~any~~ an act or omission which would be cause for refusing to issue a license to, or revoking a license ~~to~~ of, such person as an individual.

3. In considering whether or not a contract or agreement between a motor vehicle dealer and a manufacturer or distributor of motor vehicles has been terminated by ~~such~~ the manufacturer or distributor without just and reasonable cause ~~therefor~~, the department shall take into consideration the circumstances existing at the time of ~~such~~ the termination, including the amount of business transacted by the motor vehicle dealer pursuant to the contract or agreement and prior to ~~such~~ the termination; the investment necessarily made and the obligation necessarily incurred by the motor vehicle dealer in the performance of the dealer's part of ~~such~~ the contract; the permanency of such investment; the reasons for ~~such~~ the termination by ~~such~~ the manufacturer or distributor; and the fact that it is injurious to the public welfare for the business of a motor vehicle dealer to be disrupted by termination of ~~such~~ a contract without just and reasonable cause.

4. Whenever the department determines to deny the application of ~~any~~ a person for a license as a motor vehicle dealer and refuses to issue a license to the person ~~as such~~, the department shall enter a final order ~~thereof~~ with its findings relating ~~thereto~~ to the determination within thirty days from the date of the hearing ~~thereon~~.

Sec. 37. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. The section of this division of this Act amending section 312.2, subsection 19, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2009.

Sec. 38. EFFECTIVE DATE. The section of this division of this Act enacting section 321A.17, subsection 9, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV
ENFORCEMENT

Sec. 39. Section 321.95, Code 2009, is amended to read as follows:

321.95 RIGHT OF INSPECTION.

1. Peace officers shall have the authority to inspect any vehicle or component part in possession of a vehicle rebuilder, vehicle salvager, used vehicle parts dealer, or any person licensed under chapter 322, or found upon the public highway or in any public garage, enclosure, or property in which vehicles or component parts are kept for sale, storage, hire, or repair and for that purpose may enter any such public garage, enclosure, or property. Every vehicle rebuilder, vehicle salvager, used vehicle parts dealer, or any person licensed under chapter 322, or a person having used engines or transmissions which are component parts for sale shall keep an accurate and complete record of all vehicles demolished and of such component parts purchased or received for resale as component parts in the course of business. These records shall contain the name and address of the person from whom each such vehicle or component part was purchased or received and the date when the purchase or receipt occurred or the junking certificate if required for the vehicle. These records shall be open for inspection by any peace officer at any time during normal business hours. Records required by this section shall be kept for at least three years after the transaction which they record.

2. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph "j".

Sec. 40. Section 321.449, subsection 4, Code 2009, is amended to read as follows:

4. Notwithstanding other provisions of this section, rules adopted under this section for drivers of commercial vehicles shall not apply to a driver of a commercial vehicle who is engaged exclusively in intrastate commerce, when the commercial vehicle's gross vehicle weight rating is twenty-six thousand pounds or less, unless the vehicle is used to transport hazardous materials requiring a placard or if the vehicle is designed to transport more than fifteen passengers, including the driver. For the purpose of complying with the hours of service recordkeeping requirements under 49 C.F.R. ~~§ 395.1(e)(5)~~ § 395.1(e)(1)(v)(A-D), a driver's report of daily beginning and ending on-duty time submitted to the motor carrier at the end of each workweek

shall be considered acceptable motor carrier time records. In addition, rules adopted under this section shall not apply to a driver operating intrastate for a farm operation as defined in section 352.2, or for an agricultural interest when the commercial vehicle is operated between the farm as defined in section 352.2 and another farm, between the farm and a market for farm products, or between the farm and an agribusiness location. A driver or a driver-salesperson for a private carrier, who is not for hire and who is engaged exclusively in intrastate commerce, may drive twelve hours, be on duty sixteen hours in a twenty-four-hour period and be on duty seventy hours in seven consecutive days or eighty hours in eight consecutive days. For-hire drivers who are engaged exclusively in intrastate commerce and who operate trucks and truck tractors exclusively for the movement of construction materials and equipment to and from construction projects may also drive twelve hours, be on duty sixteen hours in a twenty-four-hour period, and be on duty seventy hours in seven consecutive days or eighty hours in eight consecutive days. A "driver-salesperson" means as defined in 49 C.F.R. § 395.2, as adopted by the department by rule.

Sec. 41. Section 321.449, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 8. In the course of enforcing the motor carrier safety rules adopted by the department under chapter 17A, the department's peace officers are authorized, at reasonable times and places and with reasonable notice, to enter a motor carrier's place of business for the purpose of performing a motor carrier safety audit or compliance review. Nothing in this subsection by itself permits the seizure of the property of a motor carrier. Any audit or review shall be conducted in compliance with the federal motor carrier safety regulations in 49 C.F.R. pts. 105-185, 382, 383, 385, and 390-399. A peace officer of the department is authorized to inspect and copy motor carrier records required by 49 C.F.R. pts. 105-185, 382, 383, 385, and 390-399.

Sec. 42. Section 805.6, subsection 1, paragraph a, subparagraphs (1) and (2), Code 2009, are amended to read as follows:

(1) The commissioner of public safety, the director of transportation, and the director of the department of natural resources, acting jointly, shall adopt a uniform, combined citation and complaint which shall be used for charging all traffic violations in Iowa under state law or local regulation or ordinance, and which shall be used for charging all other violations which are designated by sections 805.8A, 805.8B, and 805.8C to be scheduled violations. The filing fees and court costs in cases of parking meter and overtime parking violations which are denied are as stated in section 602.8106, subsection 1. The court costs in scheduled violation cases where a court appearance is not required are as stated in section 602.8106, subsection 1. The court costs in scheduled violation cases where a court appearance is required are as stated in section 602.8106, subsection 1. This subsection does not prevent the charging of any of those violations by information, by private complaint filed under chapter 804, or by a simple notice of fine where permitted by section 321.236, subsection 1. Each uniform citation and complaint shall be serially numbered and shall be in quintuplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant, and a copy to the law enforcement agency of the officer. If the uniform citation and complaint is created electronically, the issuing agency shall cause the uniform citation and complaint to be transmitted to the court, and the officer shall deliver a document to the defendant which contains a section for the defendant and a section which may be sent to the court. The court shall forward an abstract of the uniform citation and complaint in accordance with section 321.491 when applicable.

(2) The uniform citation and complaint shall contain spaces for the parties' names; the address of the alleged offender; the registration number of the offender's vehicle; the information required by section 805.2, a warning which states, "I hereby swear and affirm that the information provided by me on this citation is true under penalty of providing false information"; and a statement that providing false information is a violation of section 719.3; a list of the scheduled fines prescribed by sections 805.8A, 805.8B, and 805.8C, either separately or by

group, and a statement of the court costs payable in scheduled violation cases, whether or not a court appearance is required or is demanded; a brief explanation of sections 805.9 and 805.10; and a space where the defendant may sign an admission of the violation when permitted by section 805.9; and the uniform citation and complaint shall require that the defendant appear before a court at a specified time and place. The uniform citation and complaint also may contain a space for the imprint of a credit card, and may contain any other information which the commissioner of public safety, the director of transportation, and the director of the department of natural resources may determine.

Sec. 43. Section 805.8A, subsection 14, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. VEHICLE COMPONENT PARTS RECORDS VIOLATIONS. For violations under section 321.95, the scheduled fine is fifty dollars.

DIVISION V
FUEL TAX REVENUES

Sec. 44. Section 452A.3, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. The rate of the excise tax shall be based on the number of gallons of ethanol blended gasoline that is distributed in this state as expressed as a percentage of the number of gallons of motor fuel distributed in this state, which is referred to as the distribution percentage. For purposes of this subsection, only ethanol blended gasoline and nonblended gasoline, not including aviation gasoline, shall be used in determining the percentage basis for the excise tax. The department shall determine the percentage basis for each determination period beginning January 1 and ending December 31. The rate for the excise tax shall apply for the period beginning July 1 and ending June 30 following the end of the determination period.

DIVISION VI
TIME-21 FUND — CAP ON ANNUAL DEPOSITS

Sec. 45. Section 312A.2, Code 2009, is amended to read as follows:

312A.2 TRANSPORTATION INVESTMENT MOVES THE ECONOMY IN THE TWENTY-FIRST CENTURY (TIME-21) FUND.

1. A transportation investment moves the economy in the twenty-first century fund is created in the state treasury under the control of the department. The fund shall be known and referred to as the TIME-21 fund. The fund shall consist of any moneys appropriated by the general assembly and any revenues credited by law to the TIME-21 fund. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

2. Notwithstanding subsection 1 and section 312.2, for the fiscal year beginning July 1, 2008, and for each fiscal year thereafter, not more than a total of two hundred twenty-five million dollars shall be deposited in the TIME-21 fund for any fiscal year. Any remaining moneys directed to be deposited in the TIME-21 fund for a fiscal year shall be deposited or retained in the road use tax fund.

Sec. 46. EFFECTIVE DATE. The section of this division of this Act amending section 312A.2, being deemed of immediate importance, takes effect upon enactment.

Approved May 22, 2009

CHAPTER 131

SATELLITE ABSENTEE VOTING STATION OBSERVERS

S.F. 436

AN ACT relating to observers at satellite absentee voting stations.

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

Section 1. Section 53.11, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. At least seven days before the date that absentee ballots will be available at a satellite absentee voting station, the commissioner shall notify the county chairperson of each political party of the date, time, and place that the satellite absentee voting station will be in operation in the county, so that the chairpersons may appoint observers to be present at the station during the hours absentee ballots are available. No more than two observers from each political party shall be present at any one satellite absentee voting station.

Approved May 22, 2009

CHAPTER 132

LOCAL GOVERNMENT —
PUBLIC RECORDS AND MEETINGS — PIONEER CEMETERIES

S.F. 437

AN ACT relating to the activities of governmental entities by amending provisions relating to public access to meetings and records and by modifying provisions relating to cemeteries under the control of certain governmental entities.

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

Section 1. Section 21.2, subsection 1, Code 2009, is amended by adding the following new paragraphs:

NEW PARAGRAPH. i. The governing body of a drainage or levy[1] district as provided in chapter 468, including a board as defined in section 468.3, regardless of how the district is organized.

NEW PARAGRAPH. j. An advisory board, advisory commission, advisory committee, task force, or other body created by an entity organized under chapter 28E, or by the administrator or joint board specified in a chapter 28E agreement, to develop and make recommendations on public policy issues.

Sec. 2. Section 22.1, subsection 1, Code 2009, is amended to read as follows:

1. The term "government body" means this state, or any county, city, township, school corporation, political subdivision, tax-supported district, nonprofit corporation other than a fair conducting a fair event as provided in chapter 174, whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-

[1] See chapter 179, §31 herein

mutuel wagering pursuant to chapter 99D~~,~~; the governing body of a drainage or levy[2] district as provided in chapter 468, including a board as defined in section 468.3, regardless of how the district is organized; or other entity of this state, or any branch, department, board, bureau, commission, council, committee, official, or officer of any of the foregoing or any employee delegated the responsibility for implementing the requirements of this chapter.

Sec. 3. Section 331.325, subsection 1, Code 2009, is amended to read as follows:

1. As used in this section, "pioneer cemetery" means a cemetery where there have been ~~six~~ twelve or fewer burials in the preceding fifty years.

Sec. 4. Section 359.17, subsection 2, Code 2009, is amended to read as follows:

2. A board of township trustees shall give prior notice of a meeting to discuss, deliberate, or act upon a matter relating to the budget or a tax levy of the township or relating to the trustees' duty to provide fire protection service and, if provided, emergency medical service, pursuant to section 359.42. The trustees shall give notice of such meeting at least ~~forty-eight~~ twenty-four hours preceding the commencement of the meeting. ~~However, a notice is not required pursuant to this subsection when the trustees gather for minor or ministerial matters relating to the trustees' duty for providing such fire protection service or emergency medical service.~~ The notice shall state the time, date, and place of the meeting and the proposed agenda. The notice shall be provided to the county auditor who shall post the notice in an area of the courthouse where notices to the public are commonly posted.

Sec. 5. Section 523I.102, subsection 39, Code 2009, is amended to read as follows:

39. "Pioneer cemetery" means a cemetery where there were ~~six~~ twelve or fewer burials in the preceding fifty years.

Approved May 22, 2009

CHAPTER 133

SUBSTANTIVE CODE CORRECTIONS

S.F. 449

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

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

DIVISION I
MISCELLANEOUS PROVISIONS

Section 1. Section 6B.14, subsection 1, Code 2009, is amended to read as follows:

1. The commissioners shall, at the time fixed in the ~~aforesaid~~ notices required under section 6B.8, view the land sought to be condemned and assess the damages which the owner will sustain by reason of the appropriation. The commission shall file its written report, signed by all commissioners, with the sheriff. At the request of the condemner or the condemnee, the commission shall divide the damages into parts to indicate the value of any dwelling, the value of the land and improvements other than a dwelling, and the value of any additional damages.

[2] See chapter 179, §32 herein

The appraisement and return may be in parcels larger than forty acres belonging to one person and lying in one tract, unless the agent or attorney of the applicant, or the commissioners, have actual knowledge that the tract does not belong wholly to the person in whose name it appears of record; and in case of such knowledge, the appraisement shall be made of the different portions as they are known to be owned.

Sec. 2. Section 9D.1, Code 2009, is amended to read as follows:

9D.1 DEFINITIONS.

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

1. "Applicant" means a person applying for registration under this chapter.

2. "Customer" means a person who is offered or who purchases travel services.

3. "Doing business" in this state means any of the following:

a. Offering to sell or selling travel services, if the offer is made or received within the state.

b. Offering to arrange or arranging travel services for a fee or commission, direct or indirect, if the offer is made or received in this state.

c. Offering to award or awarding travel services as a prize or award, if the offer or award is made in or received in this state.

~~3.~~ 4. "Registrant" means a person registered pursuant to this chapter.

~~4.~~ 5. "Secretary" means the secretary of state.

~~5.~~ 6. "Solicitation" means contact by a travel agency or travel agent of a customer for the purpose of selling or offering to sell travel services.

~~6.~~ 7. "Travel agency" means a person who represents, directly or indirectly, that the person is offering or undertaking by any means or method, to provide travel services for a fee, commission, or other valuable consideration, direct or indirect.

~~7.~~ 8. "Travel agent" means a person employed by a travel agency whose principal duties include consulting with and advising persons concerning travel arrangements or accommodations.

~~8.~~ 9. "Travel services" means arranging or booking vacation or travel packages, travel reservations or accommodations, tickets for domestic or foreign travel by air, rail, ship, bus, or other medium of transportation, or hotel or other lodging accommodations. Travel services include travel related prizes or awards for which the customer must pay a fee or, in connection with the prize or award, expend moneys for the direct or indirect monetary benefit of the person making the award, in order for the customer to collect or enjoy the benefits of the prize or award.

Sec. 3. Section 9D.2, subsections 4 through 9, Code 2009, are amended to read as follows:

~~4. "Doing business" in this state, for purposes of this chapter, means any of the following:~~

~~a. Offering to sell or selling travel services, if the offer is made or received within the state.~~

~~b. Offering to arrange, or arranging, travel services for a fee or commission, direct or indirect, if the offer is made or received in this state.~~

~~c. Offering to, or awarding travel services as a prize or award, if the offer or award is made in or received in this state.~~

~~5.~~ 4. An applicant shall complete an application for registration form provided by the secretary. The application form must be accompanied by the required bond or evidence of financial responsibility and the registration fee. The application form shall include all of the following information:

a. The name and signature of an officer or partner of a business entity or the names and signatures of the principal owner and operator if the agency is a sole proprietorship.

b. The name, address, and telephone number of the applicant and the name of all travel agents employed by the applicant travel agency.

c. The name, address, and telephone number of any person who owns or controls, directly or indirectly, ten percent or more of the applicant.

d. If the applicant is a foreign corporation or business, the name and address of the corporation's agent in this state for service of process.

e. Any additional information required by rule adopted by the secretary pursuant to chapter 17A.

~~6.~~ 5. The application form shall be accompanied by a written irrevocable consent to service of process. The consent must provide that actions in connection with doing business in this state may be commenced against the registrant in the proper jurisdiction in this state in which the cause of action may arise, or in which the plaintiff may reside, by service of process on the secretary as the registrant's agent and stipulating and agreeing that such service of process shall be taken and held in all courts to be as valid and binding as if service of process had been made upon the person according to the laws of this or any other state. The consent to service of process shall be in such form and supported by such additional information as the secretary may by rule require.

~~7.~~ 6. An annual registration fee as established by the secretary by rule is required at the time the application for registration form is filed with the secretary, and on or before the anniversary date of the effective date of registration for each subsequent year. The registration fee shall be established at a rate deemed reasonably necessary by the secretary to support the administration of this chapter, but not to exceed fifteen dollars per year per agency. If an applicant or a registrant fails to pay the annual registration fee, the application for registration or registration lapses and becomes ineffective.

~~8.~~ 7. A registrant shall submit to the secretary corrections to the information supplied in the registration form within a reasonable time after a change in circumstances, which circumstances would be required to be reported in an application for registration form, except travel agents' names as required in subsection ~~5~~ 4, paragraph "b". The names of travel agents shall be updated at the time of annual registration.

~~9.~~ 8. The secretary may revoke or suspend a registration for cause subject to the contested case provisions of chapter 17A.

Sec. 4. Section 10.1, subsections 9 and 17, Code 2009, are amended to read as follows:

9. "Farmers cooperative limited liability company" means a limited liability company organized under chapter 489 or 490A, if cooperative associations hold one hundred percent of all membership interests in the limited liability company. Farmers cooperative associations must hold at least seventy percent of all membership interests in the limited liability company. If more than one type of membership interest is established, including any series as provided in section 489.1201 or 490A.305 or any class or group as provided in section 489.1201 or 490A.307, farmers cooperative associations must hold at least seventy percent of all membership interests of ~~that~~ each type.

17. "Networking farmers limited liability company" means a limited liability company, other than a family farm limited liability company as defined in section 9H.1, organized under chapter 489 or 490A if all of the following conditions are satisfied:

a. Qualified farmers must hold at least fifty-one percent of all membership interests in the limited liability company. If more than one type of membership interest is established, including any series as provided in section 489.1201 or 490A.305 or any class or group as provided in section 489.1201 or 490A.307, qualified farmers must hold at least fifty-one percent of all membership interests of ~~that~~ each type.

b. Qualified persons must hold at least seventy percent of all membership interests in the limited liability company. If more than one type of membership interest is established, including any series as provided in section 489.1201 or 490A.305 or any class or group as provided in section 489.1201 or 490A.307, qualified persons must hold at least seventy percent of all membership interests of ~~that~~ each type.

Sec. 5. Section 15.103, subsection 1, paragraph b, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Each of the following areas of expertise shall be represented by at least one voting member of the board who has professional experience in that area of expertise:

Sec. 6. Section 15.103, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. At least nine of the voting members of the board shall be actively employed in the private, for-profit sector of the economy.

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

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

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

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

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

Sec. 8. Section 16.1, subsection 1, paragraph ac, Code 2009, is amended to read as follows:

ac. "Powers" means all of the general and specific powers of the authority as provided in this chapter ~~and~~ which shall be broadly and liberally interpreted to authorize the authority to act in accordance with the goals of the authority and in a manner consistent with the legislative findings and guiding principles ~~which are reasonably necessary~~.

Sec. 9. Section 24.20, Code 2009, is amended to read as follows:

24.20 TAX RATES FINAL.

The several tax rates and levies of ~~the municipalities thus~~ a municipality that are determined and certified in the manner provided in sections 24.1 through 24.19, except such tax rates and levies as are authorized by a vote of the people, shall stand as the tax rates and levies of said municipality for the ensuing fiscal year for the purposes set out in the budget.

Sec. 10. Section 26.14, subsection 3, paragraph c, Code 2009, is amended to read as follows:

c. If a public improvement may be performed by an employee of the governmental entity, the amount of estimated sales and fuel tax and the premium cost for the performance and payment bond which a contractor identifies in its quotation shall be deducted from the contractor's price for determining the lowest responsive, responsible quotation. If no quotations are received to perform the work, or if the governmental entity's estimated cost to do the work with its employee is less than the lowest responsive, responsible quotation received, the governmental entity may authorize its employee or employees to perform the work.

Sec. 11. Section 42.3, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. However, if the population data for legislative districting which the United States census bureau is required to provide this state under Pub. L. No. 94-171 and, if used by the legislative services agency, the corresponding topologically integrated geographic encoding and refer-

encing data file for that population data are not available to the legislative services agency on or before February 15 of the year ending in one, the dates set forth in ~~this subsection~~ paragraph "a" shall be extended by a number of days equal to the number of days after February 15 of the year ending in one that the federal census population data and the topologically integrated geographic encoding and referencing data file for legislative districting become available.

Sec. 12. Section 42.3, subsection 2, Code 2009, is amended to read as follows:

2. If the bill embodying the plan submitted by the legislative services agency under subsection 1 fails to be enacted, the legislative services agency shall prepare a bill embodying a second plan of legislative and congressional districting. The bill shall be prepared in accordance with section 42.4, and, insofar as it is possible to do so within the requirements of section 42.4, with the reasons cited by the senate or house of representatives by resolution, or the governor by veto message, for the failure to approve the plan. If a second plan is required under this subsection, the bill embodying it shall be delivered to the secretary of the senate and the chief clerk of the house of representatives not later than thirty-five days after the date of the vote by which the senate or the house of representatives fails to approve the bill submitted under subsection 1, or the date the governor vetoes or fails to approve the bill. If it is necessary to submit a bill under this subsection, the bill shall be brought to a vote not less than seven days after the bill is submitted and made available to the members of the general assembly, under a procedure or rule permitting no amendments except those of a purely corrective nature. It is further the intent of this chapter that if the bill is approved by the first house in which it is considered, it shall expeditiously be brought to a vote in the second house under a similar procedure or rule. If the bill embodying the plan submitted by the legislative services agency under this subsection fails to be approved by a constitutional majority in either the senate or the house of representatives, the secretary of the senate or the chief clerk of the house, as the case may be, shall transmit to the legislative services agency in the same manner as described in subsection 1, information which the senate or house may direct by resolution regarding reasons why the plan was not approved ~~in the same manner as described in subsection 1~~.

Sec. 13. Section 46.2A, subsections 1 and 8, Code 2009, are amended to read as follows:

1. As used in this section, "congressional district" means those districts established following the 2010 federal decennial census and described in chapter ~~42~~ 40.

8. If the number of congressional districts established following the 2010 federal decennial census and described in chapter ~~42~~ 40 is not equal to four, then the procedures set out in this section are void and this section is repealed effective June 30, 2012.

Sec. 14. Section 49.36, Code 2009, is amended to read as follows:

49.36 CANDIDATES OF NONPARTY ORGANIZATION.

The term "group of petitioners" as used in ~~the foregoing~~ sections 49.32 and 49.35 shall embrace an organization which is not a political party as defined by law.

Sec. 15. Section 52.25, subsection 2, Code 2009, is amended to read as follows:

2. The question, amendment, or measure, ~~and~~ or summaries thereof, shall be printed on the ~~special paper~~ ballots ~~or on the inserts used in the voting machines~~. In no case shall the font size be less than ten point type.

Sec. 16. Section 62.1A, Code 2009, is amended to read as follows:

62.1A CONTEST COURT ESTABLISHED.

The court for the trial of contested county elections shall consist of one ~~person~~ member named by the contestant and one ~~person~~ member named by the incumbent. If the incumbent fails to name a ~~judge~~ member, the chief judge of the judicial district shall be notified of the failure to appoint. The chief judge shall designate the second ~~judge~~ member within one week after the chief judge is notified. These two ~~judges~~ members shall meet within three days and select a third ~~person~~ member to serve as the presiding ~~officer~~ member of the court. If they cannot

agree on the third member of the court within three days after their initial meeting, the chief judge of the judicial district shall be notified of the failure to agree. The chief judge shall designate the presiding ~~judge~~ member within one week after the chief judge is notified.

Sec. 17. Section 62.2, Code 2009, is amended to read as follows:

62.2 ~~JUDGES~~ CONTEST COURT MEMBERS SWORN.

~~Judges~~ Members of the contest court shall be sworn in the same manner and form as trial jurors are sworn in trials of civil actions. When a ~~judge~~ member fails to appear on the day of trial, that ~~judge's~~ member's place may be filled by ~~another~~ the appointment of another member under the same rule.

Sec. 18. Section 68B.22, subsection 4, paragraph e, Code 2009, is amended to read as follows:

e. Anything available or distributed free of charge to members of the general public without regard to the official status of the recipient. This paragraph shall not apply to ~~receptions~~ functions described under paragraph "s".

Sec. 19. Section 73.16, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. The director of an agency or department of state government that has established a procurement goal as required under this subsection shall provide a report within fifteen business days following the end of each calendar quarter to the targeted small business marketing and compliance manager of the department of economic development, providing the total dollar amount of certified purchases from certified targeted small businesses during the previous calendar quarter. The required report shall be made in a form approved by the targeted small business marketing and compliance manager. ~~The first quarterly report shall be for the calendar quarter ending September 30, 2007.~~

Sec. 20. Section 75.1, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. ~~All ballots~~ Ballots cast ~~and~~ but not counted as a vote for or against the proposition shall not be used in computing the total vote cast for and against said proposition.

Sec. 21. Section 85.59, Code 2009, is amended to read as follows:

85.59 BENEFITS FOR INMATES AND OFFENDERS.

1. For the purposes of this section~~, the term "inmate"~~:

a. "Inmate" includes ~~a~~:

(1) A person confined in a reformatory, state penitentiary, release center, or other state penal or correctional institution while that person works in connection with the maintenance of the institution, in an industry maintained in the institution, or in an industry referred to in section 904.809, or while on detail to perform services on a public works project.

(2) ~~For purposes of this section, "inmate" includes a~~ A person who is performing unpaid community service under the direction of the district court, board of parole, or judicial district department of correctional services, or an inmate providing services pursuant to a chapter 28E agreement entered into pursuant to section 904.703, or who is performing a work assignment of value to the state or to the public under chapter 232. ~~For purposes of this section, "unpaid~~

b. "Unpaid community service under the direction of the district court" includes but is not limited to community service ordered and performed pursuant to section 598.23A.

2. For purposes of this section, an inmate on a work assignment under section 904.703 working in construction or maintenance at a public or charitable facility, or under assignment to another agency of state, county, or local government, shall be considered an employee of the state.

3. a. If an inmate is permanently incapacitated by injury in the performance of the inmate's work in connection with the maintenance of the institution, in an industry maintained in the institution, or in an industry referred to in section 904.809, while on detail to perform services

on a public works project, or while performing services authorized pursuant to section 904.809, or is permanently or temporarily incapacitated in connection with the performance of unpaid community service under the direction of the district court, board of parole, or judicial district department of correctional services, or in connection with the provision of services pursuant to a chapter 28E agreement entered into pursuant to section 904.703, or who is performing a work assignment of value to the state or to the public under chapter 232, that inmate shall be awarded only the benefits provided in section 85.27 and section 85.34, subsections 2 and 3. The weekly rate for such permanent disability is equal to the minimum rate as provided in this chapter.

b. Weekly compensation benefits under this section may be determined prior to the inmate's release from the institution, but payment of benefits to an inmate shall commence as of the time of the inmate's release from the institution either upon parole or final discharge. However, if the inmate is awarded benefits for an injury incurred in connection with the performance of unpaid community service under the direction of the district court, board of parole, or judicial district department of correctional services, or in connection with the provision of services pursuant to a chapter 28E agreement entered into pursuant to section 904.703, or who is performing a work assignment of value to the state or to the public under chapter 232, weekly compensation benefits under this section shall be determined and paid as in other workers' compensation cases.

c. If an inmate is receiving benefits under the provisions of this section and is recommitted to an institution covered by this section, the benefits shall immediately cease. If benefits cease because of the inmate's recommitment, the benefits shall resume upon subsequent release from the institution.

d. If death results from the injury, death benefits shall be awarded and paid to the dependents of the inmate as in other workers' compensation cases except that the weekly rate shall be equal to sixty-six and two-thirds percent of the state average weekly wage paid employees as determined by the department of workforce development under section 96.19, subsection 36, and in effect at the time of the injury.

4. Payment under this section shall be made promptly out of appropriations which have been made for that purpose, if any. An amount or part thereof which cannot be paid promptly from the appropriation shall be paid promptly out of money in the state treasury not otherwise appropriated.

5. The time limit for commencing an original proceeding to determine entitlement to benefits under this section is the same as set forth in section 85.26. If an injury occurs to an inmate so as to qualify the inmate for benefits under this section, notwithstanding the fact that payments of weekly benefits are not commenced, an acknowledgment of compensability shall be filed with the workers' compensation commissioner within thirty days of the time the responsible authority receives notice or knowledge of the injury as required by section 85.23.

6. If a dispute arises as to the extent of disability when an acknowledgment of compensability is on file or when an award determining liability has been made, an action to determine the extent of disability must be commenced within one year of the time of the release of the inmate from the institution. This does not bar the right to reopen the claim as provided by section 85.26, subsection 2.

7. Responsibility for the filings required by chapter 86 for injuries resulting in permanent disability or death and as modified by this section shall be made in the same manner as for other employees of the institution.

Sec. 22. Section 85.66, Code 2009, is amended to read as follows:

85.66 SECOND INJURY FUND — CREATION — CUSTODIAN.

1. The ~~"Second Injury Fund"~~ second injury fund is hereby established under the custody of the treasurer of state and shall consist of payments to the fund as provided by this division and any accumulated interest and earnings on moneys in the second injury fund.

2. The treasurer of state is charged with the conservation of the assets of the second injury fund. Moneys collected in the second injury fund shall be disbursed only for the purposes stated in this division, and shall not at any time be appropriated or diverted to any other use or

purpose. ~~The treasurer of state shall invest any surplus moneys of the fund in securities which constitute legal investments for state funds under the laws of this state, and may sell any of the securities in which the fund is invested, if necessary, for the proper administration or in the best interests of the fund. Disbursements~~ Except for reimbursements to the attorney general provided for in section 85.67, disbursements from the fund shall be paid by the treasurer of state only upon the written order of the workers' compensation commissioner. ~~The attorney general shall be reimbursed up to one hundred fifty thousand dollars annually from the fund for services provided related to the fund.~~ The treasurer of state shall invest any surplus moneys of the fund in securities which constitute legal investments for state funds under the laws of this state, and may sell any of the securities in which the fund is invested, if necessary, for the proper administration or in the best interests of the fund.

3. The treasurer of state shall quarterly prepare a statement of the fund, setting forth the balance of moneys in the fund, the income of the fund, specifying the source of all income, the payments out of the fund, specifying the various items of payments, and setting forth the balance of the fund remaining to its credit. The statement shall be open to public inspection in the office of the treasurer of state.

Sec. 23. Section 89.11, Code 2009, is amended to read as follows:

89.11 INJUNCTION.

1. In addition to all other remedies, if any owner, user, or person in charge of any equipment covered by this chapter continues to use any equipment covered by this chapter, after receiving an inspection report identifying defects and exhausting appeal rights as provided by this chapter without first correcting the defects or making replacements, the commissioner may apply to the district court by petition in equity, in an action brought in the name of the state, for a writ of injunction to restrain the use of the alleged defective equipment.

2. ~~However, if~~ If the commissioner believes that the continued operation of equipment constitutes an imminent danger that could seriously injure or cause death to any person, in addition to all other remedies, the commissioner may apply to the district court in the county in which the imminently dangerous condition exists for a temporary order to enjoin the owner, user, or person in charge from operating the equipment before ~~exhausting~~ the owner's, user's, or person's rights to administrative appeals have been exhausted.

Sec. 24. Section 96.19, subsection 17, Code 2009, is amended to read as follows:

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

96.8, subsection 3, be liable to pay said contributions, accepts exclusive liability for said contributions under an agreement with such employer made pursuant to general rules of the department. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this chapter, whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of such work, and provided, further, that such employment was for a total of not less than eight hours in any one calendar week.

Sec. 25. Section 100B.1, subsection 1, paragraph a, subparagraph (3), Code 2009, is amended to read as follows:

(3) The tenth and eleventh voting members of the council shall be members of the general public appointed by the governor.

Sec. 26. Section 100C.3, subsection 2, Code 2009, is amended to read as follows:

2. An applicant for certification as an alarm system contractor or an alarm system installer shall be subject to a national criminal history check through the federal bureau of investigation. The applicant shall provide fingerprints to the department of public safety for submission through the state criminal history repository to the federal bureau of investigation. Fees for the national criminal history check shall be paid by the applicant or the applicant's employer. The results of a criminal history check conducted pursuant to this subsection shall ~~not~~ be considered a ~~public~~ confidential record under chapter 22.

Sec. 27. Section 103.15, subsection 2, paragraph a, Code 2009, is amended to read as follows:

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

Sec. 28. Section 103.30, Code 2009, is amended to read as follows:

103.30 INSPECTIONS NOT REQUIRED.

Nothing in this chapter shall be construed to require the work of employees of municipal utilities, railroads, electric membership or cooperative associations, investor-owned utilities, rural water associations or districts, or telecommunications systems to be inspected while the employees are acting within the scope of their employment.

Sec. 29. Section 125.86, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. A psychiatric advanced registered nurse practitioner treating a ~~patient~~ respondent previously ~~hospitalized~~ committed under this chapter may complete periodic reports pursuant to this section on the ~~patient~~ respondent if the ~~patient~~ respondent has been recommended for treatment on an outpatient or other appropriate basis pursuant to section 125.84, subsection 3, and if a psychiatrist licensed pursuant to chapter 148~~, 150, or 150A~~ personally evaluates the ~~patient~~ respondent on at least an annual basis.

Sec. 30. Section 135.1, subsection 4, Code 2009, is amended to read as follows:

4. "Physician" means a person licensed to practice medicine and surgery, osteopathic medi-

cine and surgery, chiropractic, podiatry, or optometry under the laws of this state; but a person licensed as a physician and surgeon shall be designated as a "physician" or "surgeon", a person licensed as an osteopathic physician and surgeon shall be designated as an "osteopathic physician" or "osteopathic surgeon", ~~a person licensed as an osteopath shall be designated as an "osteopathic physician",~~ a person licensed as a chiropractor shall be designated as a "chiropractor", a person licensed as a podiatrist shall be designated as a "podiatric physician", and a person licensed as an optometrist shall be designated as an "optometrist". A definition or designation contained in this subsection shall not be interpreted to expand the scope of practice of such licensees.

Sec. 31. Section 135.17, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. Except as provided in paragraphs "c" and "d", the parent or guardian of a child enrolled in elementary school shall provide evidence to the school district or accredited nonpublic elementary school in which the child is enrolled of the child having, no earlier than three years of age but prior to reaching six years of age, at a minimum, a dental screening performed by a licensed physician as defined in chapter 148 ~~or 150~~, a nurse licensed under chapter 152, a licensed physician assistant as defined in section 148C.1, or a licensed dental hygienist or dentist as defined in chapter 153. Except as provided in paragraphs "c" and "d", the parent or guardian of a child enrolled in high school shall provide evidence to the school district or accredited nonpublic high school in which the child is enrolled of the child having, at a minimum, a dental screening performed within the prior year by a licensed dental hygienist or dentist as defined in chapter 153. A school district or accredited nonpublic school shall provide access to a process to complete the screenings described in this paragraph as appropriate.

Sec. 32. Section 135.24, subsection 6, paragraph d, Code 2009, is amended to read as follows:

d. "Health care provider" means a physician licensed under chapter 148, a chiropractor licensed under chapter 151, a physical therapist licensed pursuant to chapter 148A, an occupational therapist licensed pursuant to chapter 148B, a podiatrist licensed pursuant to chapter 149, a physician assistant licensed and practicing under a supervising physician pursuant to chapter 148C, a licensed practical nurse, a registered nurse, or an advanced registered nurse practitioner licensed pursuant to chapter 152 or 152E, a respiratory therapist licensed pursuant to chapter 152B, a dentist, dental hygienist, or dental assistant registered or licensed to practice under chapter 153, an optometrist licensed pursuant to chapter 154, a psychologist licensed pursuant to chapter 154B, a social worker licensed pursuant to chapter 154C, a mental health counselor or a marital and family therapist licensed pursuant to chapter 154D, a speech pathologist or audiologist licensed pursuant to chapter 154F, a pharmacist licensed pursuant to chapter 155A, or an emergency medical care provider certified pursuant to chapter 147A.

Sec. 33. Section 135.37, subsection 6, Code 2009, is amended to read as follows:

6. As necessary to avoid duplication and promote coordination of public health inspection and enforcement activities, the department may enter into agreements with local boards of health to provide for inspection ~~and enforcement~~ of tattooing establishments and enforcement activities in accordance with the rules and criteria implemented under this section.

Sec. 34. Section 135.159, subsection 2, paragraph a, subparagraph (6), Code 2009, is amended to read as follows:

(6) A physician and an osteopathic physician licensed pursuant to chapter 148 ~~and a physician licensed pursuant to chapter 150~~ who are family physicians and members of the Iowa academy of family physicians.

Sec. 35. Section 135B.20, subsection 1, Code 2009, is amended to read as follows:

1. "Doctor" shall mean any person licensed to practice medicine and surgery or ~~osteopathy~~ osteopathic medicine and surgery in this state.

Sec. 36. Section 135C.33, subsection 5, paragraph a, subparagraph (1), Code 2009, is amended to read as follows:

(1) An employee of a ~~homemaker, home-health~~ homemaker-home health aide, home care aide, adult day services, or other provider of in-home services if the employee provides direct services to consumers.

Sec. 37. Section 136C.1, subsection 4, Code 2009, is amended to read as follows:

4. "Licensed professional" means a person licensed or otherwise authorized by law to practice medicine, ~~osteopathy~~ osteopathic medicine, podiatry, chiropractic, dentistry, dental hygiene, or veterinary medicine.

Sec. 38. Section 136C.3, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. Establish minimum training standards including continuing education requirements, and administer examinations and disciplinary procedures for operators of radiation machines and users of radioactive materials. A state of Iowa license to practice medicine, ~~osteopathy~~ osteopathic medicine, chiropractic, podiatry, dentistry, dental hygiene, or veterinary medicine, or licensure as a physician assistant pursuant to chapter 148C, or certification by the dental board in dental radiography, or by the board of podiatry in podiatric radiography, or enrollment in a program or course of study approved by the Iowa department of public health which includes the application of radiation to humans satisfies the minimum training standards for operation of radiation machines only.

Sec. 39. Section 137F.3A, subsection 1, Code 2009, is amended to read as follows:

1. a. ~~If a~~ The department of inspections and appeals may employ additional full-time equivalent positions to enforce the provisions of this chapter and chapters 137C and 137D, with the approval of the department of management, if either of the following apply:

(1) A municipal corporation operating pursuant to a chapter 28E agreement with the department of inspections and appeals to enforce ~~this chapter and chapters 137C and 137D~~ the chapters either fails to renew the agreement effective after April 1, 2007, or discontinues, after April 1, 2007, enforcement activities in one or more jurisdictions during the agreement time frame~~, or the~~.

(2) The department of inspections and appeals cancels an agreement after April 1, 2007, due to noncompliance with the terms of the agreement~~, the department of inspections and appeals may employ additional full-time equivalent positions to enforce the provisions of the chapters, with the approval of the department of management~~.

b. Before approval ~~is~~ may be given, the director of the department of management ~~shall determine~~ must have determined that the expenses exceed the funds budgeted by the general assembly for food inspections to the department of inspections and appeals. The department of inspections and appeals may hire no more than one full-time equivalent position for each six hundred inspections required pursuant to this chapter and chapters 137C and 137D.

Sec. 40. Section 137F.6, subsection 1, paragraph h, Code 2009, is amended to read as follows:

h. ~~A~~ For a food establishment covered by paragraphs "d" and "e" ~~shall be assessed~~ the license fees assessed shall be an amount not to exceed seventy-five percent of the total fees applicable under both paragraphs.

Sec. 41. Section 142.1, Code 2009, is amended to read as follows:

142.1 DELIVERY OF BODIES.

The body of every person dying in a public asylum, hospital, county care facility, penitentiary, or reformatory in this state, or found dead within the state, or which is to be buried at public expense in this state, except those buried under the provisions of chapter 144C or 249, and which is suitable for scientific purposes, shall be delivered to the medical college of the state university, or some osteopathic or chiropractic college or school located in this state, which

has been approved under the law regulating the practice of ~~osteopathy~~ osteopathic medicine or chiropractic; but no such body shall be delivered to any such college or school if the deceased person expressed a desire during the person's last illness that the person's body should be buried or cremated, nor if such is the desire of the person's relatives. Such bodies shall be equitably distributed among said colleges and schools according to their needs for teaching anatomy in accordance with such rules as may be adopted by the Iowa department of public health. The expense of transporting said bodies to such college or school shall be paid by the college or school receiving the same. If the deceased person has not expressed a desire during the person's last illness that the person's body should be buried or cremated and no person authorized to control the deceased person's remains under section 144C.5 requests the person's body for burial or cremation, and if a friend objects to the use of the deceased person's body for scientific purposes, said deceased person's body shall be forthwith delivered to such friend for burial or cremation at no expense to the state or county. Unless such friend provides for burial and burial expenses within five days, the body shall be used for scientific purposes under this chapter.

Sec. 42. Section 142A.3, subsections 3 through 10, Code 2009, are amended to read as follows:

3. The membership of the commission shall ~~consist of~~ include the following voting members who shall serve three-year, staggered terms:

a. Members, at least one of whom is a member of a racial minority, to be appointed by the governor, subject to confirmation by the senate pursuant to sections 2.32 and 69.19, and consisting of the following:

(1) Three members who are active with nonprofit health organizations that emphasize tobacco use prevention or who are active as health services providers, at the local level.

~~b.~~ (2) One member who is a retailer.

~~c.~~ (3) Three members who are active with health promotion activities at the local level in youth education, law enforcement, nonprofit services, or other activities relating to tobacco use prevention and control.

~~The members appointed under this subsection shall be appointed by the governor, subject to confirmation by the senate, pursuant to sections 2.32 and 69.19. At least one member appointed under this subsection shall be a member of a racial minority.~~

~~4.~~ b. ~~In addition to the members described in subsection 3, the membership of the commission shall include three~~ Three voting members ~~who are~~, to be selected by the participants in the annual statewide youth summit of the initiative's youth program~~. The youth membership appointments are~~, who shall not be subject to section 69.16 or 69.16A. However, the selection process shall provide for diversity among the members and at least one of the youth members shall be a female. ~~These members shall also serve three-year staggered terms.~~

~~5.~~ 4. The commission shall also include the following ex officio, nonvoting members:

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

b. The presiding officer of the statewide youth executive body, selected by the delegates to the statewide youth summit.

~~6.~~ 5. In addition to the members of the ~~council~~ commission, the following agencies, organizations, and persons shall each assign a single liaison to the commission to provide assistance to the commission in the discharge of the commission's duties:

a. The department of education.

b. The drug policy coordinator.

c. The department of justice, office of the attorney general.

d. The department of human services.

e. The alcoholic beverages division of the department of commerce.

~~7.~~ 6. Citizen members shall be reimbursed for actual and necessary expenses incurred in performance of their duties. Citizen members shall be paid a per diem as specified in section 7E.6. Legislative members are eligible for per diem and expenses as provided in section 2.10.

~~8.~~ 7. A member of the commission who is convicted of a crime relating to tobacco, alcohol, or controlled substances is subject to removal from the commission.

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

~~10.~~ 8. A vacancy on the commission other than for the youth members shall be filled in the same manner as the original appointment for the balance of the unexpired term. A youth member vacancy shall be filled by the presiding officer of the statewide executive body as selected by the delegates to the statewide youth summit.

9. The commission shall elect a chairperson from among its voting members and may select other officers from among its voting members, as determined necessary by the commission. The commission shall meet regularly as determined by the commission, upon the call of the chairperson, or upon the call of a majority of the voting members.

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

Sec. 43. Section 142C.2, subsection 25, Code 2009, is amended to read as follows:

25. "Physician" means an individual authorized to practice medicine and surgery or ~~osteopathy~~ osteopathic medicine and surgery under the laws of any state.

Sec. 44. Section 144.14, Code 2009, is amended to read as follows:

144.14 FOUNDLINGS.

1. A person who assumes the custody of a living infant of unknown parentage shall report on a form and in the manner prescribed by the state registrar within five days to the county registrar of the county in which the child was found, the following information:

~~1.~~ a. The date and place ~~of finding~~ the child was found.

~~2.~~ b. The sex, color or race, and approximate age of the child.

~~3.~~ c. The name and address of the person or institution which has assumed custody of the child.

~~4.~~ d. The name given to the child by the custodian.

~~5.~~ e. Other data required by the state registrar.

2. The place where the child was found shall be entered as the place of birth and the date of birth shall be determined by approximation. A report registered under this section shall constitute the certificate of birth for the infant.

3. If the child is identified and a certificate of birth is found or obtained, any report registered under this section shall be sealed and filed and may be opened only by order of a court of competent jurisdiction or as provided by regulation.

Sec. 45. Section 144C.2, subsection 3, Code 2009, is amended to read as follows:

3. "Assisted living ~~program facility"~~ program" means an assisted living program ~~facility as defined in section 231C.2~~ under chapter 231C.

Sec. 46. Section 144C.3, subsection 4, Code 2009, is amended to read as follows:

4. A funeral director, an attorney, or any agent, owner, or employee of a funeral establishment, cremation establishment, cemetery, elder group home, assisted living program ~~facility~~, adult day services program, or licensed hospice program shall not serve as a designee unless related to the declarant within the third degree of consanguinity.

Sec. 47. Section 147.14, subsection 1, paragraph w, Code 2009, is amended to read as follows:

w. For nursing home administrators, a total of nine members, four who are licensed nursing home administrators, one of whom is the administrator of a nonproprietary nursing home; three licensed members of any profession concerned with the care and treatment of chronically ill or elderly patients who are not nursing home administrators or nursing home owners; and two members of the general public who are not licensed under ~~this~~ chapter 155, have no financial interest in any nursing home, and who shall represent the general public.

Sec. 48. Section 147.55, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A licensee's license to practice a profession shall be revoked~~,~~ or suspended, or the licensee otherwise disciplined by the board for that profession, when the licensee is guilty of any of the following acts or offenses:

Sec. 49. Section 147.80, subsection 1, paragraphs f, g, and i, Code 2009, are amended to read as follows:

f. Issuance of a certified statement that a ~~licensee~~ person is licensed, registered, or has been issued a certificate to practice in this state.

g. Issuance of a duplicate license, registration, or certificate, which shall be so designated on its face. A board may require satisfactory proof that the original license, registration, or certificate issued by the board has been lost or destroyed.

i. Verification of licensure, registration, or certification.

Sec. 50. Section 147.85, Code 2009, is amended to read as follows:

147.85 FRAUD.

Any person who presents to a board a diploma or certificate of which the person is not the rightful owner, for the purpose of procuring a license, or who falsely ~~personates~~ impersonates anyone to whom a license has been issued by the board shall be guilty of a serious misdemeanor.

Sec. 51. Section 147.135, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. A full and confidential report concerning any final hospital disciplinary action approved by a hospital board of trustees that results in a limitation, suspension, or revocation of a physician's privilege to practice for reasons relating to the physician's professional competence or concerning any voluntary surrender or limitation of privileges for reasons relating to professional competence shall be made to the board of medicine by the hospital administrator or chief of medical staff within ten days of such action. The board of medicine shall investigate the report and take appropriate action. These reports shall be privileged and confidential as though included in and subject to the requirements for peer review committee information in subsection 2. Persons making these reports and persons participating in resulting proceedings related to these reports shall be immune from civil liability with respect to the making of the report or participation in resulting proceedings. As used in this subsection, "physician" means a person licensed pursuant to chapter 148~~, chapter 150, or chapter 150A~~.

Sec. 52. Section 148.2A, subsection 2, paragraph e, subparagraph (4), Code 2009, is amended to read as follows:

(4) The majority of a hearing panel containing alternate members shall be ~~members~~ licensed to practice under this chapter.

Sec. 53. Section 148.3, subsection 2, Code 2009, is amended to read as follows:

2. An application for a license shall be made to the board of medicine. All license and renewal fees shall be paid to ~~and collected by the board and transmitted to~~ the board.

Sec. 54. Section 148.6, subsection 2, paragraph h, Code 2009, is amended to read as follows:

h. ~~(1)~~ Inability to practice medicine and surgery or osteopathic medicine and surgery with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or other type of material or as a result of a mental or physical condition.

(1) The board may, upon probable cause, compel a physician to submit to a mental or physical examination by designated physicians or to submit to alcohol or drug screening within a time specified by the board.

(2) A person licensed to practice medicine and surgery or osteopathic medicine and surgery who makes application for the renewal of a license, as required by section 147.10, gives consent to submit to a mental or physical examination as provided by this paragraph "h" when directed in writing by the board. All objections shall be waived as to the admissibility of ~~the~~ an examining physicians' testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against a physician in another proceeding and shall be confidential, except for other actions filed against a physician to revoke or suspend a license.

Sec. 55. Section 148.14, Code 2009, is amended to read as follows:

148.14 BOARD OF MEDICINE INVESTIGATORS.

The board of medicine may appoint investigators, who shall not be members of the board, and whose compensation shall be determined pursuant to chapter 8A, subchapter IV. Investigators appointed by the board have the powers and status of peace officers when enforcing this chapter, chapter 147, and chapter 272C.

Sec. 56. Section 148A.7, Code 2009, is amended to read as follows:

148A.7 FALSE USE OF TITLES PROHIBITED.

1. A person or business entity, including the employees, agents, or representatives of the business entity, shall not use in connection with that person's or business entity's business activity the words "physical therapy", "physical therapist", "licensed physical therapist", "registered physical therapist", "doctor of physical therapy", "physical therapist assistant", "licensed physical therapist assistant", "registered physical therapist assistant", or the letters "P.T.", "L.P.T.", "R.P.T.", "D.P.T.", "P.T.A.", "L.P.T.A.", "R.P.T.A.", or any other words, abbreviations, or insignia indicating or implying that physical therapy is provided or supplied, unless such services are provided by or under the direction and supervision of a physical therapist licensed pursuant to this chapter.

2. Notwithstanding section 147.74, a person or the owner, officer, or agent of an entity that violates this section is guilty of a serious misdemeanor, and a license to practice shall be revoked or suspended pursuant to section 147.55.

3. This section shall not apply to the use of the term "physiotherapy" by a provider licensed under this chapter, chapter 151, or by an individual under the direction and supervision of a provider licensed under this chapter or chapter 151.

Sec. 57. Section 153.14, subsection 2, Code 2009, is amended to read as follows:

2. Licensed "physicians and surgeons" or licensed "~~osteopaths~~ "osteopathic physicians and surgeons" who extract teeth or treat diseases of the oral cavity, gums, teeth, or maxillary bones as an incident to the general practice of their profession.

Sec. 58. Section 154A.6, Code 2009, is amended to read as follows:

154A.6 DISCLOSURE OF CONFIDENTIAL INFORMATION.

1. A member of the board shall not disclose information relating to the following:

~~1.~~ a. Criminal history or prior misconduct of the applicant.

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

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

2. A member of the board who willfully communicates or seeks to communicate ~~such~~ infor-

mation in violation of subsection 1, and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor.

Sec. 59. Section 154B.5, Code 2009, is amended to read as follows:

154B.5 SCOPE OF CHAPTER.

Nothing in this chapter shall be construed to prevent qualified members of other professional groups such as physicians, ~~osteopaths~~ osteopathic physicians, optometrists, chiropractors, members of the clergy, authorized Christian Science practitioners, attorneys at law, social workers or guidance counselors from performing functions of a psychological nature consistent with the accepted standards of their respective professions, if they do not use any title or description stating or implying that they are psychologists or are certified to practice psychology.

Sec. 60. Section 154C.3, subsection 1, paragraph c, subparagraph (5), Code 2009, is amended to read as follows:

(5) (a) Supervision shall be provided in any of the following manners:

~~(a)~~ (i) By a social worker licensed at least at the level of the social worker being supervised and qualified under this section to practice without supervision.

~~(b)~~ (ii) By another qualified professional, if the board determines that supervision by a social worker as defined in subparagraph subdivision ~~(a)~~ (i) is unobtainable or in other situations considered appropriate by the board.

(b) Additional standards for supervision shall be determined by the board.

Sec. 61. Section 154F.2, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. Licensed physicians and surgeons, licensed osteopathic physicians and surgeons, licensed physician assistants and registered nurses acting under the supervision of a physician or osteopathic physician, persons conducting hearing tests under the direct supervision of a licensed physician and surgeon~~,~~ or licensed osteopathic physician and surgeon, or students of medicine or surgery or osteopathic medicine and surgery pursuing a course of study in a medical school or college of osteopathic medicine and surgery approved by the board of medicine while performing functions incidental to their course of study.

Sec. 62. Section 155.2, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. Two members who are not licensed nursing home administrators or are not licensed persons under this chapter and chapter 147 and who shall represent the general public. The members shall be interested in the problems of elderly patients and nursing home care, but shall have no financial interest in any nursing home.

Sec. 63. Section 155.17, Code 2009, is amended to read as follows:

155.17 DISCLOSURE OF CONFIDENTIAL INFORMATION.

1. A member of the board shall not disclose information relating to the following:

~~1.~~ a. Criminal history or prior misconduct of the applicant.

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

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

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

Sec. 64. Section 155A.15, subsection 2, paragraph d, Code 2009, is amended to read as follows:

d. Delivered without legal authorization prescription drugs or devices to a person other than one of the following:

(1) A pharmacy licensed by the board.
(2) A practitioner.
(3) A person who procures prescription drugs or devices for the purpose of lawful research, teaching, or testing, and not for resale.
(4) A manufacturer or wholesaler licensed by the board.
(5) ~~However, this chapter does not prohibit a pharmacy from furnishing a prescription drug or device to a~~ A licensed health care facility which is furnished the drug or device by a pharmacy for storage in secured emergency pharmaceutical supplies containers maintained within the facility in accordance with rules of the department of inspections and appeals and rules of the board.

Sec. 65. Section 158.1, subsection 1, Code 2009, is amended to read as follows:
1. "Barbering" means the practices listed in this subsection performed with or without compensation. ~~The practices include~~ "Barbering" includes but ~~are~~ is not limited to the following practices performed upon the upper part of the human body of any person for cosmetic purposes and not for the treatment of disease or physical or mental ailments:
a. Shaving or trimming the beard or cutting the hair.
b. Giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations either by hand, or by electrical or mechanical appliances.
c. Singeing, shampooing, hair body processing, arranging, dressing, curling, blow waving, hair relaxing, bleaching or coloring the hair, or applying hair tonics.
d. Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, or neck.
e. Styling, cutting or shampooing hairpieces or wigs when done in conjunction with haircutting or hairstyling.
~~Barbers shall not represent themselves to the public as being primarily engaged in practices other than haircutting unless the functions are in fact their primary function or specialty.~~

Sec. 66. Section 158.2, unnumbered paragraph 1, Code 2009, is amended to read as follows:
~~It is unlawful for a~~ A person ~~to~~ shall not practice barbering with or without compensation unless the person possesses a license issued under the provisions of section 158.3. A person licensed under section 158.3 shall not represent to the public that the person is primarily engaged in practices other than haircutting unless the functions are in fact the person's primary function or specialty. Practices listed in section 158.1 when performed by the following persons ~~are not defined as practicing~~ do not constitute barbering:

Sec. 67. Section 159A.4, Code 2009, is amended to read as follows:
159A.4 ADVISORY COMMITTEE.
1. A renewable fuels and coproducts advisory committee is established within the department.
2. The committee shall ~~be composed of~~ include the following ~~persons~~ voting members:
a. The following department representatives:
~~a.~~ (1) The secretary, or a person designated by the secretary, representing the department of agriculture and land stewardship, who shall be the chairperson of the committee.
~~b.~~ (2) The director of the Iowa department of economic development, or a person designated by the director, representing the Iowa department of economic development.
~~c.~~ (3) The director of the state department of transportation, or a person designated by the director, representing the state department of transportation.
~~d.~~ (4) The director of the department of natural resources, or a person designated by the director, representing the department of natural resources.
b. The following persons, who shall be appointed by the governor from lists of candidates provided by the organizations represented:
~~e.~~ (1) A person representing retail dealers as defined in section 214A.1 who shall be actively engaged in the business of selling motor fuel on a retail basis.

~~f.~~ (2) A person representing refiners of petroleum products who shall be actively engaged in the business of refining petroleum into motor fuel for the purpose of sale within the state.

~~g.~~ (3) A person representing an organization serving livestock producers in this state.

~~h.~~ (4) A person representing the Iowa corn growers association.

~~i.~~ (5) A person representing the Iowa soybean association.

~~j.~~ (6) A person actively engaged in farming, as defined in section 9H.1.

~~k.~~ (7) A person representing the renewable fuels industry in this state.

c. ~~The governor shall appoint persons who~~ Members appointed by the governor shall be confirmed by the senate, pursuant to section 2.32, ~~to serve as voting members of the committee. However, the secretary of agriculture shall appoint the person representing the department of agriculture and land stewardship, the director of the Iowa department of economic development shall appoint the person representing that department, the director of the state department of transportation shall appoint the person representing that department, and the director of the department of natural resources shall appoint the person representing that department. The governor may make appointments of persons representing organizations listed under paragraphs "g" through "i" from a list of candidates which shall be provided by the organization upon request by the governor.~~

~~2. The members appointed pursuant to subsection 1, paragraphs "e" through "k",~~ and shall serve three-year terms beginning and ending as provided in section 69.19. However, the governor shall appoint initial members to serve for less than three years to ensure members serve staggered terms. ~~A member is eligible for reappointment. A vacancy on the committee shall be filled for the unexpired portion of the regular term in the same manner as regular appointments are made.~~

3. The committee shall also include four ex officio nonvoting members who shall be legislative members. The legislative members are two state senators, one appointed by the president of the senate, after consultation with the majority leader of the senate, and one appointed by the minority leader of the senate, after consultation with the president of the senate, from their respective parties; and two state representatives, one appointed by the speaker of the house of representatives, after consultation with the majority leader of the house of representatives, and one appointed by the minority leader of the house of representatives, from their respective parties.

4. A member is eligible for reappointment. A vacancy on the committee shall be filled for the unexpired portion of the regular term in the same manner as regular appointments are made. A vacancy in the membership of the committee does not impair the ability of the committee to carry out committee duties.

~~4.~~ 5. The committee shall meet on a regular basis and at the call of the chairperson or upon the written request to the chairperson of two or more voting members.

~~5. The members other than those enumerated in subsection 1, paragraphs "a" through "d", are entitled to receive compensation as provided in section 7E.6.~~

6. Five voting members constitute a quorum and the affirmative vote of a majority of the voting members present is necessary for any substantive action to be taken by the committee. The majority shall not include any member who has a conflict of interest and a statement by a member that the member has a conflict of interest is conclusive for this purpose. ~~A vacancy in the membership does not impair the duties of the committee.~~

7. The members other than those enumerated in subsection 2, paragraph "a", are entitled to receive compensation as provided in section 7E.6.

~~7.~~ 8. The committee shall be staffed by the agricultural marketing division of the department. The coordinator shall serve as secretary to the committee.

Sec. 68. Section 161.1, Code 2009, is amended to read as follows:

161.1 TITLE.

This ~~section~~ chapter shall be known and may be cited as the "Iowa Agrichemical Remediation Act".

Sec. 69. Section 161F.6, Code 2009, is amended to read as follows:

161F.6 CHAPTERS MADE APPLICABLE.

1. In the organization, operation, and financing of districts established under this chapter, the provisions of chapter 468 shall apply and any procedure provided under chapter 468 in connection with the organization, financing, and operation of any drainage district shall apply to the organization, financing, and operation of districts organized under this chapter.

2. ~~Wherever any of the provisions of said chapters refer to the word "drainage", the word~~ As used in this chapter or chapter 468:

a. "Drainage" shall be deemed to include in its meaning soil erosion and flood control or any combination of drainage, flood control, and soil erosion control. ~~The term "drainage district" shall be considered to include districts having as their purpose soil conservancy or flood control or any combination thereof, and the words "drainage certificates"~~

b. "Drainage certificates" or "drainage bonds" shall be deemed to include certificates or bonds issued in behalf of any district organized under the provisions of this chapter~~; and any procedure provided by these chapters in connection with the organization, financing and operation of any drainage district shall be applicable to the organization, financing and operation of districts organized under this chapter~~.

c. "Drainage district" shall be considered to include districts having as their purpose soil conservancy or flood control or any combination thereof.

Sec. 70. Section 162.2, subsection 16, Code 2009, is amended to read as follows:

16. "Research facility" means any school or college of medicine, veterinary medicine, pharmacy, dentistry, or ~~osteopathy~~ osteopathic medicine, or hospital, diagnostic or research laboratories, or other educational or scientific establishment situated in this state concerned with the investigation of, or instruction concerning the structure or function of living organisms, the cause, prevention, control or cure of diseases or abnormal conditions of human beings or animals.

Sec. 71. Section 166D.10, Code 2009, is amended to read as follows:

166D.10 MOVEMENT OF SWINE.

1. ~~A~~ Except as otherwise provided in this section, a person shall not sell, lease, exhibit, loan, move, or relocate swine within the state unless the swine are accompanied by a certificate of inspection in the same manner as provided for a certificate of veterinary inspection as provided in section 163.30. The department may combine the certificate of inspection with a certificate of veterinary inspection.

2. A certificate of inspection is not required if any of the following apply:

a. The swine are moved to slaughter.

b. The swine are relocated, ~~if~~ and all of the following apply:

(1) A transportation certificate accompanies the relocated swine.

(2) The swine's owner maintains information regarding the relocation in relocation records. The department may adopt rules excusing a person from maintaining relocation records, if the department determines that the purposes of the chapter as provided in section 166D.1 are not furthered by the requirement.

(3) A certificate of inspection, or a certificate of veterinary inspection as provided in section 163.30, has been issued for the swine within thirty days prior to the date of relocation. The department may adopt rules excusing a person from complying with this subparagraph if the department determines that the purposes of the chapter as provided in section 166D.1 are not furthered by the requirement.

(4) The swine have a current negative pseudorabies status.

~~The department shall adopt rules required to administer this paragraph "b". A transportation certificate accompanying relocated swine shall cite the relevant relocation record and certificate of inspection, or certificate of veterinary inspection. The department may provide for the examination of the relocation records on the owner's premises during normal business hours, or may require that reports containing relevant information contained in relocation rec-~~

~~ords and certificates of inspection, or certificates of veterinary inspection, be periodically submitted to the department. For purposes of this section, swine production information contained in relocation records is a trade secret as provided in section 22.7, unless otherwise provided by rules adopted by the department. The department shall provide for the disclosure of confidential information only to the extent required for enforcement of this chapter, the detection and prosecution of public offenses, or to comply with a subpoena or court order.~~

c. A person transfers ownership of all or part of a herd, if the herd remains on the same premises. However, the herd must be tested by statistical sampling. If any part of the herd is subsequently moved or relocated, the swine must be moved or relocated in accordance with this section and sections 166D.7, 166D.8, and 166D.10A.

3. A transportation certificate accompanying swine which are relocated as provided in subsection 2, paragraph "b", shall cite the relevant relocation record and certificate of inspection, or certificate of veterinary inspection. The department may provide for the examination of the relocation records on the owner's premises during normal business hours, or may require that reports containing relevant information contained in relocation records and certificates of inspection, or certificates of veterinary inspection, be periodically submitted to the department. For purposes of this section, swine production information contained in relocation records is a trade secret as provided in section 22.7, unless otherwise provided by rules adopted by the department. The department shall provide for the disclosure of confidential information only to the extent required for enforcement of this chapter, the detection and prosecution of public offenses, or to comply with a subpoena or court order. The department shall adopt rules required to administer subsection 2, paragraph "b", and this subsection.

~~2.~~ 4. a. ~~Swine~~ Except as provided in paragraph "b", swine that are moved shall be individually identified as provided in section 163.30, which may include requirements for affixing ear tags to swine.

b. (1) ~~However, native~~ Native Iowa feeder pigs moved from farm to farm within the state shall be exempted from the identification requirements of this subsection if the owner transferring possession of the feeder pigs executes a written agreement with the person taking possession of the feeder pigs.

(a) The agreement shall provide that the feeder pigs shall not be commingled with other swine for a period of thirty days.

(b) The owner transferring possession shall be responsible for making certain that the agreement is executed and for providing a copy of the agreement to the person taking possession.

(2) Native Iowa feeder pigs that are moved shall be accompanied by a certificate of inspection, or a certificate of veterinary inspection as provided in section 163.30, unless swine are otherwise exempted from this requirement by this section.

(3) As used in this ~~subsection~~ paragraph "b", "farm to farm within the state" does not include the movement or relocation of native Iowa feeder pigs to the possession of a dealer licensed pursuant to section 163.30. ~~Native Iowa feeder pigs that are moved shall be accompanied by a certificate of inspection, or a certificate of veterinary inspection as provided in section 163.30, unless swine are otherwise exempted from this requirement by this section.~~

~~3.~~ 5. Swine from a herd located within this state must be moved or relocated in compliance with this section. If the swine is moved or relocated from a herd located within a county which is designated by the department as in stage II of the national pseudorabies eradication program, the swine shall not be moved or relocated unless in compliance with section 166D.11. Regardless of whether the swine is from a herd located in a stage II county, the following shall govern the movement or relocation of swine within this state:

a. For swine from a noninfected herd, a person shall not move swine for breeding purposes, unless one of the following applies:

(1) The swine is moved from a qualified negative herd or qualified differentiable negative herd.

(2) The swine reacts negatively to a differentiable test within thirty days prior to moving the swine.

b. For swine which is exposed, a person shall not move or relocate the swine, unless one of the following applies:

(1) The swine reacts negatively to a differentiable test within thirty days prior to moving or relocating the swine.

(2) The swine moves by restricted movement to either a fixed concentration point or slaughtering establishment.

c. For swine from a herd of unknown status, a person shall not move or relocate the swine, unless one of the following applies:

(1) The swine reacts negatively to a differentiable test within thirty days prior to moving or relocating the swine.

(2) The swine moves by restricted movement to either a fixed concentration point or slaughtering establishment. However, the swine is not required to move by restricted movement if the swine is moved from a fixed concentration point directly to another fixed concentration point or to a slaughtering establishment.

d. For swine which is from an infected herd, a person shall not move or relocate the swine, unless one of the following applies:

(1) If the swine is part of a cleanup plan, the following shall apply:

(a) For swine, other than feeder pigs or cull swine, which are part of a herd subject to a cleanup plan, a person shall only move swine by restricted movement to either a fixed concentration point or slaughtering establishment. A person shall not relocate the swine.

(b) For a feeder pig or cull swine which is part of a herd subject to a herd cleanup plan, a person shall only move the feeder pig or cull swine by restricted movement to either a fixed concentration point or slaughtering establishment or relocate the feeder pig or cull swine by restricted movement to an approved premises. For a feeder pig or cull swine which is part of a feeder pig cooperator herd cleanup plan, a person shall only move the feeder pig or cull swine by restricted movement to either a fixed concentration point or slaughtering establishment or move or relocate the feeder pig or cull swine by restricted movement to an approved premises. However, a person shall not move or relocate a feeder pig or cull swine to an approved premises, unless the approved premises is identified in a cleanup plan as provided in section 166D.8, or the department approves the move or relocation to another approved premises. A person shall not move or relocate a cull swine to an approved premises, unless the cull swine reacts negatively to a test and is vaccinated with a differentiable vaccine. The test and vaccine must be administered within thirty days prior to the movement or relocation to the approved premises. A noninfected feeder pig is not required to be tested or vaccinated prior to movement or relocation to an approved premises, if the feeder pig is vaccinated upon arrival at the approved premises.

(c) For swine from a herd kept on an approved premises, a person shall only move or relocate the swine by restricted movement as provided in the cleanup plan governing the herd and terms and conditions of the certification required for the approved premises as provided in section 166D.10B.

(2) If the swine is not part of a herd that is subject to a cleanup plan because the herd is quarantined, a person shall only move the swine by restricted movement to either a fixed concentration point or slaughtering establishment.

~~4.~~ 6. Swine from a herd located outside this state must be moved into and maintained in this state in compliance with this section. A person shall not move swine into this state, except as follows:

a. For swine from a herd, other than a noninfected herd, the swine must be moved either to a fixed concentration point or slaughtering establishment.

b. For swine from a noninfected herd, the swine may be moved to a concentration point or slaughtering establishment. If the swine is not moved to a concentration point or slaughtering establishment, the following shall apply:

(1) Unless the person moves the swine into a county designated by the department as in stage II of the national pseudorabies eradication program, the following shall apply:

(a) A person shall not move swine into this state for breeding purposes, unless one of the following applies:

(i) The swine is moved from a qualified negative herd or qualified differentiable negative herd.

(ii) The swine reacts negatively to a differentiable test, within thirty days prior to moving the swine.

(b) A person shall not move a feeder swine which is moved into this state, unless the feeder swine reacts negatively to a differentiable test within thirty days prior to movement from a herd in this state.

(2) If a person moves the swine into a county which is designated by the department as in stage II of the national pseudorabies eradication program, the following shall apply:

(a) Except as provided in this subparagraph, the owner of swine shall vaccinate the swine with a modified-live differentiable vaccine, prior to moving swine into the stage II county. A person is not required to vaccinate swine prior to moving swine into the stage II county if one of the following applies:

(i) The swine is part of a herd that cannot be vaccinated under the law of the state or country in which the herd is kept immediately prior to being moved into the stage II county.

(ii) The swine is an isowean feeder pig.

(iii) The swine is moved either to a fixed concentration point or slaughtering establishment.

(b) For swine which are not vaccinated before being moved into a stage II county as provided in this paragraph, the following shall apply:

(i) For swine other than swine moved into a herd within a stage II county as an isowean feeder pig, the swine must be immediately vaccinated with a differentiable vaccine, as provided in section 166D.11. The swine shall be considered as part of a herd of unknown status, until tested negative and vaccinated.

(ii) For swine moved into a herd within a stage II county as an isowean feeder pig, the swine moved into the herd must be immediately vaccinated with a differentiable vaccine, as provided in section 166D.11. The department may require that the swine be revaccinated with a differentiable vaccine at a later date. The swine shall be considered as part of a herd of unknown status, until tested negative and vaccinated.

~~5.~~ 7. A person shall not move a swine within this state, other than to a fixed concentration point or slaughtering establishment, if the swine is vaccinated with a vaccine other than a differentiable vaccine approved by the department pursuant to section 166D.14.

~~6.~~ 8. Known infected swine moved through a fixed concentration point shall only be moved by restricted movement to a slaughtering establishment.

~~7.~~ 9. Swine moved under this section to a slaughtering establishment shall be for the exclusive purpose of slaughtering the swine. Swine moved under this section to a fixed concentration point shall be for the exclusive purpose of immediately moving the swine to a slaughtering establishment. Swine moved or relocated under this section to an approved premises shall be for the exclusive purpose of feeding the swine prior to movement or relocation to another approved premises, or movement to either a fixed concentration point or a slaughtering establishment.

Sec. 72. Section 169.5, Code 2009, is amended to read as follows:

169.5 BOARD OF VETERINARY MEDICINE.

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

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

ing in supplies, equipment, or instruments used or useful in the practice of veterinary medicine.

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

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

2. The members of the board shall be appointed for a term of three years except the terms of the members of the initial board shall be rotated in such a manner that at least one member shall retire each year and a successor be appointed. The term of each member shall commence and end as provided by section 69.19. Members shall serve no more than three terms or nine years total, whichever is less. Any vacancy in the membership of the board caused by death, resignation, removal, or otherwise, shall be filled for the period of the unexpired term in the same manner as original appointments.

~~3. Any vacancy in the membership of the board caused by death, resignation, removal, or otherwise, shall be filled for the period of the unexpired term in the same manner as original appointments.~~

~~4. Members of the board shall, in addition to necessary traveling and other expenses, set their own per diem compensation at a rate not exceeding the per diem specified in section 7E.6 for each day actually engaged in the discharge of their duties including compensation for the time spent traveling to and from the place of conducting the examination and for a reasonable number of days for the preparation of examination and the reading of papers, in addition to the time actually spent in conducting examinations, within the limits of funds appropriated to the board.~~

~~5. The department shall furnish the board with all articles and supplies required for the public use and necessary to enable the board to perform the duties imposed upon it by law. Such articles and supplies shall be obtained by the department in the same manner in which the regular supplies for the department are obtained, and the department shall assess the costs to the board for such articles and supplies. The board shall also reimburse the department for direct and indirect administrative costs incurred in issuing and renewing the licenses.~~

~~6.~~ 3. The board shall meet at least once each year as determined by the board. Other necessary meetings may be called by the president of the board by giving proper notice. Except as provided, a majority of the board constitutes a quorum. Meetings shall be open and public except that the board may meet in closed session to prepare, approve, administer, or grade examinations, or to deliberate the qualifications of an applicant for license or the disposition of a proceeding to discipline a licensed veterinarian.

~~7.~~ 4. At its annual meeting, the board shall organize by electing a president and such other officers as may be necessary. Officers of the board serve for terms of one year and until a successor is elected, without limitation on the number of terms an officer may serve. The president shall serve as chairperson of board meetings. The person designated as the state veterinarian shall serve as secretary of the board.

5. The duties of the board shall include carrying on the correspondence of the board, keeping permanent accounts and records of all receipts and disbursements by the board and of all board proceedings, including the disposition of all applications for a license, and keeping a register of all persons currently licensed by the board. The representatives of the general public shall not prepare, grade, or otherwise administer examinations to applicants for a license to practice veterinary medicine. All board records shall be open to public inspection during regular office hours.

6. Members of the board shall set their own per diem compensation, at a rate not exceeding the per diem specified in section 7E.6 for each day actually engaged in the discharge of their duties, as well as compensation for necessary traveling and other expenses. Compensation for veterinarian members of the board shall include compensation for the time spent traveling

to and from the place of conducting the examination and for a reasonable number of days for the preparation of examination and the reading of papers, in addition to the time actually spent in conducting examinations, within the limits of funds appropriated to the board.

~~8. The board shall set the fees by rule for a license to practice veterinary medicine issued upon the basis of the examination. It shall also set the fees by rule for a license granted on the basis of reciprocity, a renewal of a license to practice veterinary medicine, a certified statement that a licensee is licensed to practice in this state, and an issuance of a duplicate license when the original is lost or destroyed. The fee shall be based upon the administrative costs of sustaining the board and shall include, but shall not be limited to, the following:~~

~~a. Per diem, expenses, and travel of board members.~~

~~b. Costs to the department for administration of this chapter.~~

~~9.~~ 7. Upon a three-fifths vote, the board may:

a. Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in the state.

b. Issue, renew, or deny issuance or renewal of licenses and temporary permits to practice veterinary medicine in this state.

c. Establish and publish annually a schedule of fees for licensing and registration of veterinarians. The fees shall be set by rule and shall include fees for a license to practice veterinary medicine issued upon the basis of the examination, a license granted on the basis of reciprocity, a renewal of a license to practice veterinary medicine, a certified statement that a licensee is licensed to practice in this state, and an issuance of a duplicate license when the original is lost or destroyed. The fee schedule shall be based on the board's anticipated financial requirements for the year, which shall include but not be limited to the following:

(1) Per diem, expenses, and travel of board members.

(2) Costs to the department for administration of this chapter.

d. Conduct investigations for the purpose of discovering violations of this chapter or grounds for disciplining licensed veterinarians.

e. Hold hearings on all matters properly brought before the board and administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings. The board may require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and commission depositions. An administrative law judge may be appointed pursuant to section 17A.11 to perform those functions which properly repose in an administrative law judge.

f. Employ full-time or part-time personnel, professional, clerical, or special, as are necessary to effectuate the provisions of this chapter.

g. Appoint from its own membership one or more members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable.

h. Bring proceedings in the courts for the enforcement of this chapter or any regulations made pursuant to this chapter.

i. Adopt, amend, or repeal rules relating to the standards of conduct for, testing of, and revocation or suspension of certificates issued to veterinary assistants. However, a certificate shall not be suspended or revoked by less than a two-thirds vote of the entire board in a proceeding conducted in compliance with section 17A.12.

j. Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provision of this chapter, including the establishment and publication of standards of professional conduct for the practice of veterinary medicine.

8. The powers enumerated ~~above~~ in subsection 7 are granted for the purpose of enabling the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

~~10.~~ 9. A person who provides veterinary medical services, owns a veterinary clinic, or practices in this state shall obtain a certificate from the board and be subject to the same standards of conduct, as provided in this chapter and rules adopted by the board, as apply to a licensed veterinarian, unless the board determines that the same standards of conduct are inapplicable.

The board shall issue, renew, or deny a certificate; adopt rules relating to the standards of conduct; and take disciplinary action against the person, including suspension or revocation of a certificate, in accordance with the procedures established in section 169.14. Certification fees shall be established by the board pursuant to subsection ~~9~~ 7, paragraph "j". Fees shall be established in an amount sufficient to fully offset the costs of certification pursuant to this subsection. For the fiscal year beginning July 1, 2001, and ending June 30, 2002, the department shall retain fees collected to administer the program of certifying veterinary clinics and the fees retained are appropriated to the department for the purposes of this subsection. For the fiscal year beginning July 1, 2001, and ending June 30, 2002, notwithstanding section 8.33, fees which remain unexpended at the end of the fiscal year shall not revert to the general fund of the state but shall be available for use for the following fiscal year to administer the program. For the fiscal year beginning July 1, 2002, and succeeding fiscal years, certification fees shall be deposited in the general fund of the state and are appropriated to the department to administer the certification provisions of this subsection. This subsection shall not apply to an animal shelter, as defined in section 162.2, that provides veterinary medical services to animals in the custody of the shelter.

10. The department shall furnish the board with all articles and supplies required for the public use and necessary to enable the board to perform the duties imposed upon it by law. Such articles and supplies shall be obtained by the department in the same manner in which the regular supplies for the department are obtained, and the department shall assess the costs to the board for such articles and supplies. The board shall also reimburse the department for direct and indirect administrative costs incurred in issuing and renewing the licenses.

Sec. 73. Section 175B.4, Code 2009, is amended to read as follows:

175B.4 OTHER PROGRAMS.

Nothing in this chapter restricts the department from providing for other programs which promote the purposes of the federal programs.

Sec. 74. Section 190.12, Code 2009, is amended to read as follows:

190.12 STANDARDS FOR FROZEN DESSERTS.

1. Frozen desserts and the pasteurized dairy ingredients used in the manufacture thereof, shall comply with the following standards:

Milk, cream, and fluid dairy ingredient	Temperature Bacterial limit Coliform limit	Storage at 45 degrees F. 50,000 per milliliter 10 per milliliter
Frozen dessert mixes, frozen desserts (plain)	Temperature Bacterial limit Coliform limit	Storage at 45 degrees F. 50,000 per gram 10 per gram
Dry dairy ingredient	Extra grade or better as defined by U.S. Standards for grades for the particular product.	
Dry powder mix	Bacterial limit Coliform limit	50,000 per gram 10 per gram

2. The bacteria count and coliform determination shall not exceed ~~this standard~~ these standards in three out of the last five consecutive samples taken by the regulatory agency.

3. This section shall not preclude holding mix at a higher temperature for a short period of time immediately prior to freezing where applicable to the particular manufacturing or processing practices.

4. This section shall not apply to sterilized mix in hermetically sealed containers.

5. The coliform determination for bulky flavored frozen desserts shall not be more than twenty per gram.

Sec. 75. Section 191.6, Code 2009, is amended to read as follows:

191.6 STANDARDS FOR OLEOMARGARINE.

The department may prescribe and establish standards for oleo, oleomargarine, or margarine manufactured or sold in this state and may adopt the standards set up by ~~now existing~~ regulations of the ~~federal security administration or agency as found in 1949, Code of Federal Regulations, Title 21, Part 45, § 45.0~~ food and drug administration of the United States department of health and human services, 21 C.F.R. § 166.110, or any amendments thereto. Any standards so established shall not be contrary to or inconsistent with the provisions of section 190.1, subsection 6, entitled "Oleomargarine".

Sec. 76. Section 200.14, Code 2009, is amended to read as follows:

200.14 RULES.

1. The secretary is authorized, after public hearing, following due notice, to adopt rules setting forth minimum general safety standards for the design, construction, location, installation and operation of equipment for storage, handling, transportation by tank truck or tank trailer, and utilization of anhydrous ammonia.

a. The rules shall be such as are reasonably necessary for the protection and safety of the public and persons using anhydrous ammonia, and shall be in substantial conformity with the generally accepted standards of safety.

b. ~~It is hereby declared that rules~~ Rules that are in substantial conformity with the published standards of the agricultural ammonia institute for the design, installation and construction of containers and pertinent equipment for the storage and handling of anhydrous ammonia, shall be deemed to be in substantial conformity with the generally accepted standards of safety.

2. Anhydrous ammonia equipment shall be installed and maintained in a safe operating condition and in conformity with rules adopted by the secretary.

3. The secretary ~~is hereby charged with the enforcement of~~ shall enforce this chapter~~,~~ and, after due publicity and due public hearing, ~~is empowered to~~ may promulgate and adopt such reasonable rules as may be necessary in order to carry into effect the purpose and intent and to secure the efficient administration of this chapter ~~or to secure the efficient administration thereof~~.

4. ~~Nothing in this~~ This chapter ~~shall~~ does not prohibit the use of storage tanks smaller than transporting tanks nor the transfer of all kinds of fertilizer including anhydrous ammonia directly from transporting tanks to implements of husbandry, if proper safety precautions are observed.

Sec. 77. Section 203C.18, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. A statement that the receipt is issued subject to the Iowa warehouse Act and the rules and regulations prescribed pursuant to ~~the Act~~ this chapter.

Sec. 78. Section 203D.1, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 10A. "Purchased grain" means grain which is entered in the company owned paid position as evidenced on the grain dealer's daily position record.

Sec. 79. Section 203D.3, subsection 2, paragraph a, unnumbered paragraph 1, Code 2009, is amended to read as follows:

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

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

5. Issue commercial applicator license.

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

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

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

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

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

~~b.~~ c. The secretary shall issue a commercial applicator license limited to the classifications for which the applicant is qualified, which shall expire at the end of the calendar year of issue unless it has been revoked or suspended by the secretary for cause. The secretary may limit the license of the applicant to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the secretary shall inform the applicant in writing of the reasons.

Sec. 81. Section 207.15, subsections 1, 2, and 5, Code 2009, are amended to read as follows:

1. a. (1) A person who violates a permit condition, a provision of this chapter, or a rule or order issued under this chapter is subject to a civil penalty not to exceed five thousand dollars per day for each day of violation.

(2) If a violation results in the issuance of a cessation order, a civil penalty shall be imposed. The penalty shall not exceed five thousand dollars for each day of violation.

b. In determining the amount of the penalty, consideration shall be given to the operator's history of previous violations at the particular mining operation, the seriousness of the violation, including any irreparable harm to the environment and any hazard to the health or safety of the public, whether the operator was negligent, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of the violation.

c. An operator who fails to correct a violation for which a notice or order has been issued within the period permitted for its correction shall be required to pay a civil penalty of not less than seven hundred fifty dollars for each day during which the failure or violations continue.

2. a. If a notice or order has been issued, the division may assess a recommended penalty in accordance with a schedule established by rule. The person to whom the notice or order was issued may submit written information within fifteen days of the notice or order to be considered by the division. The division shall serve the assessment by certified mail, return receipt requested, within thirty days of issuance of the notice or order. The division may reassess any penalty if necessary to ~~consider~~ account for facts not reasonably available on the date of issuance of the assessment. A person may consent to a penalty assessment by paying the penalty without resort to judicial proceedings.

b. If a violation results in the issuance of a cessation order pursuant to section 207.14 the division shall assess a penalty.

5. If a violation results in a cessation order pursuant to section 207.14, the attorney general, at the request of the division, shall institute a civil action in district court for injunctive relief.

5A. Notwithstanding section 17A.20, an appeal bond shall be required for an appeal of a judgment assessing a civil penalty.

Sec. 82. Section 216.8A, subsection 3, paragraph c, subparagraph (1), Code 2009, is amended to read as follows:

(1) A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to afford the person full enjoyment of the premises. However, it is not discrimination for a landlord,

~~In~~ in the case of a rental~~, a landlord may,~~ and where reasonable to do so, to condition permission for a modification on the renter's agreement to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

Sec. 83. Section 216.16, Code 2009, is amended to read as follows:

216.16 SIXTY-DAY ADMINISTRATIVE RELEASE.

1. A person claiming to be aggrieved by an unfair or discriminatory practice must initially seek an administrative relief by filing a complaint with the commission in accordance with section 216.15. This provision also applies to persons claiming to be aggrieved by an unfair or discriminatory practice committed by the state or an agency or political subdivision of the state, notwithstanding the terms of the Iowa administrative procedure Act, chapter 17A. ~~A complainant after~~

2. After the proper filing of a complaint with the commission, a complainant may subsequently commence an action for relief in the district court if all of the following conditions have been satisfied:

a. The complainant has timely filed the complaint with the commission as provided in section 216.15, subsection 12~~; and~~.

b. The complaint has been on file with the commission for at least sixty days and the commission has issued a release to the complainant pursuant to subsection ~~2 of this section~~ 3.

~~2.~~ 3. a. Upon a request by the complainant, and after the expiration of sixty days from the timely filing of a complaint with the commission, the commission shall issue to the complainant a release stating that the complainant has a right to commence an action in the district court. A release under this subsection shall not be issued if ~~a~~ any of the following apply:

(1) A finding of no probable cause has been made on the complaint by the administrative law judge charged with that duty under section 216.15, subsection 3~~, a~~.

(2) A conciliation agreement has been executed under section 216.15~~, the~~.

(3) The commission has served notice of hearing upon the respondent pursuant to section 216.15, subsection 5~~, or the~~.

(4) The complaint is closed as an administrative closure and two years have elapsed since the issuance date of the closure.

b. Notwithstanding section 216.15, subsection 4, a party may obtain a copy of all documents contained in a case file where the commission has issued a release to the complainant pursuant to this subsection.

~~3.~~ 4. An action authorized under this section is barred unless commenced within ninety days after issuance by the commission of a release under subsection ~~2 of this section~~ 3. If a complainant obtains a release from the commission under subsection ~~2 of this section~~ 3, the commission is barred from further action on that complaint.

~~4.~~ 5. Venue for an action under this section shall be in the county in which the respondent resides or has its principal place of business, or in the county in which the alleged unfair or discriminatory practice occurred.

~~5.~~ 6. The district court may grant any relief in an action under this section which is authorized by section 216.15, subsection 8 to be issued by the commission. The district court may also award the respondent reasonable attorney's fees and court costs when the court finds that the complainant's action was frivolous.

~~6.~~ 7. It is the legislative intent of this chapter that every complaint be at least preliminarily screened during the first one hundred twenty days.

8. This section does not authorize administrative closures if an investigation is warranted.

Sec. 84. Section 216E.7, Code 2009, is amended to read as follows:

216E.7 EXEMPTIONS.

This chapter does not apply to a hearing aid sold, leased, or transferred to a consumer by an audiologist licensed under chapter ~~147~~ 154F, or a hearing aid dispenser licensed under chapter 154A, if the audiologist or dispenser provides either an express warranty for the hearing aid or provides for service and replacement of the hearing aid.

Sec. 85. Section 229.15, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. A psychiatric advanced registered nurse practitioner treating a patient previously hospitalized under this chapter may complete periodic reports pursuant to this section on the patient if the patient has been recommended for treatment on an outpatient or other appropriate basis pursuant to section 229.14, subsection 1, paragraph "c", and if a psychiatrist licensed pursuant to chapter 148~~, 150, or 150A~~ personally evaluates the patient on at least an annual basis.

Sec. 86. Section 235.1, Code 2009, is amended to read as follows:

235.1 DEFINITIONS.

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

1. ~~The terms "state division", "administrator", and "child" are used in this chapter and chapter 238 as the terms are~~ "Administrator" means the same as defined in section 234.1.

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

3. "Child welfare services" means social welfare services for the protection and care of children who are homeless, dependent or neglected, or in danger of becoming delinquent, or who have a mental illness or mental retardation or other developmental disability, including, when necessary, care and maintenance in a foster care facility. Child welfare services are designed to serve a child in the child's home whenever possible. If not possible, and the child is placed outside the child's home, the placement should be in the least restrictive setting available and in close proximity to the child's home.

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

Sec. 87. Section 235B.3A, subsection 3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

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

Sec. 88. Section 235B.3A, subsection 3, unnumbered paragraph 2, Code 2009, is amended by striking the paragraph.

Sec. 89. Section 235E.2, subsection 13, paragraph a, subparagraphs (2) and (3), Code 2009, are amended to read as follows:

(2) The alleged dependent adult abuser requests the presence of ~~a~~ an employee organization or union representative.

(3) The employee organization or union representative maintains the confidentiality of all information from the interview subject to the penalties provided in section 235B.12 if such confidentiality is breached.

Sec. 90. Section 235E.3, subsection 3, paragraph a, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Providing a dependent adult with immediate and adequate notice of the dependent adult's rights. The notice shall consist of handing the dependent adult a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and con-

tains a copy of the following written statement~~,~~; requesting the dependent adult to read the card; and asking the dependent adult whether the dependent adult understands the rights:

Sec. 91. Section 235E.3, subsection 3, paragraph b, Code 2009, is amended by striking the paragraph.

Sec. 92. Section 235E.4, Code 2009, is amended to read as follows:

235E.4 CHAPTER 235B APPLICATION.

Sections 235B.4 through 235B.20, where not inconsistent with this chapter, shall apply to this chapter.

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

Providing an abused person with immediate and adequate notice of the person's rights. The notice shall consist of handing the person a document that includes the telephone numbers of shelter,[1] support groups, and crisis lines operating in the area and contains a copy of the following statement written in English and Spanish~~,~~; asking the person to read the card; and asking whether the person understands the rights:

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

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

238.1 DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

[1] According to enrolled Act; the work "shelters" probably intended

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

256D.2A PROGRAM FUNDING.

~~Beginning~~ For the budget year beginning July 1, 2009, and each succeeding budget year, a school district shall expend funds received pursuant to section 257.10, subsection 11, at the kindergarten through grade three levels to reduce class sizes to the state goal of seventeen students for every one teacher and to achieve a higher level of student success in the basic skills, especially reading. In order to support these efforts, school districts may expend funds received pursuant to section 257.10, subsection 11, at the kindergarten through grade three level on programs, instructional support, and materials that include but are not limited to the following: additional licensed instructional staff; additional support for students, such as before and after school programs, tutoring, and intensive summer programs; the acquisition and administration of diagnostic reading assessments; the implementation of research-based instructional intervention programs for students needing additional support; the implementation of all-day, everyday kindergarten programs; and the provision of classroom teachers with intensive training programs to improve reading instruction and professional development in best practices including but not limited to training programs related to instruction to increase students' phonemic awareness, reading abilities, and comprehension skills.

Sec. 99. Section 256D.4A, Code 2009, is amended to read as follows:

256D.4A PROGRAM REQUIREMENTS.

A school district shall maintain a separate listing within its budget for payments received and expenditures made pursuant to this ~~section~~ chapter. A school district shall certify to the department of education that moneys received under this ~~section~~ chapter were used to supplement, not supplant, moneys otherwise received and used by the school district.

Sec. 100. Section 257.11, subsection 3, paragraph b, unnumbered paragraph 1, Code 2009, is amended to read as follows:

If the school budget review committee certifies to the department of management that the class would not otherwise be implemented without the assignment of additional weighting, pupils attending a community college-offered class or attending a class taught by a community college-employed instructor are assigned a weighting of the percentage of the pupil's school day during which the pupil attends class in the community college or attends a class taught by a community college-employed instructor ~~of~~ times seventy hundredths for career and technical courses ~~and~~ or forty-six hundredths for liberal arts and sciences courses. The following requirements shall be met for the purposes of assigning an additional weighting for classes offered through a sharing agreement between a school district and community college. The class must be:

Sec. 101. Section 260C.14, subsection 22, paragraph a, subparagraphs (1), (3), and (5), Code 2009, are amended to read as follows:

(1) Total revenue received from each local school district as a result of high school students enrolled in community college courses under the postsecondary enrollment options ~~Act~~ program.

(3) Unduplicated headcount of high school students enrolled in community college courses under the postsecondary enrollment options ~~Act~~ program.

(5) Total credits earned by high school students enrolled in community college courses under the postsecondary enrollment options ~~Act~~ program, broken down by vocational-technical or career program and arts and sciences program.

Sec. 102. Section 262.9, subsection 4, Code 2009, is amended to read as follows:

4. Manage and control the property, both real and personal, belonging to the institutions.

4A. ~~The board shall purchase~~ Purchase or require the purchase of, when the price is reasonably competitive and the quality as intended, soybean-based inks. All inks purchased that are used internally or are contracted for by the board shall be soybean-based to the extent formulations for such inks are available.

a. The department of natural resources shall review the procurement specifications currently used by the board to eliminate, wherever possible, discrimination against the procurement of products manufactured with soybean-based inks.

b. The department of natural resources shall assist the board in locating suppliers of recycled content products and soybean-based inks and collecting data on recycled content and soybean-based ink purchases.

c. The board, in conjunction with the department of natural resources, shall adopt rules to carry out the provisions of this ~~section~~ subsection.

d. The department of natural resources shall cooperate with the board in all phases of implementing this ~~section~~ subsection.

Sec. 103. Section 279.13, subsection 1, paragraph b, subparagraph (1), Code 2009, is amended to read as follows:

(1) Prior to entering into an initial contract with a teacher who holds a license other than an initial license issued by the board of educational examiners under chapter 272, the school district shall initiate a state criminal history record check of the applicant through the division of criminal investigation of the department of public safety, submit the applicant's fingerprints to the division for submission to the federal bureau of investigation for a national criminal history record check, and review the sex offender registry information under section 692A.13, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding ~~applicants~~ the applicant for employment as a teacher.

Sec. 104. Section 282.18, Code 2009, is amended to read as follows:

282.18 OPEN ENROLLMENT.

1. a. It is the goal of the general assembly to permit a wide range of educational choices for children enrolled in schools in this state and to maximize ability to use those choices. It is therefore the intent that this section be construed broadly to maximize parental choice and access to educational opportunities which are not available to children because of where they live.

b. For the school year commencing July 1, 1989, and each succeeding school year, a parent or guardian residing in a school district may enroll the parent's or guardian's child in a public school in another school district in the manner provided in this section.

2. a. By March 1 of the preceding school year for students entering grades one through twelve, or by September 1 of the current school year for students entering kindergarten, the parent or guardian shall send notification to the district of residence and the receiving district, on forms prescribed by the department of education, that the parent or guardian intends to enroll the parent's or guardian's child in a public school in another school district. If a parent or guardian fails to file a notification that the parent intends to enroll the parent's or guardian's child in a public school in another district by the deadline specified in this subsection, the procedures of subsection 4 apply.

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

c. Every school district shall adopt a policy which defines the term "insufficient classroom space" for that district.

3. a. The superintendent of a district subject to a voluntary diversity or court-ordered desegregation plan, as recognized by rule of the state board of education, may deny a request for

transfer under this section if the superintendent finds that enrollment or release of a pupil will adversely affect the district's implementation of the desegregation order or diversity plan, unless the transfer is requested by a pupil whose sibling is already participating in open enrollment to another district, or unless the request for transfer is submitted to the district in a timely manner as required under subsection 2 prior to the adoption of a desegregation plan by the district. If a transfer request would facilitate a voluntary diversity or court-ordered desegregation plan, the district shall give priority to granting the request over other requests.

b. A parent or guardian, whose request has been denied because of a desegregation order or diversity plan, may appeal the decision of the superintendent to the board of the district in which the request was denied. The board may either uphold or overturn the superintendent's decision. A decision of the board to uphold the denial of the request is subject to appeal to the district court in the county in which the primary business office of the district is located. The state board of education shall adopt rules establishing definitions, guidelines, and a review process for school districts that adopt voluntary diversity plans. The guidelines shall include criteria and standards that school districts must follow when developing a voluntary diversity plan. The department of education shall provide technical assistance to a school district that is seeking to adopt a voluntary diversity plan. A school district implementing a voluntary diversity plan prior to July 1, 2008, shall have until July 1, 2009, to comply with guidelines adopted by the state board pursuant to this section.

c. The board of directors of a school district subject to voluntary diversity or court-ordered desegregation shall develop a policy for implementation of open enrollment in the district. The policy shall contain objective criteria for determining when a request would adversely impact the desegregation order or voluntary diversity plan and criteria for prioritizing requests that do not have an adverse impact on the order or plan.

4. a. After March 1 of the preceding school year and until the date specified in section 257.6, subsection 1, the parent or guardian shall send notification to the district of residence and the receiving district, on forms prescribed by the department of education, that good cause, as defined in paragraph "b", exists for failure to meet the March 1 deadline. The board of directors of a receiving school district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications submitted after the March 1 deadline. The board of the receiving district shall take action to approve the request if good cause exists. If the request is granted, the board shall transmit a copy of the form to the parent or guardian and the school district of residence within five days after board action. A denial of a request by the board of a receiving district is not subject to appeal.

b. For purposes of this section, "good cause" means a change in a child's residence due to a change in family residence, a change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship or custody proceeding, placement in foster care, adoption, participation in a foreign exchange program, or participation in a substance abuse or mental health treatment program, a change in the status of a child's resident district such as removal of accreditation by the state board, surrender of accreditation, or permanent closure of a nonpublic school, revocation of a charter school contract as provided in section 256F.8, the failure of negotiations for a whole grade sharing, reorganization, dissolution agreement or the rejection of a current whole grade sharing agreement, or reorganization plan. If the good cause relates to a change in status of a child's school district of residence, however, action by a parent or guardian must be taken to file the notification within forty-five days of the last board action or within thirty days of the certification of the election, whichever is applicable to the circumstances.

c. If a resident district believes that a receiving district is violating this subsection, the resident district may, within fifteen days after board action by the receiving district, submit an appeal to the director of the department of education.

d. The director, or the director's designee, shall attempt to mediate the dispute to reach approval by both boards as provided in subsection ~~16~~ 14. If approval is not reached under mediation, the director or the director's designee shall conduct a hearing and shall hear testimony from both boards. Within ten days following the hearing, the director shall render a decision

upholding or reversing the decision by the board of the receiving district. Within five days of the director's decision, the board may appeal the decision of the director to the state board of education under the procedures set forth in chapter 290.

5. Open enrollment applications filed after March 1 of the preceding school year that do not qualify for good cause as provided in subsection 4 shall be subject to the approval of the board of the resident district and the board of the receiving district. The parent or guardian shall send notification to the district of residence and the receiving district that the parent or guardian seeks to enroll the parent's or guardian's child in the receiving district. A decision of either board to deny an application filed under this subsection involving repeated acts of harassment of the student or serious health condition of the student that the resident district cannot adequately address is subject to appeal under section 290.1. The state board shall exercise broad discretion to achieve just and equitable results that are in the best interest of the affected child or children.

6. A request under this section is for a period of not less than one year. If the request is for more than one year and the parent or guardian desires to have the pupil enroll in a different district, the parent or guardian may petition the current receiving district by March 1 of the previous school year for permission to enroll the pupil in a different district for a period of not less than one year. Upon receipt of such a request, the current receiving district board may act on the request to transfer to the other school district at the next regularly scheduled board meeting after the receipt of the request. The new receiving district shall enroll the pupil in a school in the district unless there is insufficient classroom space in the district or unless enrollment of the pupil would adversely affect the court-ordered or voluntary desegregation plan of the district. A denial of a request to change district enrollment within the approved period is not subject to appeal. However, a pupil who has been in attendance in another district under this section may return to the district of residence and enroll at any time, once the parent or guardian has notified the district of residence and the receiving district in writing of the decision to enroll the pupil in the district of residence.

7. A pupil participating in open enrollment shall be counted, for state school foundation aid purposes, in the pupil's district of residence. A pupil's residence, for purposes of this section, means a residence under section 282.1. The board of directors of the district of residence shall pay to the receiving district the state cost per pupil for the previous school year, plus any moneys received for the pupil as a result of the non-English speaking weighting under section 280.4, subsection 3, for the previous school year multiplied by the state cost per pupil for the previous year. If the pupil participating in open enrollment is also an eligible pupil under section 261E.6, the receiving district shall pay the tuition reimbursement amount to an eligible postsecondary institution as provided in section 261E.7.

8. If a request filed under this section is for a child requiring special education under chapter 256B, the request to transfer to the other district shall only be granted if the receiving district maintains a special education instructional program which is appropriate to meet the child's educational needs and the enrollment of the child in the receiving district's program would not cause the size of the class in that special education instructional program in the receiving district to exceed the maximum class size in rules adopted by the state board of education for that program. For children requiring special education, the board of directors of the district of residence shall pay to the receiving district the actual costs incurred in providing the appropriate special education.

9. a. If a parent or guardian of a child, who is participating in open enrollment under this section, moves to a different school district during the course of either district's academic year, the child's first district of residence shall be responsible for payment of the cost per pupil plus weightings or special education costs to the receiving school district for the balance of the school year in which the move took place. The new district of residence shall be responsible for the payments during succeeding years.

b. If a request to transfer is due to a change in family residence, change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship proceeding, placement in foster care, adoption, participation in a foreign exchange program,

or participation in a substance abuse or mental health treatment program, and the child who is the subject of the request is enrolled in any grade from kindergarten through grade twelve at the time of the request and is not currently using any provision of open enrollment, the parent or guardian of the child shall have the option to have the child remain in the child's original district of residence under open enrollment with no interruption in the child's kindergarten through grade twelve educational program. If a parent or guardian exercises this option, the child's new district of residence is not required to pay the amount calculated in subsection 7 until the start of the first full year of enrollment of the child.

c. Quarterly payments shall be made to the receiving district.

d. If the transfer of a pupil from one district to another results in a transfer from one area education agency to another, the sending district shall forward a copy of the request to the sending district's area education agency. The receiving district shall forward a copy of the request to the receiving district's area education agency. Any moneys received by the area education agency of the sending district for the pupil who is the subject of the request shall be forwarded to the receiving district's area education agency.

e. A district of residence may apply to the school budget review committee if a student was not included in the resident district's enrollment count during the fall of the year preceding the student's transfer under open enrollment.

10. Notwithstanding section 285.1 relating to transportation of nonresident pupils, the parent or guardian is responsible for transporting the pupil without reimbursement to and from a point on a regular school bus route of the receiving district. However, a receiving district may send school vehicles into the district of residence of the pupil using the open enrollment option under this section, for the purpose of transporting the pupil to and from school in the receiving district, if the boards of both the sending and receiving districts agree to this arrangement. If the pupil meets the economic eligibility requirements established by the department and state board of education, the sending district is responsible for providing transportation or paying the pro rata cost of the transportation to a parent or guardian for transporting the pupil to and from a point on a regular school bus route of a contiguous receiving district unless the cost of providing transportation or the pro rata cost of the transportation to a parent or guardian exceeds the average transportation cost per pupil transported for the previous school year in the district. If the cost exceeds the average transportation cost per pupil transported for the previous school year, the sending district shall only be responsible for that average per pupil amount. A sending district which provides transportation for a pupil to a contiguous receiving district under this subsection may withhold from the district cost per pupil amount, that is to be paid to the receiving district, an amount which represents the average or pro rata cost per pupil for transportation, whichever is less.

~~11. Every school district shall adopt a policy which defines the term "insufficient classroom space" for that district.~~

~~12. The board of directors of a school district subject to voluntary or court-ordered desegregation shall develop a policy for implementation of open enrollment in the district. The policy shall contain objective criteria for determining when a request would adversely impact the desegregation order or plan and criteria for prioritizing requests that do not have an adverse impact on the order or plan.~~

~~13.~~ 11. A pupil who participates in open enrollment for purposes of attending a grade in grades nine through twelve in a school district other than the district of residence is ineligible to participate in varsity interscholastic athletic contests and athletic competitions during the pupil's first ninety school days of enrollment in the district except that the pupil may participate immediately in a varsity interscholastic sport if the pupil is entering grade nine for the first time and did not participate in an interscholastic athletic competition for another school or school district during the summer immediately following eighth grade, if the district of residence and the other school district jointly participate in the sport, if the sport in which the pupil wishes to participate is not offered in the district of residence, if the pupil chooses to use open enrollment to attend school in another school district because the district in which the student previously attended school was dissolved and merged with one or more contiguous school dis-

tricts under section 256.11, subsection 12, if the pupil participates in open enrollment because the pupil's district of residence has entered into a whole grade sharing agreement with another district for the pupil's grade, or if the parent or guardian of the pupil participating in open enrollment is an active member of the armed forces and resides in permanent housing on government property provided by a branch of the armed services. A pupil who has paid tuition and attended school, or has attended school pursuant to a mutual agreement between the two districts, in a district other than the pupil's district of residence for at least one school year is also eligible to participate immediately in interscholastic athletic contests and athletic competitions under this section, but only as a member of a team from the district that pupil had attended. For purposes of this subsection, "school days of enrollment" does not include enrollment in summer school. For purposes of this subsection, "varsity" means the same as defined in section 256.46.

~~14.~~ 12. If a pupil, for whom a request to transfer has been filed with a district, has been suspended or expelled in the district, the pupil shall not be permitted to transfer until the pupil has been reinstated in the sending district. Once the pupil has been reinstated, however, the pupil shall be permitted to transfer in the same manner as if the pupil had not been suspended or expelled by the sending district. If a pupil, for whom a request to transfer has been filed with a district, is expelled in the district, the pupil shall be permitted to transfer to a receiving district under this section if the pupil applies for and is reinstated in the sending district. However, if the pupil applies for reinstatement but is not reinstated in the sending district, the receiving district may deny the request to transfer. The decision of the receiving district is not subject to appeal.

~~15.~~ 13. If a request under this section is for transfer to a laboratory school, as described in chapter 265, the student, who is the subject of the request, shall not be included in the basic enrollment of the student's district of residence, and the laboratory school shall report the enrollment of the student directly to the department of education, unless the number of students from the district attending the laboratory school during the current school year, as a result of open enrollment under this section, exceeds the number of students enrolled in the laboratory school from that district during the 1989-1990 school year. If the number of students enrolled in the laboratory school from a district during the current year exceeds the number of students enrolled from that district during the 1989-1990 school year, those students who represent the difference between the current and the 1988-1989 school year enrollment figures shall be included in the basic enrollment of the students' districts of residence and the districts shall retain any moneys received as a result of the inclusion of the student in the district enrollment. The total number of students enrolled at a laboratory school during a school year shall not exceed six hundred seventy students. The regents institution operating the laboratory school and the board of directors of the school district in the community in which the regents institution is located shall develop a student transfer policy designed to protect and promote the quality and integrity of the teacher education program at the laboratory school, the viability of the education program of the local school district in which the regents institution is located, and to indicate the order in which and reasons why requests to transfer to a laboratory school shall be considered. A laboratory school may deny a request for transfer under the policy. A denial of a request to transfer under this paragraph is not subject to appeal under section 290.1.

~~16.~~ 14. An application for open enrollment may be granted at any time with approval of the resident and receiving districts.

~~17.~~ 15. The director of the department of education shall recommend rules to the state board of education for the orderly implementation of this section. The state board shall adopt rules as needed for the implementation of this section.

Sec. 105. Section 282.26, Code 2009, is amended to read as follows:

282.26 HIGH SCHOOL STUDENTS ATTENDING ADVANCED COURSES.

1. The board of any community college may, by mutual agreement with any college or university, permit any specially qualified high school student to attend advanced courses of academic instruction at the college or university.

2. The state board of regents and the state board of education may by rule permit such students to attend any institution of higher learning under their jurisdiction. Credit earned in any such course at a college or university may be applied toward credit for high school graduation. Public school funds shall not be expended for payment of tuition or other costs for such attendance at a college or university, unless the payment is expressly permitted or required by law.

3. ~~The foregoing provisions~~ Subsections 1 and 2 shall also apply to colleges and universities in adjacent states when the institutions are located nearer to the homes or schools of the school district than the closest college or university within the state.

Sec. 106. Section 294A.9, subsection 9, Code 2009, is amended to read as follows:

9. Subsections 2, 3, 4, ~~and~~ 7, and this subsection are repealed June 30, 2009.

Sec. 107. Section 294A.25, subsection 2, Code 2009, is amended to read as follows:

2. For the fiscal year beginning July 1, 2009, and for each succeeding fiscal year, there is appropriated from the general fund of the state to the department of education an amount not to exceed fifteen million six hundred thirty-three thousand two hundred forty-five dollars. The moneys shall be distributed as provided in this section.

Sec. 108. Section 297.10, Code 2009, is amended to read as follows:

297.10 COMPENSATION.

Any compensation for ~~such~~ the use of a schoolhouse and schoolhouse grounds shall be paid into the general fund and be expended in the upkeep and repair of ~~such school property,~~ and in purchasing supplies ~~therefor~~ for that school property.

Sec. 109. Section 298.3, Code 2009, is amended to read as follows:

298.3 REVENUES FROM THE LEVIES.

1. The revenue from the regular and voter-approved physical plant and equipment levies shall be placed in the physical plant and equipment levy fund and expended only for the following purposes:

~~1.~~ a. The purchase and improvement of grounds. For the purpose of this ~~subsection~~ paragraph:

~~a.~~ (1) "Purchase of grounds" includes the legal costs relating to the property acquisition, costs of surveys of the property, costs of relocation assistance under state and federal law, and other costs incidental to the property acquisition.

~~b.~~ (2) "Improvement of grounds" includes grading, landscaping, paving, seeding, and planting of shrubs and trees; constructing sidewalks, roadways, retaining walls, sewers and storm drains, and installing hydrants; surfacing and soil treatment of athletic fields and tennis courts; exterior lighting, including athletic fields and tennis courts; furnishing and installing flagpoles, gateways, fences, and underground storage tanks which are not parts of building service systems; demolition work; and special assessments against the school district for public improvements, as defined in section 384.37.

~~2.~~ b. The construction of schoolhouses or buildings and opening roads to schoolhouses or buildings.

~~3.~~ c. The purchase, lease, or lease-purchase of a single unit of equipment or technology exceeding five hundred dollars in value per unit.

~~4.~~ d. The payment of debts contracted for the erection or construction of schoolhouses or buildings, not including interest on bonds.

~~5.~~ e. Procuring or acquisition of library facilities.

~~6.~~ f. Repairing, remodeling, reconstructing, improving, or expanding the schoolhouses or buildings and additions to existing schoolhouses. For the purpose of this paragraph:

(1) ~~For the purpose of this subsection, "repairing"~~ "Repairing" means restoring an existing structure or thing to its original condition, as near as may be, after decay, waste, injury, or partial destruction, but does not include maintenance~~; and "reconstructing".~~

(2) "Reconstructing" means rebuilding or restoring as an entity a thing which was lost or destroyed.

~~7.~~ g. Expenditures for energy conservation, including payments made pursuant to a guarantee furnished by a school district entering into a financing agreement for energy ~~conservation measures~~ management improvements, limited to agreements pursuant to section 473.19, 473.20, or 473.20A.

~~8.~~ h. The rental of facilities under chapter 28E.

~~9.~~ i. Purchase of transportation equipment for transporting students.

~~10.~~ j. The purchase of buildings or lease-purchase option agreements for school buildings.

~~11.~~ k. Equipment purchases for recreational purposes.

~~12.~~ l. Payments to a municipality or other entity as required under section 403.19, subsection 2.

2. Interest earned on money in the physical plant and equipment levy fund may be expended for a purpose listed in this section.

3. Unencumbered funds collected prior to July 1, 1991, from the levy previously authorized under section 297.5, Code 1991, may be expended for the purposes listed in this section.

4. Revenue from the regular and voter-approved physical plant and equipment levies shall not be expended for school district employee salaries or travel expenses, supplies, printing costs or media services, or for any other purpose not expressly authorized in this section.

Sec. 110. Section 298.18, Code 2009, is amended to read as follows:

298.18 BOND TAX — ELECTION — LEASING BUILDINGS.

1. a. The board of each school corporation shall, when estimating and certifying the amount of money required for general purposes, estimate and certify to the board of supervisors of the proper county for the debt service fund the amount required to pay interest due or that may become due for the fiscal year beginning July 1, thereafter upon lawful bonded indebtedness, and in addition thereto such amount as the board may deem necessary to apply on the principal.

b. The amount estimated and certified to apply on principal and interest for any one year shall not exceed two dollars and seventy cents per thousand dollars of the assessed valuation of the taxable property of the school corporation except as ~~hereinafter~~ otherwise provided in this section.

c. For the sole purpose of computing the amount of bonds which may be issued as a result of the application of any limitation referred to in this section, all interest on the bonds in excess of that accruing in the first twelve months may be excluded from the first annual levy of taxes, so that the need for including more than one year's interest in the first annual levy of taxes to pay the bonds and interest shall not operate to further restrict the amount of bonds which may be issued, and in certifying the annual levies to the county auditor or auditors such first annual levy of taxes shall be sufficient to pay all principal of and interest on said bonds becoming due prior to the next succeeding annual levy and the full amount of such first annual levy shall be entered for collection by said auditor or auditors, as provided in chapter 76.

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

2. The proposition submitted to the voters at such election shall be in substantially the following form:

Shall the board of directors of the . . . . . (insert name of school corporation) in the County of . . . . . , State of Iowa, be authorized to levy annually a tax exceeding two dollars and seventy cents per thousand dollars, but not exceeding . . . dollars and . . . . . cents per thousand dollars of the assessed value of the taxable property within said school corporation to pay the principal of and interest on bonded indebtedness of said school corporation, it being understood that the approval of this proposition shall not limit the source of payment of the bonds and interest but shall only operate to restrict the amount of bonds which may be issued?

3. Notice of the election shall be given by the county commissioner of elections according to section 49.53. The county commissioner of elections shall conduct the election pursuant to the provisions of chapters 39 through 53 and certify the results to the board of directors. The proposition shall not be deemed carried or adopted unless the vote in favor of such proposition is equal to at least sixty percent of the total vote cast for and against the proposition at the election. Whenever such a proposition has been approved by the voters of a school corporation as hereinbefore provided, no further approval of the voters of such school corporation shall be required as a result of any subsequent change in the boundaries of such school corporation.

4. The voted tax levy referred to ~~herein~~ in this section shall not limit the source of payment of bonds and interest but shall only restrict the amount of bonds which may be issued.

5. a. The ability of a school corporation to exceed two dollars and seventy cents per thousand dollars of assessed value to service principal and interest payments on bonded indebtedness is limited and conferred only to those school corporations engaged in the administration of elementary and secondary education.

b. ~~Provided further that if~~ If a school corporation leases a building or property, which has been used as a junior college by such corporation, to a community college, the annual amounts certified as herein provided by such leasing school corporation for payment of interest and principal due on lawful bonded indebtedness incurred by such leasing school corporation for purchasing, building, furnishing, reconstructing, repairing, improving or remodeling the building leased or acquiring or adding to the site of such property leased, to the extent of the respective annual rent the school corporation will receive under such lease, shall not be considered as a part of the total amount estimated and certified for the purposes of determining if such amount exceeds any limitation contained in this section.

Sec. 111. Section 306C.10, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 17A. "Specific information of interest to the traveling public" means only information about public places for camping, lodging, eating, and motor fuel and associated services, including trade names which have telephone facilities available when the public place is open for business and businesses engaged in selling motor fuel which have free air for tire inflation and restroom facilities available when the public place is open for business.

Sec. 112. Section 306C.11, subsection 5, Code 2009, is amended to read as follows:

5. a. Signs, displays, and devices giving specific information of interest to the traveling public, shall be erected by the department and maintained within the right-of-way in the areas, and at appropriate distances from interchanges on the interstate system and freeway primary highways as shall conform with the rules adopted by the department. The rules shall be consistent with national standards promulgated from time to time or as permitted by the appropriate authority of the federal government pursuant to 23 U.S.C. § 131(f) except as provided in this section. The rules shall include but are not limited to the following:

~~a.~~ (1) Criteria for eligibility for signing.

~~b.~~ (2) Criteria for limiting or excluding businesses that maintain advertising devices that do not conform to the requirements of chapter 306B, this division, or other statutes or administrative rules regulating outdoor advertising.

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

~~d.~~ (4) Provisions for specifying the maximum distance to eligible businesses.

~~e.~~ (5) Provisions specifying the maximum number of signs permitted per panel and per interchange.

~~f.~~ (6) Provisions for determining what businesses are signed when there are more applicants than the maximum number of signs permitted.

~~g.~~ (7) Provisions for removing signs when businesses cease to meet minimum requirements for participation and related costs.

~~For purposes of this division, "specific information of interest to the traveling public" means only information about public places for camping, lodging, eating, and motor fuel and associ-~~

~~ated services, including trade names which have telephone facilities available when the public place is open for business and businesses engaged in selling motor fuel which have free air for tire inflation and restroom facilities available when the public place is open for business.~~

b. Business signs supplied to the department by commercial vendors shall be on panels, with dimensional and material specifications established by the department. A business sign included under the provisions of this section shall not be posted unless it is in compliance with these specifications. The commercial vendor shall pay to the department a fee based upon the schedule adopted under this subsection for each business sign supplied for posting. Upon furnishing the business signs to the department and payment of all fees, the department shall post the business signs on eligible specific information panels. Faded signs shall be replaced and the commercial vendor charged for the cost of replacement based upon the fee schedule adopted. There is created in the office of the treasurer of state a fund to be known as the "highway beautification fund" and all funds received for the posting on specific information panels shall be deposited in the "highway beautification fund". Information on motor fuel and associated services may include vehicle service and repair where the same is available.

Sec. 113. Section 307.21, Code 2009, is amended to read as follows:

307.21 ADMINISTRATIVE SERVICES.

1. The department's administrator of administrative services shall:

~~1.~~ a. Provide for the proper maintenance and protection of the grounds, buildings, and equipment of the department, in cooperation with the department of administrative services.

~~2.~~ b. Establish, supervise, and maintain a system of centralized electronic data processing for the department, in cooperation with the department of administrative services.

~~3.~~ c. Assist the director in preparing the departmental budget.

~~4. a.~~ d. Provide centralized purchasing services for the department, in cooperation with the department of administrative services. The administrator shall, when the price is reasonably competitive and the quality as intended, purchase soybean-based inks and plastic products with recycled content, including but not limited to plastic garbage can liners, and shall purchase these items in accordance with the schedule established in section 8A.315. However, the administrator need not purchase garbage can liners in accordance with the schedule if the liners are utilized by a facility approved by the environmental protection commission created under section 455A.6, for purposes of recycling. For purposes of this ~~subsection~~ section, "recycled content" means that the content of the product contains a minimum of thirty percent post-consumer material.

e. Assist the director in employing the professional, technical, clerical, and secretarial staff for the department and maintain employee records, in cooperation with the department of administrative services and provide personnel services, including but not limited to training, safety education, and employee counseling.

f. Assist the director in coordinating the responsibilities and duties of the various divisions within the department.

g. Carry out all other general administrative duties for the department.

h. Perform such other duties and responsibilities as may be assigned by the director.

~~b.~~ 2. ~~The~~ When performing the duty of providing centralized purchasing services under subsection 1, the administrator shall do all of the following:

~~(1)~~ a. Purchase and use recycled printing and writing paper in accordance with the schedule established in section 8A.315.

~~(2)~~ b. Establish a wastepaper recycling program in accordance with recommendations made by the department of natural resources and the requirements of section 8A.329.

~~(3)~~ c. Require in accordance with section 8A.311 product content statements and compliance with requirements regarding procurement specifications.

~~(4)~~ d. Comply with the requirements for the purchase of lubricating oils, industrial oils, greases, and hydraulic fluids as established pursuant to section 8A.316.

~~(5)~~ e. Give preference to purchasing designated biobased products in the same manner as provided in section 8A.317.

~~c.~~ 3. The department shall report to the general assembly by February 1 of each year, the following:

~~(1)~~ a. A listing of plastic products which are regularly purchased by the board for which recycled content product alternatives are available, including the cost of the plastic products purchased and the cost of the recycled content product alternatives.

~~(2)~~ b. Information relating to soybean-based inks and plastic garbage can liners with recycled content regularly purchased by the department, including the cost of purchasing soybean-based inks and plastic garbage can liners with recycled content and the percentages of soybean-based inks and plastic garbage can liners with recycled content that have been purchased.

~~d.~~ 4. A gasoline-powered vehicle purchased by the administrator shall not operate on gasoline other than ethanol blended gasoline as defined in section 214A.1. A diesel-powered motor vehicle purchased by the administrator shall not operate on diesel fuel other than biodiesel fuel as defined in section 214A.1, if commercially available. A state-issued credit card shall not be valid to purchase gasoline other than ethanol blended gasoline or to purchase diesel fuel other than biodiesel fuel, if commercially available. The motor vehicle shall also be affixed with a brightly visible sticker which notifies the traveling public that the motor vehicle is being operated on ethanol blended gasoline or biodiesel fuel, as applicable. However, the sticker is not required to be affixed to an unmarked vehicle used for purposes of providing law enforcement or security.

5. a. Of all new passenger vehicles and light pickup trucks purchased by the administrator, a minimum of ten percent of all such vehicles and trucks purchased shall be equipped with engines which utilize alternative methods of propulsion, including but not limited to any of the following:

(1) A flexible fuel which is any of the following:

(a) E-85 gasoline as provided in section 214A.2.

(b) B-20 biodiesel blended fuel as provided in section 214A.2.

(c) A renewable fuel approved by the office of renewable fuels and coproducts pursuant to section 159A.3.

(2) Compressed or liquefied natural gas.

(3) Propane gas.

(4) Solar energy.

(5) Electricity.

b. The provisions of this subsection do not apply to vehicles and trucks purchased and directly used for law enforcement or off-road maintenance work.

6. The administrator shall, whenever technically feasible, purchase and use degradable loose foam packing material manufactured from grain starches or other renewable resources, unless the cost of the packing material is more than ten percent greater than the cost of packing material made from nonrenewable resources. For the purposes of this subsection, "packing material" means material, other than an exterior packing shell, that is used to stabilize, protect, cushion, or brace the contents of a package.

~~7. Assist the director in employing the professional, technical, clerical and secretarial staff for the department and maintain employee records, in cooperation with the department of administrative services and provide personnel services, including but not limited to training, safety education, and employee counseling.~~

~~8. Assist the director in coordinating the responsibilities and duties of the various divisions within the department.~~

~~9. Carry out all other general administrative duties for the department.~~

~~10. Perform such other duties and responsibilities as may be assigned by the director.~~

7. The administrator of administrative services may purchase items from the department of administrative services and may cooperate with the director of the department of administrative services by providing purchasing services for the department of administrative services.

Sec. 114. Section 312.2, Code 2009, is amended to read as follows:

312.2 ALLOCATIONS FROM FUND.

1. The treasurer of the state shall, on the first day of each month, credit all road use tax funds which have been received by the treasurer, to the primary road fund, the secondary road fund of the counties, the farm-to-market road fund, and the street construction fund of cities in the following manner and amounts:

~~1.~~ a. To the primary road fund, forty-seven and one-half percent.

~~2.~~ b. To the secondary road fund of the counties, twenty-four and one-half percent.

~~3.~~ c. To the farm-to-market road fund, eight percent.

~~4.~~ d. To the street construction fund of the cities, twenty percent.

~~5.~~ 2. The treasurer of state shall before making the ~~above~~ allotments in subsection 1 credit annually to the highway grade crossing safety fund the sum of seven hundred thousand dollars, credit annually from the road use tax fund the sum of nine hundred thousand dollars to the highway railroad grade crossing surface repair fund, credit monthly to the primary road fund the dollars yielded from an allotment of sixty-five hundredths of one percent of all road use tax funds for the express purpose of carrying out subsection 11 of section 307A.2, section 313.4, subsection 2, and section 307.45, and credit annually to the primary road fund the sum of five hundred thousand dollars to be used for paying expenses incurred by the state department of transportation other than expenses incurred for extensions of primary roads in cities. All unobligated funds provided by this subsection, except those funds credited to the highway grade crossing safety fund, shall at the end of each year revert to the road use tax fund. Funds in the highway grade crossing safety fund shall not revert to the road use tax fund except to the extent they exceed five hundred thousand dollars at the end of any biennium. The cost of each highway railroad grade crossing repair project shall be allocated in the following manner:

a. Twenty percent of the project cost shall be paid by the railroad company.

b. Twenty percent of the project cost shall be paid by the highway authority having jurisdiction of the road crossing the railroad.

c. Sixty percent of the project cost shall be paid from the highway railroad grade crossing surface repair fund.

~~6.~~ 3. The treasurer of state shall before making the allotments provided for in this section credit monthly to the state department of transportation funds sufficient in amount to pay the costs of purchasing certificate of title and registration forms, and supplies and materials and for the cost of prison labor used in manufacturing motor vehicle registration plates, decalcomania emblems, and validation stickers at the prison industries.

~~7.~~ 4. The treasurer of state, before making the allotments provided in this section, shall credit annually to the primary road fund from the road use tax fund the sum of seven million one hundred thousand dollars.

~~8.~~ 5. a. The treasurer of state, before making any allotments to counties under this section, shall reduce the allotment to a county for the secondary road fund by the amount by which the total funds that the county transferred or provided during the prior fiscal year under section 331.429, subsection 1, paragraphs “a”, “b”, “d”, and “e”, are less than seventy-five percent of the sum of the following:

~~a.~~ (1) From the general fund of the county, the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county.

~~b.~~ (2) From the rural services fund of the county, the dollar equivalent of a tax of three dollars and three-eighths of a cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

b. Funds remaining in the secondary road fund of the counties due to a reduction of allocations to counties for failure to maintain a minimum local tax effort shall be reallocated to counties that are not reduced under this subsection pursuant to the allocation provisions of section 312.3, subsection 1, based upon the needs and area of the county. Information necessary to

make allocations under this subsection shall be provided by the state department of transportation or the director of the department of management upon request by the treasurer of state.

~~9.~~ 6. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the living roadway trust fund created under section 314.21 one hundred fifty thousand dollars from the road use tax fund.

~~10.~~ 7. The treasurer of state, before making the other allotments provided for in this section, shall credit annually to the primary road fund from the road use tax fund the sum of four million four hundred thousand dollars and to the farm-to-market road fund from the road use tax fund the sum of one million five hundred thousand dollars for partial compensation of allowing trucks to operate on the roads of this state as provided in section 321.463.

~~11.~~ 8. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the living roadway trust fund created under section 314.21 one hundred thousand dollars from the road use tax fund.

~~12.~~ 9. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the revitalize Iowa's sound economy fund, created under section 315.2, the revenue accruing to the road use tax fund in the amount equal to the revenues collected under each of the following:

a. From the excise tax on motor fuel and special fuel imposed under the tax rate of section 452A.3 except aviation gasoline, the amount of excise tax collected from one and three-fourths cents per gallon.

b. From the excise tax on special fuel for diesel engines, the amount of excise tax collected from one and three-fourths cents per gallon.

~~13.~~ 10. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the secondary road fund the revenue accruing to the road use tax fund in the amount equal to the revenues collected under each of the following:

a. From the excise tax on motor fuel and special fuel imposed under the tax rate of section 452A.3, except aviation gasoline, the amount of excise tax collected from one-fourth cent per gallon.

b. From the excise tax on special fuel for diesel engines, the amount of excise tax collected from one-fourth cent per gallon.

~~14.~~ 11. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the state department of transportation for county, city, and state traffic safety improvement projects an amount equal to one-half of one percent of moneys credited to the road use tax fund.

~~15.~~ 12. a. The treasurer of state, before making the allotments provided for in this section, for the fiscal year beginning July 1, 1990, and each succeeding fiscal year, shall credit from the road use tax fund two million dollars to the county bridge construction fund, which is hereby created. Moneys credited to the county bridge construction fund shall be allocated to counties by the department for bridge construction, reconstruction, replacement, or realignment based on needs in accordance with rules adopted by the department.

b. The treasurer of state, before making the allotments provided for in this section, for the fiscal year beginning July 1, 1990, and each succeeding fiscal year, shall credit from the road use tax fund five hundred thousand dollars to the city bridge construction fund, which is hereby created. Moneys credited to the city bridge construction fund shall be allocated to cities by the department for bridge construction and reconstruction based on needs in accordance with rules adopted by the department.

~~16.~~ 13. The treasurer of state, before making the allotments provided for in this section, shall credit annually from the road use tax fund to the state department of transportation the sum of six hundred fifty thousand dollars for the purpose of providing county treasurers with automation and telecommunications equipment and support for vehicle registration and titling and driver licensing. Notwithstanding section 8.33, unobligated funds credited under this subsection remaining on June 30 of the fiscal year shall not revert but shall remain available for expenditure for purposes of this subsection in subsequent fiscal years.

~~17.~~ 14. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the primary road fund an amount equal to ten percent of the revenues collected from the operation of section 321.105A, subsection 2, to be used for the commercial and industrial highway network.

~~18.~~ 15. a. The treasurer of state, before making the allotments provided for in this section, shall credit monthly to the TIME-21 fund created in section 312A.2, an amount equal to ten dollars from each fee for issuance of a certificate of title collected pursuant to sections 321.20; 321.20A; 321.23; 321.42; 321.46, other than a title issued for a returned vehicle under section 322G.12; section 321.47; and section 321.109 and an amount equal to eight dollars from each fee collected for issuance of a certificate of title pursuant to section 321.46 for a returned vehicle under section 322G.12 and from each fee collected for issuance of a salvage certificate of title pursuant to section 321.52.

b. This subsection is repealed June 30, 2028.

~~19.~~ 16. a. The treasurer of state, before making the allotments provided for in this section, shall credit monthly to the TIME-21 fund created in section 312A.2 an amount equal to ten dollars from each trailer registration fee collected pursuant to section 321.123, subsection 1, paragraph "a", subparagraph (1), twenty dollars from each trailer registration fee collected pursuant to section 321.123, subsection 1, paragraph "a", subparagraph (2), and one-third of the amount collected from trailer registration fees pursuant to section 321.123, subsection 2.

b. This subsection is repealed June 30, 2028.

~~20.~~ 17. a. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the TIME-21 fund created in section 312A.2, the revenue accruing to the road use tax fund from annual motor vehicle registration fees for passenger cars, multipurpose vehicles, and motor trucks in excess of three hundred ninety-two million dollars annually.

b. This subsection is repealed June 30, 2028.

Sec. 115. Section 314.2, Code 2009, is amended to read as follows:

314.2 INTEREST IN CONTRACT PROHIBITED.

No state or county official or employee, elective or appointive shall be directly or indirectly interested in any contract for the construction, reconstruction, improvement or maintenance of any highway, bridge or culvert, or the furnishing of materials therefor. The letting of a contract in violation of ~~the foregoing provisions~~ this section shall invalidate the contract and such violation shall be a complete defense to any action to recover any consideration due or earned under the contract at the time of its termination.

Sec. 116. Section 321.52A, Code 2009, is amended to read as follows:

321.52A CERTIFICATE OF TITLE SURCHARGE — ALLOCATION OF MONEYS.

In addition to the fee required for the issuance of a certificate of title under section 321.20, 321.20A, 321.23, 321.42, 321.46, 321.47, 321.48, ~~321.50,~~ or 321.52, a surcharge of five dollars shall be required. Of each surcharge collected under those sections, the county treasurer shall remit five dollars to the office of treasurer of state for deposit as set forth in section 321.145, subsection 2.

Sec. 117. Section 321.92, subsection 1, Code 2009, is amended to read as follows:

1. FRAUDULENT INTENT.

a. No person shall with fraudulent intent, deface, destroy, or alter the vehicle identification number or component part number or other distinguishing number or identification mark of a vehicle or component part, including a rebuilt identification, nor shall a person place or stamp a serial, engine, or other number or mark upon a vehicle or component part, except one assigned thereto by the department.

b. The year of manufacture of a fence-line feeder, grain cart, or tank wagon manufactured on or after July 1, 2001, shall be permanently made a part of the identification plate on the vehicle. A person shall not fraudulently alter, deface, or attempt to fraudulently alter or deface the

year of manufacture or other product identification number on a fence-line feeder, grain cart, or tank wagon.

c. A violation of this ~~provision~~ subsection is a felony punishable as provided in section 321.483.

d. This subsection does not prohibit the restoration of an original vehicle identification number, component part number, or other number or mark when the restoration is made by the department, nor prevent a manufacturer from placing, in the ordinary course of business, numbers or marks upon vehicles or component parts.

Sec. 118. Section 321.231, subsection 5, Code 2009, is amended to read as follows:

5. The ~~foregoing~~ provisions of this section shall not relieve the driver of an authorized emergency vehicle or the rider of a police bicycle from the duty to drive or ride with due regard for the safety of all persons, nor shall such provisions protect the driver or rider from the consequences of the driver's or rider's reckless disregard for the safety of others.

Sec. 119. Section 321.285, Code 2009, is amended to read as follows:

321.285 SPEED RESTRICTIONS.

1. Any person driving a motor vehicle on a highway shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway and of any other conditions then existing, and no person shall drive any vehicle upon a highway at a speed greater than will permit the person to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said highway will observe the law.

2. a. ~~The following shall be the lawful speed except as~~ Unless otherwise provided by this section, or except as posted pursuant to sections 262.68, 321.236, subsection 5, section 321.288, subsection 6, sections 321.289, 321.290, 321.293, 321.295, and 461A.36, the following shall be the lawful speed and any speed in excess thereof shall be unlawful:

~~1.~~ (1) Twenty miles per hour in any business district.

~~2.~~ (2) Twenty-five miles per hour in any residence or school district.

~~3.~~ (3) Forty-five miles per hour in any suburban district.

b. Each school district as defined in subsection 70 of section 321.1 shall be marked by distinctive signs as provided by the current manual of uniform traffic control devices adopted by the department and placed on the highway at the limits of such school district.

~~4.~~ 3. ~~Notwithstanding any~~ Unless otherwise provided in this section or by other speed restrictions, the speed limit for all vehicular traffic shall be fifty-five miles per hour.

~~5.~~ 4. ~~Reasonable~~ A reasonable and proper speed is required, but not greater than fifty-five miles per hour at any time between sunrise and sunset, and not greater than fifty miles per hour at any time between sunset and sunrise, on secondary roads unless such roads are surfaced with concrete or asphalt or a combination of both, in which case the speed limits shall be the same as provided in subsection ~~4 of this section~~ 3. When the board of supervisors of any county shall determine upon the basis of an engineering and traffic investigation that the speed limit on any secondary road is greater than is reasonable and proper under the conditions found to exist at any intersection or other place or upon any part of a secondary road, the board shall determine and declare a reasonable and proper speed limit at the intersection or other part of the secondary road. The speed limits as determined by the board of supervisors shall be effective when appropriate signs giving notice of the speed limits are erected by the board of supervisors at the intersection or other place or part of the highway.

~~6.~~ 5. a. Notwithstanding any other speed restrictions, the speed limit for all vehicular traffic on fully controlled-access, divided, multilaned highways is sixty-five miles per hour. However, the speed limit for all vehicular traffic on highways that are part of the interstate road system, as defined in section 306.3, is seventy miles per hour. The department may establish a speed limit of sixty-five miles per hour on certain divided, multilaned highways not otherwise described in this paragraph.

b. The department, on its own motion or in response to a recommendation of a metropolitan

or regional planning commission or council of governments, may establish a lower speed limit on a highway described in this subsection.

c. For the purposes of this subsection, "fully controlled-access highway" means a highway that gives preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections.

d. A minimum speed may be established by the department on the highways referred to in this subsection if warranted by engineering and traffic investigations.

e. Any kind of vehicle, implement, or conveyance incapable of attaining and maintaining a speed of forty miles per hour shall be prohibited from using the interstate road system.

~~7.~~ 6. Notwithstanding any other speed restrictions, a self-propelled implement of husbandry equipped with flotation tires that is designed to be loaded and operated in the field and used exclusively for the application of organic or inorganic plant food materials, agricultural limestone, or agricultural chemicals shall not be operated on a highway at a speed in excess of thirty-five miles per hour.

Sec. 120. Section 321.376, subsection 1, Code 2009, is amended to read as follows:

1. The driver of a school bus shall hold a driver's license issued by the department of transportation valid for the operation of the school bus and a certificate of qualification for operation of a commercial motor vehicle issued by a physician or osteopathic physician licensed pursuant to chapter 148 ~~or 150A~~, physician's assistant, advanced registered nurse practitioner, or chiropractor or any other person identified by federal and state law as authorized to perform physical examinations, and shall successfully complete an approved course of instruction in accordance with subsection 2. A person holding a temporary restricted license issued under chapter 321J shall be prohibited from operating a school bus. The department of education shall refuse to issue an authorization to operate a school bus to any person who, after notice and opportunity for hearing, is determined to have committed any of the acts proscribed under section 321.375, subsection 2. The department of education shall take adverse action against any person who, after notice and opportunity for hearing, is determined to have committed any of the acts proscribed under section 321.375, subsection 2. Such action may include a reprimand or warning of the person or the suspension or revocation of the person's authorization to operate a school bus. The department of education shall recommend, and the state board of education shall adopt under chapter 17A, rules and procedures for issuing and suspending or revoking authorization to operate a school bus in this state. Rules and procedures adopted shall include, but are not limited to, provisions for the revocation or suspension of, or refusal to issue, authorization to persons who are determined to have committed any of the acts proscribed under section 321.375, subsection 2.

Sec. 121. Section 321.463, subsection 4, paragraph b, Code 2009, is amended to read as follows:

b. (1) Notwithstanding any provision of this section to the contrary, the weight on any one axle of a fence-line feeder, grain cart, or tank wagon operated on the highways of this state shall not exceed twenty-four thousand pounds from February 1 through May 31 or twenty-eight thousand pounds from June 1 through January 31, provided, however, that the maximum gross vehicle weight of the fence-line feeder, grain cart, or tank wagon shall not exceed ninety-six thousand pounds.

(2) Notwithstanding any provision of this section to the contrary, a tracked implement of husbandry operated on the highways of this state shall not have a maximum gross weight in excess of ninety-six thousand pounds.

(3) A fence-line feeder, grain cart, tank wagon, or tracked implement of husbandry shall comply with the other provisions of this section and chapter when operated over a bridge in this state. A local authority may issue a special permit, based on a statewide standard developed by the department, allowing the operation over a bridge within its jurisdiction of a fence-line feeder, grain cart, tank wagon, or tracked implement of husbandry with a weight in excess of the weights allowed under this chapter.

~~(2)~~ (4) For purposes of this paragraph "b"~~, "highway":~~

(a) "Highway" does not include a bridge.

(b) ~~For purposes of this paragraph "b", "fence-line~~ "Fence-line feeder, grain cart, or tank wagon" means all of the following:

~~(a)~~ (i) A fence-line feeder, grain cart, or tank wagon manufactured on or after July 1, 2001.

~~(b)~~ (ii) After July 1, 2005, any fence-line feeder, grain cart, or tank wagon.

~~The year of manufacture of a fence-line feeder, grain cart, or tank wagon manufactured on or after July 1, 2001, shall be permanently made a part of the identification plate on the vehicle. Fraudulently altering or defacing or attempting to fraudulently alter or deface the year of manufacture or other product identification number on a fence-line feeder, grain cart, or tank wagon is a violation of section 321.92.~~

Sec. 122. Section 321.488, Code 2009, is amended to read as follows:

321.488 PROCEDURE NOT EXCLUSIVE.

The ~~foregoing~~ provisions of this chapter shall govern all peace officers in making arrests without a warrant for violations of this chapter for offenses committed in their presence, but the procedure prescribed herein shall not be exclusive of any other method prescribed by law for the arrest and prosecution of a person.

Sec. 123. Section 321.506, Code 2009, is amended to read as follows:

321.506 ACTUAL SERVICE WITHIN THIS STATE.

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

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

321A.7 DURATION OF SUSPENSION.

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

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

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

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

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

b. Twelve months have elapsed after such security was required~~, provided~~ and the department has not been notified by any party to the action or an attorney for any party that an action

upon such an agreement has been instituted in a court in this state within one year after such security was required.

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

330A.10 FUNDS OF AN AUTHORITY.

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

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

Sec. 126. Section 331.653, subsection 27, Code 2009, is amended to read as follows:

27. Give notice of the time and place of making an appraisement of unneeded school land as provided in ~~section~~ sections 297.17 and 297.28.

Sec. 127. Section 335.22, Code 2009, is amended to read as follows:

335.22 PRECEDENCE.

All issues in any proceedings under ~~the foregoing~~ sections 335.18 through 335.21 shall have preference over all other civil actions and proceedings.

Sec. 128. Section 358.8, Code 2009, is amended to read as follows:

358.8 EXPENSES AND COSTS OF ELECTION.

The election held pursuant to this chapter shall be conducted by the county commissioner of elections. All expenses incurred in carrying out ~~the foregoing~~ sections 358.4 and 358.5 of this chapter, together with the costs of the election, as determined by the county commissioner of elections, shall be paid by those who will be benefited by the proposed sanitary district. If the district is not established, the expenses and costs shall be collected upon the bond or bonds of the petitioners.

Sec. 129. Section 358C.9, Code 2009, is amended to read as follows:

358C.9 EXPENSES AND COSTS OF ELECTION.

The election held pursuant to this chapter shall be conducted by the county commissioner of elections. All expenses incurred in carrying out ~~the preceding~~ sections ~~of this chapter~~ 358C.5 and 358C.6, and the costs of the election, as determined by the county commissioner of elections, shall be paid by those who will be benefited by the proposed district. If the district is not established, the expenses and costs shall be collected upon the bonds of the petitioners.

Sec. 130. Section 364.17, subsection 3, Code 2009, is amended to read as follows:

3. a. A city which adopts or is subject to a housing code under this section shall adopt enforcement procedures, which shall include a program for regular rental inspections, rental inspections upon receipt of complaints, and certification of inspected rental housing, and may include but are not limited to the following:

~~a.~~ (1) A schedule of civil penalties or criminal fines for violations. A city may charge the owner of housing a late payment fee of twenty-five dollars and may add interest of up to one and one-half percent per month if a penalty or fine imposed under this ~~paragraph~~ subparagraph is not paid within thirty days of the date that the penalty or fine is due. The city shall send a notice of the late payment fee to such owner by first class mail to the owner's personal or business mailing address. The late payment fee and the interest shall not accrue if such owner files an appeal with either the city, if the city has established an appeals procedure, or

the district court. Any unpaid penalty, fine, fee, or interest shall constitute a lien on the real property and may be collected in the same manner as a property tax. However, before a lien is filed, the city shall send a notice of intent to file a lien to the owner of the housing by first class mail to such owner's personal or business mailing address.

~~b.~~ (2) Authority for the issuance of orders requiring violations to be corrected within a reasonable time.

~~c.~~ (3) Authority for the issuance of citations pursuant to sections 805.1 to 805.5 upon a failure to satisfactorily remedy a violation.

~~d.~~ (4) Authority, if other methods have failed, for an officer to contract to have work done as necessary to remedy a violation, the cost of which shall be assessed to the violator and constitute a lien on the property until paid.

~~e.~~ (5) An escrow system for the deposit of rent which will be applied to the costs of correcting violations.

~~f.~~ (6) Mediation of disputes based upon alleged violations.

~~g.~~ (7) Injunctive procedures.

~~The enforcement procedures shall be designed to improve housing conditions rather than to displace persons from their homes.~~

~~h.~~ (8) Authority by ordinance to provide that no rent shall be recoverable by the owner or lessee of any dwelling which does not comply with the housing code adopted by the city until such time as the dwelling does comply with the housing code adopted by the city.

b. The enforcement procedures shall be designed to improve housing conditions rather than to displace persons from their homes.

Sec. 131. Section 384.84, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. A city utility or enterprise service to a property or premises shall not be discontinued unless prior written notice is sent, by ordinary mail, to the account holder in whose name the delinquent rates or charges were incurred, informing the account holder of the nature of the delinquency and affording the account holder the opportunity for a hearing prior to discontinuance of service. If the account holder is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord.

Sec. 132. Section 384.84, subsection 3, paragraph c, Code 2009, is amended to read as follows:

c. A lien for a city utility or enterprise service under paragraph "a" shall not be certified to the county treasurer for collection unless prior written notice of intent to certify a lien is given to the account holder in whose name the delinquent rates or charges were incurred at least thirty days prior to certification. If the account holder is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty days prior to certification of the lien to the county treasurer.

Sec. 133. Section 414.19, Code 2009, is amended to read as follows:

414.19 PREFERENCE IN TRIAL.

All issues in any proceedings under ~~the foregoing~~ sections 414.15 through 414.18 shall have preference over all other civil actions and proceedings.

Sec. 134. Section 421B.3, subsection 3, paragraph b, Code 2009, is amended to read as follows:

b. Each day ~~the~~ a violation occurs counts as a new violation for purposes of this subsection.

Sec. 135. Section 422.5, Code 2009, is amended to read as follows:

422.5 TAX IMPOSED — EXCLUSIONS — ALTERNATIVE MINIMUM TAX.

1. A tax is imposed upon every resident and nonresident of the state which tax shall be lev-

ied, collected, and paid annually upon and with respect to the entire taxable income as defined in this division at rates as follows:

a. On all taxable income from zero through one thousand dollars, thirty-six hundredths of one percent.

b. On all taxable income exceeding one thousand dollars but not exceeding two thousand dollars, seventy-two hundredths of one percent.

c. On all taxable income exceeding two thousand dollars but not exceeding four thousand dollars, two and forty-three hundredths percent.

d. On all taxable income exceeding four thousand dollars but not exceeding nine thousand dollars, four and one-half percent.

e. On all taxable income exceeding nine thousand dollars but not exceeding fifteen thousand dollars, six and twelve hundredths percent.

f. On all taxable income exceeding fifteen thousand dollars but not exceeding twenty thousand dollars, six and forty-eight hundredths percent.

g. On all taxable income exceeding twenty thousand dollars but not exceeding thirty thousand dollars, six and eight-tenths percent.

h. On all taxable income exceeding thirty thousand dollars but not exceeding forty-five thousand dollars, seven and ninety-two hundredths percent.

i. On all taxable income exceeding forty-five thousand dollars, eight and ninety-eight hundredths percent.

j. (1) The tax imposed upon the taxable income of a nonresident shall be computed by reducing the amount determined pursuant to paragraphs "a" through "i" by the amounts of nonrefundable credits under this division and by multiplying this resulting amount by a fraction of which the nonresident's net income allocated to Iowa, as determined in section 422.8, subsection 2, paragraph "a", is the numerator and the nonresident's total net income computed under section 422.7 is the denominator. This provision also applies to individuals who are residents of Iowa for less than the entire tax year.

(2) (a) The tax imposed upon the taxable income of a resident shareholder in an S corporation which has in effect for the tax year an election under subchapter S of the Internal Revenue Code and carries on business within and without the state may be computed by reducing the amount determined pursuant to paragraphs "a" through "i" by the amounts of nonrefundable credits under this division and by multiplying this resulting amount by a fraction of which the resident's net income allocated to Iowa, as determined in section 422.8, subsection 2, paragraph "b", is the numerator and the resident's total net income computed under section 422.7 is the denominator. If a resident shareholder has elected to take advantage of this subparagraph (2), and for the next tax year elects not to take advantage of this subparagraph, the resident shareholder shall not reelect to take advantage of this subparagraph for the three tax years immediately following the first tax year for which the shareholder elected not to take advantage of this subparagraph, unless the director consents to the reelection. This subparagraph also applies to individuals who are residents of Iowa for less than the entire tax year.

(b) This subparagraph (2) shall not affect the amount of the taxpayer's checkoffs under this division, the credits from tax provided under this division, and the allocation of these credits between spouses if the taxpayers filed separate returns or separately on combined returns.

~~k.~~ 2. a. There is imposed upon every resident and nonresident of this state, including estates and trusts, the greater of the tax determined in subsection 1, paragraphs "a" through "j", or the state alternative minimum tax equal to seventy-five percent of the maximum state individual income tax rate for the tax year, rounded to the nearest one-tenth of one percent, of the state alternative minimum taxable income of the taxpayer as computed under this ~~paragraph~~ subsection.

b. The state alternative minimum taxable income of a taxpayer is equal to the taxpayer's state taxable income, as computed with the deductions in section 422.9, with the following adjustments:

(1) Add items of tax preference included in federal alternative minimum taxable income under section 57, except subsections (a)(1), (a)(2), and (a)(5), of the Internal Revenue Code,

make the adjustments included in federal alternative minimum taxable income under section 56, except subsections (a)(4), (b)(1)(C)(iii), and (d), of the Internal Revenue Code, and add losses as required by section 58 of the Internal Revenue Code. To the extent that any preference or adjustment is determined by an individual's federal adjusted gross income, the individual's federal adjusted gross income is computed in accordance with section 422.7, subsection 39. In the case of an estate or trust, the items of tax preference, adjustments, and losses shall be apportioned between the estate or trust and the beneficiaries in accordance with rules prescribed by the director.

(2) Subtract the applicable exemption amount as follows:

(a) Seventeen thousand five hundred dollars for a married person who files separately or for an estate or trust.

(b) Twenty-six thousand dollars for a single person or a head of household.

(c) Thirty-five thousand dollars for a married couple which files a joint return.

(d) The exemption amount shall be reduced, but not below zero, by an amount equal to twenty-five percent of the amount by which the alternative minimum taxable income of the taxpayer, computed without regard to the exemption amount in this subparagraph (2), exceeds the following:

(i) Seventy-five thousand dollars in the case of a taxpayer described in subparagraph ~~subdivision~~ division (a).

(ii) One hundred twelve thousand five hundred dollars in the case of a taxpayer described in subparagraph ~~subdivision~~ division (b).

(iii) One hundred fifty thousand dollars in the case of a taxpayer described in subparagraph ~~subdivision~~ division (c).

(3) In the case of a net operating loss computed for a tax year beginning after December 31, 1982, which is carried back or carried forward to the current taxable year, the net operating loss shall be reduced by the amount of the items of tax preference arising in such year which was taken into account in computing the net operating loss in section 422.9, subsection 3. The deduction for a net operating loss for a tax year beginning after December 31, 1986, which is carried back or carried forward to the current taxable year shall not exceed ninety percent of the alternative minimum taxable income determined without regard for the net operating loss deduction.

c. The state alternative minimum tax of a taxpayer whose net capital gain deduction includes the gain or loss from the forfeiture of an installment real estate contract, the transfer of real or personal property securing a debt to a creditor in cancellation of that debt, or from the sale or exchange of property as a result of actual notice of foreclosure, where the fair market value of the taxpayer's assets exceeds the taxpayer's liabilities immediately before such forfeiture, transfer, or sale or exchange, shall not be greater than such excess, including any asset transferred within one hundred twenty days prior to such forfeiture, transfer, or sale or exchange.

d. In the case of a resident, including a resident estate or trust, the state's apportioned share of the state alternative minimum tax is one hundred percent of the state alternative minimum tax computed in this subsection 2. In the case of a resident or part-year resident shareholder in an S corporation which has in effect for the tax year an election under subchapter S of the Internal Revenue Code and carries on business within and without the state, a nonresident, including a nonresident estate or trust, or an individual, estate, or trust that is domiciled in the state for less than the entire tax year, the state's apportioned share of the state alternative minimum tax is the amount of tax computed under this subsection 2, reduced by the applicable credits in sections 422.10 through 422.12 and this result multiplied by a fraction with a numerator of the sum of state net income allocated to Iowa as determined in section 422.8, subsection 2, paragraph "a" or "b" as applicable, plus tax preference items, adjustments, and losses under subparagraph (1) attributable to Iowa and with a denominator of the sum of total net income computed under section 422.7 plus all tax preference items, adjustments, and losses under subparagraph (1). In computing this fraction, those items excludable under subparagraph (1) shall not be used in computing the tax preference items. Married taxpayers electing to file sep-

arate returns or separately on a combined return must allocate the minimum tax computed in this subsection in the proportion that each spouse's respective preference items, adjustments, and losses under subparagraph (1) bear to the combined preference items, adjustments, and losses under subparagraph (1) of both spouses.

~~2.~~ 3. a. ~~However, the~~ The tax shall not be imposed on a resident or nonresident whose net income, as defined in section 422.7, is thirteen thousand five hundred dollars or less in the case of married persons filing jointly or filing separately on a combined return, heads of household, and surviving spouses or nine thousand dollars or less in the case of all other persons; but in the event that the payment of tax under this division would reduce the net income to less than thirteen thousand five hundred dollars or nine thousand dollars as applicable, then the tax shall be reduced to that amount which would result in allowing the taxpayer to retain a net income of thirteen thousand five hundred dollars or nine thousand dollars as applicable. The preceding sentence does not apply to estates or trusts. For the purpose of this subsection, the entire net income, including any part of the net income not allocated to Iowa, shall be taken into account. For purposes of this subsection, net income includes all amounts of pensions or other retirement income received from any source which is not taxable under this division as a result of the government pension exclusions in section 422.7, or any other state law. If the combined net income of a husband and wife exceeds thirteen thousand five hundred dollars, neither of them shall receive the benefit of this subsection, and it is immaterial whether they file a joint return or separate returns. However, if a husband and wife file separate returns and have a combined net income of thirteen thousand five hundred dollars or less, neither spouse shall receive the benefit of this paragraph, if one spouse has a net operating loss and elects to carry back or carry forward the loss as provided in section 422.9, subsection 3. A person who is claimed as a dependent by another person as defined in section 422.12 shall not receive the benefit of this subsection if the person claiming the dependent has net income exceeding thirteen thousand five hundred dollars or nine thousand dollars as applicable or the person claiming the dependent and the person's spouse have combined net income exceeding thirteen thousand five hundred dollars or nine thousand dollars as applicable.

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

~~2A.~~ 3A. Reserved.

~~2B.~~ 3B. a. ~~However, the~~ The tax shall not be imposed on a resident or nonresident who is at least sixty-five years old on December 31 of the tax year and whose net income, as defined in section 422.7, is thirty-two thousand dollars or less in the case of married persons filing jointly or filing separately on a combined return, heads of household, and surviving spouses or twenty-four thousand dollars or less in the case of all other persons; but in the event that the payment of tax under this division would reduce the net income to less than thirty-two thousand dollars or twenty-four thousand dollars as applicable, then the tax shall be reduced to that amount which would result in allowing the taxpayer to retain a net income of thirty-two thousand dollars or twenty-four thousand dollars as applicable. The preceding sentence does not apply to estates or trusts. For the purpose of this subsection, the entire net income, including any part of the net income not allocated to Iowa, shall be taken into account. For purposes of this subsection, net income includes all amounts of pensions or other retirement income received from any source which is not taxable under this division as a result of the government pension exclusions in section 422.7, or any other state law. If the combined net income of a husband and wife exceeds thirty-two thousand dollars, neither of them shall receive the benefit of this subsection, and it is immaterial whether they file a joint return or separate returns.

However, if a husband and wife file separate returns and have a combined net income of thirty-two thousand dollars or less, neither spouse shall receive the benefit of this paragraph, if one spouse has a net operating loss and elects to carry back or carry forward the loss as provided in section 422.9, subsection 3. A person who is claimed as a dependent by another person as defined in section 422.12 shall not receive the benefit of this subsection if the person claiming the dependent has net income exceeding thirty-two thousand dollars or twenty-four thousand dollars as applicable or the person claiming the dependent and the person's spouse have combined net income exceeding thirty-two thousand dollars or twenty-four thousand dollars as applicable.

b. In ~~addition~~ lieu of the computation in subsection 1, 2, or 3, if the married persons', filing jointly or filing separately on a combined return, head of household's, or surviving spouse's net income exceeds thirty-two thousand dollars, the regular tax imposed under this division shall be the lesser of the maximum state individual income tax rate times the portion of the net income in excess of thirty-two thousand dollars or the regular tax liability computed without regard to this sentence. Taxpayers electing to file separately shall compute the alternate tax described in this paragraph using the total net income of the husband and wife. The alternate tax described in this paragraph does not apply if one spouse elects to carry back or carry forward the loss as provided in section 422.9, subsection 3.

c. This subsection applies even though one spouse has not attained the age of sixty-five, if the other spouse is at least sixty-five at the end of the tax year.

~~3.~~ 4. The tax herein levied shall be computed and collected as hereinafter provided.

~~4.~~ 5. The provisions of this division shall apply to all salaries received by federal officials or employees of the United States government as provided for herein.

~~5.~~ 6. Upon determination of the latest cumulative inflation factor, the director shall multiply each dollar amount set forth in subsection 1, paragraphs "a" through "i" ~~of this section~~ by this cumulative inflation factor, shall round off the resulting product to the nearest one dollar, and shall incorporate the result into the income tax forms and instructions for each tax year.

~~6.~~ 7. The state income tax of a taxpayer whose net income includes the gain or loss from the forfeiture of an installment real estate contract, the transfer of real or personal property securing a debt to a creditor in cancellation of that debt, or from the sale or exchange of property as a result of actual notice of foreclosure where the fair market value of the taxpayer's assets exceeds the taxpayer's liabilities immediately before such forfeiture, transfer, or sale or exchange shall not be greater than such excess, including any asset transferred within one hundred twenty days prior to such forfeiture, transfer, or sale or exchange. For purposes of this subsection, in the case of married taxpayers, except in the case of a husband and wife who live apart at all times during the tax year, the assets and liabilities of both spouses shall be considered in determining if the fair market value of the taxpayer's assets exceed the taxpayer's liabilities.

~~7.~~ 8. In addition to the other taxes imposed by this section, a tax is imposed on the amount of a lump sum distribution for which the taxpayer has elected under section 402(e) of the Internal Revenue Code to be separately taxed for federal income tax purposes for the tax year. The rate of tax is equal to twenty-five percent of the separate federal tax imposed on the amount of the lump sum distribution. A nonresident is liable for this tax only on that portion of the lump sum distribution allocable to Iowa. The total amount of the lump sum distribution subject to separate federal tax shall be included in net income for purposes of determining eligibility under subsections ~~2~~ 3 and ~~2A or 2B~~ 3B, as applicable.

~~8.~~ 9. In the case of income derived from the sale or exchange of livestock which qualifies under section 451(e) of the Internal Revenue Code because of drought, the taxpayer may elect to include the income in the taxpayer's net income in the tax year following the year of the sale or exchange in accordance with rules prescribed by the director.

~~9.~~ 10. If an individual's federal income tax was forgiven for a tax year under section 692 of the Internal Revenue Code, because the individual was killed while serving in an area designated by the president of the United States or the United States Congress as a combat zone, the individual was missing in action and presumed dead, or the individual was killed outside the United States in a terroristic or military action while the individual was a military or civilian

employee of the United States, the individual's Iowa income tax is also forgiven for the same tax year.

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

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

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

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

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

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

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

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

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

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

~~(3)~~ (c) Is on probation pursuant to chapter 907, for an offense other than a simple misdemeanor.

~~(4)~~ (d) Is in a work release program pursuant to chapter 904, division IX.

~~c.~~ (3) An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the interstate probation and parole compact under section 907A.1, Code 2001, applies, or to whom the interstate compact for adult offender supervision under chapter 907B applies.

b. (1) The amount of the additional deduction is equal to sixty-five percent of the wages paid to individuals, but shall not exceed twenty thousand dollars per individual, named in ~~paragraphs~~ paragraph "a", ~~"b", and "c"~~ subparagraphs (1), (2), and (3) who were hired for the first time by that business during the annual accounting period for work done in the state. This additional deduction is allowed for the wages paid to those individuals successfully completing a probationary period during the twelve months following the date of first employment by the business and shall be deducted at the close of the annual accounting period.

(2) The additional deduction shall not be allowed for wages paid to an individual who was hired to replace an individual whose employment was terminated within the twelve-month period preceding the date of first employment. However, if the individual being replaced left employment voluntarily without good cause attributable to the employer or if the individual was discharged for misconduct in connection with the individual's employment as determined by the department of workforce development, the additional deduction shall be allowed.

(3) A taxpayer who is a partner of a partnership or a shareholder of a subchapter S corporation, may deduct that portion of wages qualified under this subsection paid by the partnership or subchapter S corporation based on the taxpayer's pro rata share of the profits or losses from the partnership or subchapter S corporation.

c. For purposes of this subsection~~, "physical:~~

(1) "Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems or any mental or psychological disorder, including mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.

(2) (a) ~~For purposes of this subsection, "small~~ "Small business" means a profit or nonprofit business, including but not limited to an individual, partnership, corporation, joint venture, association, or cooperative, to which the following apply:

~~(1)~~ (i) It is not an affiliate or subsidiary of a business dominant in its field of operation.

~~(2)~~ (ii) It has twenty or fewer full-time equivalent positions and not more than the equivalent of three million dollars in annual gross revenues as computed for the preceding fiscal year or as the average of the three preceding fiscal years.

~~(3)~~ (iii) It does not include the practice of a profession.

(b) "Small business" includes an employee-owned business which has been an employee-owned business for less than three years or which meets the conditions of ~~subparagraphs (1)~~ subparagraph division (a), subparagraph subdivisions (i) through ~~(3)~~ (iii).

(c) For purposes of this definition, "dominant in its field of operation" means having more than twenty full-time equivalent positions and more than three million dollars in annual gross revenues, and "affiliate or subsidiary of a business dominant in its field of operation" means a business which is at least twenty percent owned by a business dominant in its field of operation, or by partners, officers, directors, majority stockholders, or their equivalents, of a business dominant in that field of operation.

~~The department may, by resolution, waive any or all of the requirements of paragraph "b" in connection with a loan to a small business, as defined under applicable federal law and regulations that have been enacted or adopted by April 1, 1983, in which federal assistance, insurance, or guaranties are sought.~~

Sec. 137. Section 422.7, subsection 28, paragraph b, Code 2009, is amended to read as follows:

b. The amount of any ~~savings refund or~~ state match payments authorized under section 541A.3, subsection 1.

Sec. 138. Section 422.7, subsection 43, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A taxpayer may elect not to take the increased expensing allowance under section 179 of the Internal Revenue Code, as amended by Pub. L. No. 108-27, section 202, in computing adjusted gross income for state tax purposes. If the taxpayer does not take the increased expensing allowance under section 179 of the Internal Revenue Code for state tax purposes, the following adjustments shall be made:

Sec. 139. Section 422.7, subsection 53, Code 2009, is amended to read as follows:

53. A taxpayer is allowed to take the increased expensing allowance under section 179 of the Internal Revenue Code, as amended by Pub. L. No. 110-185, in computing adjusted gross income for state tax purposes.

Sec. 140. Section 422.12, Code 2009, is amended to read as follows:

422.12 DEDUCTIONS FROM COMPUTED TAX.

1. As used in this section:

a. "Dependent" has the same meaning as provided by the Internal Revenue Code.

b. "Textbooks" means books and other instructional materials and equipment used in elementary and secondary schools in teaching only those subjects legally and commonly taught in public elementary and secondary schools in this state and does not include instructional books and materials used in the teaching of religious tenets, doctrines, or worship, the purpose of which is to inculcate those tenets, doctrines, or worship. "Textbooks" includes books or materials used for extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature.

c. "Tuition" means any charges for the expenses of personnel, buildings, equipment, and materials other than textbooks, and other expenses of elementary or secondary schools which relate to the teaching only of those subjects legally and commonly taught in public elementary and secondary schools in this state and which do not relate to the teaching of religious tenets,

doctrines, or worship, the purpose of which is to inculcate those tenets, doctrines, or worship. "Tuition" includes those expenses which relate to extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature.

2. There shall be deducted from but not to exceed the tax, after the same shall have been computed as provided in this division, the following:

~~1.~~ a. A personal exemption credit in the following amounts:

~~a.~~ (1) For an estate or trust, a single individual, or a married person filing a separate return, forty dollars.

~~b.~~ (2) For a head of household, or a husband and wife filing a joint return, eighty dollars.

~~c.~~ (3) For each dependent, an additional forty dollars. ~~As used in this section, the term "dependent" has the same meaning as provided by the Internal Revenue Code.~~

~~d.~~ (4) For a single individual, husband, wife, or head of household, an additional exemption of twenty dollars for each of said individuals who has attained the age of sixty-five years before the close of the tax year or on the first day following the end of the tax year.

~~e.~~ (5) For a single individual, husband, wife, or head of household, an additional exemption of twenty dollars for each of said individuals who is blind at the close of the tax year. For the purposes of this ~~paragraph~~ subparagraph, an individual is blind only if the individual's central visual acuity does not exceed twenty-two hundredths in the better eye with correcting lenses, or if the individual's visual acuity is greater than twenty-two hundredths but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees.

~~2.~~ b. A tuition credit equal to twenty-five percent of the first one thousand dollars which the taxpayer has paid to others for each dependent in grades kindergarten through twelve, for tuition and textbooks of each dependent in attending an elementary or secondary school situated in Iowa, which school is accredited or approved under section 256.11, which is not operated for profit, and which adheres to the provisions of the federal Civil Rights Act of 1964 and chapter 216. ~~As used in this subsection, "textbooks" means books and other instructional materials and equipment used in elementary and secondary schools in teaching only those subjects legally and commonly taught in public elementary and secondary schools in this state and does not include instructional books and materials used in the teaching of religious tenets, doctrines, or worship, the purpose of which is to inculcate those tenets, doctrines, or worship. "Textbooks" includes books or materials used for extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature.~~ Notwithstanding any other provision, all other credits allowed under this ~~section~~ subsection shall be deducted before the tuition credit under this ~~subsection~~ paragraph. The department, when conducting an audit of a taxpayer's return, shall also audit the tuition tax credit portion of the tax return.

~~As used in this subsection, "tuition" means any charges for the expenses of personnel, buildings, equipment and materials other than textbooks, and other expenses of elementary or secondary schools which relate to the teaching only of those subjects legally and commonly taught in public elementary and secondary schools in this state and which do not relate to the teaching of religious tenets, doctrines, or worship, the purpose of which is to inculcate those tenets, doctrines, or worship. "Tuition" includes those expenses which relate to extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature.~~

3. For the purpose of this section, the determination of whether an individual is married shall be made in accordance with section 7703 of the Internal Revenue Code.

Sec. 141. Section 422.35, subsections 6 and 6A, Code 2009, are amended to read as follows:

6. a. If the taxpayer is a small business corporation, subtract an amount equal to sixty-five percent of the wages paid to individuals, but not to exceed twenty thousand dollars per individual, named in ~~paragraphs "a", "b", and "c"~~ subparagraphs (1), (2), and (3) who were hired for the first time by the taxpayer during the tax year for work done in this state:

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

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

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

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

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

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

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

~~(3)~~ (c) Is on probation pursuant to chapter 907, for an offense other than a simple misdemeanor.

~~(4)~~ (d) Is in a work release program pursuant to chapter 904, division IX.

~~c.~~ (3) An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the interstate probation and parole compact under section 907A.1, Code 2001, applies, or to whom the interstate compact for adult offender supervision under chapter 907B applies.

b. This deduction is allowed for the wages paid to the individuals successfully completing a probationary period named in ~~paragraphs~~ paragraph "a", ~~"b", and "c"~~ subparagraphs (1), (2), and (3) during the twelve months following the date of first employment by the taxpayer and shall be deducted in the tax years when paid.

c. For purposes of this subsection~~, "physical~~:

(1) "Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems or any mental or psychological disorder, including mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(2) (a) ~~For purposes of this subsection, "small~~ "Small business" means a profit or nonprofit business, including but not limited to an individual, partnership, corporation, joint venture, association, or cooperative, to which the following apply:

~~(1)~~ (i) It is not an affiliate or subsidiary of a business dominant in its field of operation.

~~(2)~~ (ii) It has either twenty or fewer full-time equivalent positions or not more than the equivalent of three million dollars in annual gross revenues as computed for the preceding fiscal year or as the average of the three preceding fiscal years.

~~(3)~~ (iii) It does not include the practice of a profession.

(b) "Small business" includes an employee-owned business which has been an employee-owned business for less than three years or which meets the conditions of ~~subparagraphs (1) through (3)~~ subparagraph division (a), subparagraph subdivisions (i) through (iii).

(c) For purposes of this definition, "dominant in its field of operation" means having more than twenty full-time equivalent positions and more than three million dollars in annual gross revenues, and "affiliate or subsidiary of a business dominant in its field of operation" means a business which is at least twenty percent owned by a business dominant in its field of operation, or by partners, officers, directors, majority stockholders, or their equivalents, of a business dominant in that field of operation.

~~The department may, by resolution, waive any or all of the requirements of paragraph "b" in connection with a loan to a small business, as defined under applicable federal law and regulations that have been enacted or adopted by April 1, 1983, in which federal assistance, insurance, or guaranties are sought.~~

6A. a. If the taxpayer is a business corporation and does not qualify for the adjustment under subsection 6, subtract an amount equal to sixty-five percent of the wages paid to individuals, but shall not exceed twenty thousand dollars per individual, named in ~~paragraphs "a" and "b"~~ subparagraphs (1) and (2) who were hired for the first time by the taxpayer during the tax year for work done in this state:

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

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

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

~~(3)~~ (c) Is on probation pursuant to chapter 907, for an offense other than a simple misdemeanor.

~~(4)~~ (d) Is in a work release program pursuant to chapter 904, division IX.

~~b.~~ (2) An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the interstate probation and parole compact under section 907A.1, Code 2001, applies, or to whom the interstate compact for adult offender supervision under chapter 907B applies.

b. This deduction is allowed for the wages paid to the individuals successfully completing a probationary period named in ~~paragraphs "a" and "b"~~ paragraph "a", subparagraphs (1) and (2) during the twelve months following the date of first employment by the taxpayer and shall be deducted in the tax years when paid.

c. The department shall develop and distribute information concerning the deduction available for businesses employing persons named in ~~paragraphs "a" and "b"~~ paragraph "a", subparagraphs (1) and (2).

Sec. 142. Section 422.35, subsection 20, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A taxpayer may elect not to take the increased expensing allowance under section 179 of the Internal Revenue Code, as amended by Pub. L. No. 108-27, section 202, in computing taxable income for state tax purposes. If the taxpayer does not take the increased expensing allowance under section 179 of the Internal Revenue Code for state tax purposes, the following adjustments shall be made:

Sec. 143. Section 422.35, subsection 24, Code 2009, is amended to read as follows:

24. A taxpayer is allowed to take the increased expensing allowance under section 179 of the Internal Revenue Code, as amended by Pub. L. No. 110-185, in computing taxable income for state tax purposes.

Sec. 144. Section 423.3, subsection 57, unnumbered paragraphs 1 and 2, Code 2009, are amended to read as follows:

The sales price from all sales of food and food ingredients. However, as used in this subsection, ~~"food" does~~ a sale of "food and food ingredients" does not include a sale of alcoholic beverages, candy, or dietary supplements~~,~~; food sold through vending machines~~,~~; or sales of prepared food, soft drinks, ~~and~~ or tobacco. For the purposes of this subsection:

~~For the purposes of this subsection:~~

Sec. 145. Section 435.1, subsections 3 through 7, Code 2009, are amended to read as follows:

3. "Manufactured home" means a factory-built structure built under authority of 42 U.S.C. § 5403, that is required by federal law to display a seal from the United States department of housing and urban development, and was constructed on or after June 15, 1976. ~~If a manufactured home is placed in a manufactured home community or a mobile home park, the home must be titled and is subject to the manufactured or mobile home square foot tax. If a manufactured home is placed outside a manufactured home community or a mobile home park, the home must be titled and is to be assessed and taxed as real estate.~~

4. "Manufactured home community" means the same as land-leased community defined in sections 335.30A and 414.28A. The term "manufactured home community" shall not be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students.

5. "Mobile home" means any vehicle without motive power used or so manufactured or con-

structed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A "mobile home" is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976. ~~If a mobile home is placed outside a mobile home park, the home is to be assessed and taxed as real estate.~~

6. "Mobile home park" means a site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available. The term "mobile home park"

~~The term "manufactured home community" or "mobile home park"~~ shall not be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students.

~~A manufactured home community or a mobile home park must be classified as to whether it is a residential manufactured home community or a mobile home park or a recreational manufactured home community or a mobile home park or both. The manufactured home communities or mobile home parks residential landlord and tenant Act, chapter 562B, only applies to residential manufactured home communities or mobile home parks.~~

7. "Modular home" means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, as adopted pursuant to section 103A.7, and must display the seal issued by the state building code commissioner. ~~If a modular home is placed in a manufactured home community or mobile home park, the home is subject to the annual tax as required by section 435.22. If a modular home is placed outside a manufactured home community or a mobile home park, the home shall be considered real property and is to be assessed and taxed as real estate.~~

Sec. 146. NEW SECTION. 435.2 PLACEMENT AND TAXATION.

1. If a mobile home is placed outside a mobile home park, the home is to be assessed and taxed as real estate.

2. If a manufactured home is placed in a manufactured home community or a mobile home park, the home must be titled and is subject to the manufactured or mobile home square foot tax. If a manufactured home is placed outside a manufactured home community or a mobile home park, the home must be titled and is to be assessed and taxed as real estate.

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

Sec. 147. Section 435.26, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. A mobile home or manufactured home which is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes. A home, after conversion to real estate, is eligible for the homestead tax credit and the military service tax exemption as provided in sections 425.2 and 426A.11. A taxable mobile home or manufactured home which is located outside of a manufactured home community or mobile home park as of January 1, 1995, is also exempt from the permanent foundation requirements of this chapter until the home is relocated.

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

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

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

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

Sec. 150. Section 437A.15, subsection 4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

On or before August 31 following tax years 1999, 2000, and 2001, each county treasurer shall compute a special utility property tax levy or tax credit for each taxpayer for which a replacement tax liability for each such tax year is reported to the county treasurer pursuant to subsection 1, and shall notify the taxpayer of the amount of such tax levy or tax credit. The amount of the special utility property tax levy or credit shall be determined for each taxpayer by the county treasurer by comparing the taxpayer's total replacement tax liability allocated to taxing districts in the county pursuant to this section with the anticipated tax revenues from the taxpayer for all taxing districts in the county. If the taxpayer's total replacement tax liability allocated to taxing districts in the county is less than the anticipated tax revenues from the taxpayer for all taxing districts in the county, the county treasurer shall levy a special utility property tax equal to the shortfall which shall be added to and collected with the replacement tax owed by the taxpayer to the county treasurer for the tax year pursuant to section 437A.8, subsection 4. If the taxpayer's total replacement tax liability allocated to taxing districts in the county exceeds the anticipated tax revenues from the taxpayer for all taxing districts in the county, the county treasurer shall issue a credit to the taxpayer which shall be applied to reduce the taxpayer's replacement tax liability to the county treasurer for the tax year. If the taxpayer's total replacement tax liability allocated to taxing districts in the county equals the anticipated tax revenues from the taxpayer for all taxing districts in the county, no levy or credit is required. Replacement tax liability for purposes of this subsection means replacement tax liability before credits allowed by section 437A.8, subsection 7. A recalculation of a special utility property tax levy or credit shall not be made as a result of a subsequent recalculation of replacement tax liability under section 437A.8, subsection 7, or adjustment to assessed value under section 437A.19, subsection 2, paragraph ~~"f"~~ "a", subparagraph (6). "Anticipated tax revenues from a taxpayer" means the product of the total levy rates imposed by the taxing districts and the value of taxpayer property allocated to the taxing districts and reported to the county auditor. Special utility property tax levies and credits shall be treated as replacement taxes for purposes of section 437A.11. If a special utility property tax levy payment becomes delinquent, the delinquent payment shall accrue interest and penalty in the same manner and amount as the replacement tax under section 437A.13.

Sec. 151. Section 437A.19, subsection 2, Code 2009, is amended to read as follows:

2. a. Beginning January 1, 1999, the assessed value of taxpayer property shall be adjusted

annually as provided in this section. The director, with respect to each taxpayer, shall do all of the following:

~~a.~~ (1) Adjust the assessed value of taxpayer property in each local taxing district by the change in book value during the preceding calendar year of the local amount of any major addition reported within such local taxing district.

~~b.~~ (2) Adjust the assessed value of taxpayer property in each local taxing district by allocating the change in book value during the preceding calendar year of the statewide amount and all other taxpayer property described in subsection 1, paragraph "a", subparagraph (5), to the assessed value of all taxpayer property in the state pro rata according to its preadjustment value. Any value for a taxpayer owning, or owning an interest in, a new electric power generating plant in excess of a local amount, where such taxpayer owns no other taxpayer property in this state, shall not be allocated to any local taxing districts.

~~c.~~ (3) In the case of taxpayer property described in subsection 1, paragraph "a", subparagraphs (3), (4), and (7), decrease the assessed value of taxpayer property in each local taxing district by the assessed value reported within such local taxing district.

~~d.~~ (4) In the event of a merger or consolidation of two or more taxpayers, to determine the assessed value of the surviving taxpayer, combine the assessed values of such taxpayers immediately prior to the merger or consolidation.

~~e.~~ (5) In the event any taxpayer property is eligible for the urban revitalization tax exemption described in chapter 404, adjust the assessed value of taxpayer property within each affected local taxing district to reflect such exemption.

~~f.~~ (6) In the event the base year assessed value of taxpayer property is adjusted as a result of taxpayer appeals, reduce the assessed value of taxpayer property in each local taxing district to reflect such adjustment. The adjustment shall be allocated in proportion to the allocation of the taxpayer's assessed value among the local taxing districts determined without regard to this adjustment. An adjustment to the base year assessed value of taxpayer property shall be made as of January 1 of the year following the date on which the adjustment is finally determined.

b. In no event shall the adjustments set forth in this subsection reduce the assessed value of taxpayer property in any local taxing district below zero.

c. The director, on or before August 31 of each assessment year, shall report to the department of management and to the auditor of each county the adjusted assessed value of taxpayer property as of January 1 of such assessment year for each local taxing district. For purposes of this subsection, the assessed value of taxpayer property in each local taxing district subject to adjustment under this section by the director means the assessed value of such property as of the preceding January 1 as determined and allocated among the local taxing districts by the director.

d. Nothing in this chapter shall be interpreted to authorize local taxing authorities to exclude from the calculation of levy rates the taxable value of taxpayer property reported to county auditors pursuant to this subsection.

e. In addition to reporting the assessed values as described in this subsection, the director, on or before October 31 of each assessment year, shall also report to the department of management and to the auditor of each county the taxable value of taxpayer property as of January 1 of such assessment year for each local taxing district. For purposes of this chapter, "taxable value" means the value for all property subject to the replacement tax annually determined by the director, by dividing the estimated annual replacement tax liability for that property by the prior year's consolidated taxing district rate for the taxing district where that property is located, then multiplying the quotient by one thousand. A taxpayer who paid more than five hundred thousand dollars in replacement tax in the previous tax year or who believes their replacement tax liability will vary more than ten percent from the previous tax year shall report to the director by October 1 of the current calendar year, on forms prescribed by the director, the estimated replacement tax liability that will be attributable to all of the taxpayer's property subject to replacement tax for the current tax year. The department shall utilize the estimated replacement tax liability as reported by the taxpayer or the taxpayer's prior year's replacement

tax amounts to estimate the current tax year's taxable value for that property. Furthermore, a taxpayer who has a new major addition of operating property which is put into service for the first time in the current calendar year shall report to the director by October 1 of the current calendar year, or at the time the major addition is put into service, whichever time is later, on forms prescribed by the director, the cost of the major addition and, if not previously reported, shall report the estimated replacement taxes which that asset will generate in the current calendar year. For the purposes of computing the taxable value of property in a taxing district, the taxing district's share of the estimated replacement tax liability shall be the taxing district's percentage share of the "assessed value allocated by property tax equivalent" multiplied by the total estimated replacement tax. "Assessed value allocated by property tax equivalent" shall be determined by dividing the taxpayer's current year assessed valuation in a taxing district by one thousand, and then multiplying by the prior year's consolidated tax rate.

Sec. 152. Section 450.7, subsection 1, Code 2009, is amended to read as follows:

1. ~~Except for the share of the estate passing to the surviving spouse, and parents, grandparents, great-grandparents, and other lineal ascendants, children including legally adopted children and biological children entitled to inherit under the laws of this state, stepchildren, and grandchildren, great-grandchildren, and other lineal descendants, the~~ The tax imposed by this chapter is a charge against and a lien upon the estate subject to tax under this chapter, and all property of the estate or owned by the decedent from the death of the decedent until paid, subject to the following ~~limitation~~ limitations:

a. The share of the estate passing to the surviving spouse, and parents, grandparents, great-grandparents, and other lineal ascendants, children including legally adopted children and biological children entitled to inherit under the laws of this state, stepchildren, and grandchildren, great-grandchildren, and other lineal descendants is excluded from taxation under this chapter.

b. Inheritance taxes owing with respect to a passing of property of a deceased person are no longer a lien against the property ten years from the date of death of the decedent owner regardless of whether the decedent owner died prior to or subsequent to July 1, 1995, except to the extent taxes are attributable to remainder or deferred interests and are deferred in accordance with the provisions of this chapter.

Sec. 153. Section 455A.8, subsection 1, Code 2009, is amended to read as follows:

1. a. The Brushy creek recreation trails advisory board shall be organized within the department and shall be composed of ~~ten~~ nine voting members ~~including the following: the~~ and one ex officio nonvoting member as follows:

(1) The director of the department or the director's designee who shall serve as ~~a~~ the nonvoting ex officio member~~, the~~.

(2) The park employee who is primarily responsible for maintenance of the Brushy creek recreation area~~, a~~.

(3) A member of the state advisory board for preserves established under chapter 465C~~, and seven~~.

(4) Seven persons appointed by the natural resource commission.

b. The director shall provide the natural resource commission with nominations of prospective board members. Each person appointed by the natural resource commission must actively participate in recreational trail activities such as hiking, bicycling, an equestrian sport, or a winter sport at the Brushy creek recreation area. The nine voting members shall elect a chairperson at the board's first meeting each year.

Sec. 154. Section 455B.191, Code 2009, is amended to read as follows:

455B.191 PENALTIES — BURDEN OF PROOF.

1. As used in this section, "hazardous substance" means hazardous substance as defined in section 455B.381 or section 455B.411.

~~1.~~ 2. Any person who violates any provision of part 1 of division III of this chapter or any

permit, rule, standard, or order issued under part 1 of division III of this chapter shall be subject to a civil penalty not to exceed five thousand dollars for each day of such violation.

~~2.~~ 3. a. Any person who negligently or knowingly ~~violates~~ does any of the following shall, upon conviction, be punished as provided in paragraph "b" or "c":

(1) Violates section 455B.183 or section 455B.186 or any condition or limitation included in any permit issued under section 455B.183~~, or who negligently or knowingly introduces~~.

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

(3) Causes a treatment works to violate any water quality standard, effluent standard, pretreatment standard or condition of a permit issued to the treatment works pursuant to section 455B.183 ~~is guilty of a serious misdemeanor for a negligent violation and is guilty of an aggravated misdemeanor for a knowing violation~~. ~~A conviction for a negligent violation is~~

b. (1) A person who commits a negligent violation under this subsection is guilty of a serious misdemeanor punishable by a fine of not more than twenty-five thousand dollars for each day of violation or by imprisonment for not more than one year, or both~~; however, if~~.

(2) If the conviction is for a second or subsequent violation committed by a person under this subsection, the conviction is punishable by a fine of not more than fifty thousand dollars for each day of violation or by imprisonment for not more than two years, or both.

c. (1) A ~~conviction for a~~ person who commits a knowing violation ~~is~~ under this subsection is guilty of an aggravated misdemeanor punishable by a fine of not more than fifty thousand dollars for each day of violation or by imprisonment for not more than two years, or both~~; however, if~~.

(2) If the conviction is for a second or subsequent violation committed by a person under this subsection, the conviction is punishable by a fine of not more than one hundred thousand dollars for each day of violation or by imprisonment for not more than five years, or both. ~~As used in this section, "hazardous substance" means hazardous substance as defined in section 455B.381 or section 455B.411.~~

~~3.~~ 4. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under part 1 of division III of this chapter, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under part 1 of division III of this chapter or by any permit, rule, regulation, or order issued under part 1 of division III of this chapter, shall upon conviction be punished by a fine of not more than ten thousand dollars or by imprisonment in the county jail for not more than six months or by both such fine and imprisonment.

~~4.~~ 5. The attorney general shall, at the request of the director with approval of the commission, institute any legal proceedings, including an action for an injunction or a temporary injunction, necessary to enforce the penalty provisions of part 1 of division III of this chapter or to obtain compliance with the provisions of part 1 of division III of this chapter or any rules promulgated or any provision of any permit issued under part 1 of division III of this chapter. In any such action, any previous findings of fact of the director or the commission after notice and hearing shall be conclusive if supported by substantial evidence in the record when the record is viewed as a whole.

~~5.~~ 6. In all proceedings with respect to any alleged violation of the provisions of this part 1 of division III or any rule established by the commission or the department, the burden of proof shall be upon the commission or the department except in an action for contempt as provided in section 455B.182.

~~6.~~ 7. If the attorney general has instituted legal proceedings in accordance with this section, all related issues which could otherwise be raised by the alleged violator in a proceeding for judicial review under section 455B.178 shall be raised in the legal proceedings instituted in accordance with this section.

Sec. 155. Section 455G.4, subsection 6, Code 2009, is amended to read as follows:

6. REPORTING. Beginning July 2003, the board shall submit a written report quarterly to the legislative council, the chairperson and ranking member of the committee on ~~natural resources and~~ environment and energy independence in the senate, and the chairperson and ranking member of the committee on environmental protection in the house of representatives regarding changes in the status of the program including, but not limited to, the number of open claims by claim type; the number of new claims submitted and the eligibility status of each claim; a summary of the risk classification of open claims; the status of all claims at high-risk sites including the number of corrective action design reports submitted, approved, and implemented during the reporting period; total moneys reserved on open claims and total moneys paid on open claims; and a summary of budgets approved and invoices paid for high-risk site activities including a breakdown by corrective action design report, construction and equipment, implementation, operation and maintenance, monitoring, over excavation, free product recovery, site reclassification, reporting and other expenses, or a similar breakdown. In each report submitted by the board, the board shall include an estimated timeline to complete corrective action at all currently eligible high-risk sites where a corrective action design report has been submitted by a claimant and approved during the reporting period. The timeline shall include the projected year when a no further action designation will be obtained based upon the corrective action activities approved or anticipated at each claimant site. The timeline shall be broken down in annual increments with the number or percentage of sites projected to be completed for each time period. The report shall identify and report steps taken to expedite corrective action and eliminate the state's liability for open claims.

Sec. 156. Section 456A.26, Code 2009, is amended to read as follows:

456A.26 INTERPRETATION AND LIMITATIONS.

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

Sec. 157. Section 461B.8, Code 2009, is amended to read as follows:

461B.8 ACTUAL SERVICE WITHIN THIS STATE.

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

Sec. 158. Section 476.6, subsection 20, Code 2009, is amended by striking the subsection.

Sec. 159. Section 483A.27, subsections 1 and 11, Code 2009, are amended to read as follows:

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

11. An instructor certified by the department shall be allowed to conduct a ~~departmental approved~~ department-approved hunter safety and ethics education course or shooting sports activities course on public school property with the approval of a majority of the board of directors of the school district. Conducting an approved hunter safety and ethics education course or shooting sports activities course is not a violation of any public policy, rule, regulation, resolution, or ordinance which prohibits the possession, display, or use of a firearm, bow and arrow, or other hunting weapon on public school property or other public property in this state.

Sec. 160. Section 489.108, subsection 3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A limited liability company may apply to the secretary of state for authorization to use a name that does not comply with subsection 2. The secretary of state shall authorize use of the name applied for if~~, as to each~~ either of the following ~~noncomplying names~~ applies:

Sec. 161. Section 489.702, subsection 5, paragraph b, subparagraph (3), Code 2009, is amended to read as follows:

(3) Within a reasonable time following the dissolution a person has not been appointed pursuant to subsection ~~3~~ 4.

Sec. 162. Section 489.1203, subsection 10, paragraph a, Code 2009, is amended to read as follows:

a. Except as otherwise provided in paragraph "b", if a member of a member-managed series or manager of a manager-managed series consents to a distribution made in violation of this section and in consenting to the distribution fails to comply with section 489.409, the member or manager is personally liable to the series for the amount of the distribution that exceeds the amount that could have been distributed without the violation of this section ~~489.405~~.

Sec. 163. Section 489.1203, subsection 11, Code 2009, is amended to read as follows:

11. A person that receives a distribution knowing that the distribution to that person was made in violation of this section ~~489.405~~ is personally liable to the limited liability company but only to the extent that the distribution received by the person exceeded the amount that could have been properly paid under this section ~~489.405~~.

Sec. 164. Section 490.831, subsection 1, paragraph a, subparagraph (2), Code 2009, is amended to read as follows:

(2) The protection afforded by section 490.870 ~~precludes~~ does not preclude liability.

Sec. 165. Section 496C.14, Code 2009, is amended to read as follows:

496C.14 REQUIRED PURCHASE BY PROFESSIONAL CORPORATION OF ITS OWN SHARES.

1. a. Notwithstanding any other statute or rule of law, a professional corporation shall purchase its own shares as provided in this section; and the shareholders of a professional corporation and their executors, administrators, legal representatives, and successors in interest shall sell and transfer the shares held by them as provided in this section.

b. The corporation may validly purchase its own shares even though its net assets are less than its stated capital, or even though by so doing its net assets would be reduced below its stated capital.

c. Upon the death of a shareholder, the professional corporation shall immediately purchase all shares held by the deceased shareholder.

2. In order to remain a shareholder of a professional corporation, a shareholder shall at all times be licensed to practice in this state a profession which the corporation is authorized to practice. Whenever any shareholder does not have or ceases to have this qualification, the corporation shall immediately purchase all shares held by that shareholder.

3. Whenever any person other than the shareholder of record becomes entitled to have

shares of a corporation transferred into that person's name or to exercise voting rights, except as a proxy, with respect to shares of the corporation, the corporation shall immediately purchase such shares. Without limiting the generality of the foregoing, this section shall be applicable whether the event occurs as a result of the appointment of a guardian or conservator for a shareholder or the shareholder's property, transfer of shares by operation of law, involuntary transfer of shares, judicial proceedings, execution, levy, bankruptcy proceedings, receivership proceedings, foreclosure or enforcement of a pledge or encumbrance, or any other situation or occurrence. However, this section does not apply to any voluntary transfer of shares as defined in this chapter.

4. Shares purchased by the corporation under the provisions of this section shall be transferred to the corporation as of the close of business on the date of the death or other event which requires purchase. The shareholder and the shareholder's executors, administrators, legal representatives, or successors in interest shall promptly do all things which may be necessary or convenient to cause transfer to be made as of the transfer date. However, the shares shall promptly be transferred on the stock transfer books of the corporation as of the transfer date, notwithstanding any delay in transferring or surrendering the shares or certificates representing the shares, and the transfer shall be valid and effective for all purposes as of the close of business on the transfer date. The purchase price for such shares shall be paid as provided in this chapter, but the transfer of shares to the corporation as provided in this section shall not be delayed or affected by any delay or default in making payment.

5. Notwithstanding ~~the foregoing provisions of this section~~ subsections 1 through 4, purchase by the corporation is not required upon the occurrence of any event other than death of a shareholder if the corporation is dissolved or voluntarily elects to adopt the provisions of the Iowa business corporation Act, as provided in section 490.1701, subsection 2, within sixty days after the occurrence of the event. The articles of incorporation or bylaws may provide that purchase is not required upon the death of a shareholder if the corporation is dissolved within sixty days after the death. Notwithstanding ~~the foregoing provisions of this section~~ subsections 1 through 4, purchase by the corporation is not required upon the death of a shareholder if the corporation voluntarily elects to adopt the provisions of the Iowa business corporation Act, as provided in section 490.1701, subsection 2, within sixty days after death.

6. Unless otherwise provided in the articles of incorporation or bylaws or in an agreement among all shareholders of the professional corporation:

~~1.~~ a. The purchase price for shares shall be their book value as of the end of the month immediately preceding the death or other event which requires purchase. Book value shall be determined from the books and records of the professional corporation in accordance with the regular method of accounting used by the corporation, uniformly and consistently applied. Adjustments to book value shall be made, if necessary, to take into account work in process and accounts receivable. Any final determination of book value made in good faith by any independent certified public accountant or firm of certified public accountants employed by the corporation for the purpose shall be conclusive on all persons.

~~2.~~ b. The purchase price shall be paid in cash as follows:

(1) Upon the death of a shareholder, thirty percent of the purchase price shall be paid within ninety days after death, and the balance shall be paid in three equal annual installments on the first three anniversaries of the death.

(2) Upon the happening of any other event referred to in this section, one-tenth of the purchase price shall be paid within ninety days after the date of such event, and the balance shall be paid in three equal annual installments on the first three anniversaries of the date of the event.

~~3.~~ c. Interest from the date of death or other event shall be payable annually on principal payment dates, at the rate of six percent per annum on the unpaid balance of the purchase price.

~~4.~~ d. All persons who are shareholders of the professional corporation on the date of death or other event, and their executors, administrators, and legal representatives, shall, to the extent the corporation fails to meet its obligations hereunder, be jointly liable for the payment

of the purchase price and interest in proportion to their percentage of ownership of the corporation's shares, disregarding shares of the deceased or withdrawing shareholder.

~~5.~~ e. The part of the purchase price remaining unpaid after the initial payment shall be evidenced by a negotiable promissory note, which shall be executed by the corporation and all shareholders liable for payment. Any person liable on the note shall have the right to prepay the note in full or in part at any time.

~~6.~~ f. If the person making any payment is not reasonably able to determine which of two or more persons is entitled to receive a payment, or if the payment is payable to a person who is unknown, or who is under disability and there is no person legally competent to receive the payment, or who cannot be found after the exercise of reasonable diligence by the person making the payment, it shall be deposited with the treasurer of state and shall be subject to the provisions of the Iowa business corporation Act, chapter 490, with respect to funds deposited with the treasurer of state upon the voluntary or involuntary dissolution of a corporation.

~~7.~~ g. Notwithstanding the provisions of this section, no part of the purchase price shall be required to be paid until the certificates representing such shares have been surrendered to the corporation.

~~8.~~ h. Notwithstanding the provisions of this section, payment of any part of the purchase price for shares of a deceased shareholder shall not be required until the executor or administrator of the deceased shareholder provides any indemnity, release, or other document from any taxing authority, which is reasonably necessary to protect the corporation against liability for estate, inheritance, and death taxes.

7. The articles of incorporation or bylaws or an agreement among all shareholders of a professional corporation may provide for a different purchase price, a different method of determining the purchase price, a different interest rate or no interest, and other terms, conditions, and schedules of payment.

8. The articles of incorporation or bylaws or an agreement among all shareholders of a professional corporation may provide for the optional or mandatory purchase of its own shares by the corporation in other situations, subject to any applicable law regarding such purchase.

Sec. 166. Section 499.36A, subsection 1, Code 2009, is amended to read as follows:

1. A director shall discharge the duties of the position of director in good faith, in a manner the director reasonably believes to be in the best interests of the association, and with the care that a person in a like position would reasonably believe appropriate under similar circumstances. A person who so performs those duties is not liable by reason of being or having been a director of the ~~cooperative~~ association.

Sec. 167. Section 502.602, subsection 3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

If a person does not appear or refuses to testify, file a statement, or produce records, or otherwise does not obey a subpoena as required by the administrator under this chapter, the administrator may apply to the Polk county district court or the district court for the county in which the person resides or is located or a court of another state to enforce compliance. The court may do any of the following:

Sec. 168. Section 505.8, subsection 7, Code 2009, is amended to read as follows:

7. The commissioner shall have regulatory authority over health benefit plans and adopt rules under chapter 17A as necessary, to promote the uniformity, cost efficiency, transparency, and fairness of such plans for physicians and osteopathic physicians licensed under ~~chapters~~ chapter 148~~, 150, and 150A,~~ and hospitals licensed under chapter 135B, for the purpose of maximizing administrative efficiencies and minimizing administrative costs of health care providers and health insurers.

Sec. 169. Section 520.14, Code 2009, is amended to read as follows:

520.14 VIOLATIONS — EXCEPTIONS.

It shall be unlawful for an attorney to exchange contracts of insurance of the kind and char-

acter specified in this chapter, or for an attorney or representative of the attorney to solicit or negotiate any applications for the same without the attorney having first complied with the ~~foregoing~~ provisions of sections 520.2 through 520.13. For the purpose of organization and upon issuance of permit by the commissioner of insurance, powers of attorney and applications for such contracts may be solicited without compliance with the provisions of this chapter, but an attorney, agent, or other person shall not make any such contracts of indemnity until all of the provisions of this chapter shall have been complied with.

Sec. 170. Section 541A.3, Code 2009, is amended to read as follows:

541A.3 INDIVIDUAL DEVELOPMENT ACCOUNTS — STATE SAVINGS MATCH AND TAX PROVISIONS.

All of the following state savings match and tax provisions shall apply to an individual development account:

1. a. Payment by the state of a state savings match on amounts of up to two thousand dollars that an account holder deposits in the account holder's account. To be eligible to receive a state savings match an account holder must have a household income that is equal to or less than two hundred percent of the federal poverty level.

b. Moneys transferred to an individual development account from another individual development account and a state savings match received by the account holder in accordance with this section shall not be considered an account holder deposit for purposes of determining a state savings match.

c. Payment of a state savings match either shall be made directly to the account holder or to an operating organization's central reserve account for later distribution to the account holder in the most appropriate manner as determined by the administrator.

d. Subject to the limitation in paragraph "a", the state savings match shall be equal to one hundred percent of the amount deposited by the account holder. However, the administrator may limit, reduce, delay, or otherwise revise state savings match payment provisions as necessary to restrict the payments to the funding available.

2. Income earned by an individual development account is not subject to state tax, in accordance with the provisions of section 422.7, subsection 28.

3. Amounts transferred between individual development accounts are not subject to state tax.

4. The administrator shall coordinate the filing of claims for a state savings match authorized under subsection 1, between account holders and operating organizations. Claims approved by the administrator may be paid to each account holder, for an aggregate amount for distribution to the holders of the accounts in a particular financial institution, or to an operating organization's central reserve account for later distribution to the account holders depending on the efficiency for issuing the state savings match payments. Claims shall be initially filed with the administrator on or before a date established by the administrator. Claims approved by the administrator shall be paid from the individual development account state savings match fund.

Sec. 171. Section 554.10103, Code 2009, is amended to read as follows:

554.10103 GENERAL REPEALER.

Except as provided in ~~the following~~ section 554.7103, all acts and parts of acts inconsistent with this chapter are hereby repealed.

Sec. 172. Section 556F.17, Code 2009, is amended to read as follows:

556F.17 PENALTY FOR SELLING.

If any person shall trade, sell, loan, or take out of the limits of this state any such property taken up or found as ~~aforesaid~~ provided in this chapter, before the person shall be vested with the right to the ~~same according to the foregoing provisions~~ property, the person shall forfeit and pay double the value thereof, to be recovered by any person in an action, one half of which shall go to the plaintiff and the other half to the county.

Sec. 173. Section 602.10111, Code 2009, is amended to read as follows:

602.10111 NONRESIDENT ATTORNEY — APPOINTMENT OF LOCAL ATTORNEY.

Any member of the bar of another state, actually engaged in any cause or matter pending in any court of this state, may be permitted by such court to appear in and conduct such cause or matter while retaining the attorney's residence in another state, without being subject to ~~the foregoing provisions of~~ this article; provided that at the time the attorney enters an appearance the attorney files with the clerk of such court the written appointment of some attorney resident and admitted to practice in the state of Iowa, upon whom service may be had in all matters connected with said action, with the same effect as if personally made on such foreign attorney within this state. In case of failure to make such appointment, such attorney shall not be permitted to practice as ~~aforesaid~~ provided in this section, and all papers filed by the attorney shall be stricken from the files.

Sec. 174. Section 692.18, Code 2009, is amended to read as follows:

692.18 PUBLIC RECORDS.

1. Nothing in this chapter shall prohibit the public from examining and copying the public records of any public body or agency as authorized by chapter 22.

2. Intelligence data in the possession of a criminal or juvenile justice agency, state or federal regulatory agency, or peace officer, or disseminated by such agency or peace officer, are ~~not public~~ confidential records ~~within the provisions of chapter 22~~ under section 22.7, subsection 55.

Sec. 175. Section 707.7, Code 2009, is amended to read as follows:

707.7 FETICIDE.

1. Any person who intentionally terminates a human pregnancy, with the knowledge and voluntary consent of the pregnant person, after the end of the second trimester of the pregnancy where death of the fetus results commits feticide. Feticide is a class "C" felony.

2. Any person who attempts to intentionally terminate a human pregnancy, with the knowledge and voluntary consent of the pregnant person, after the end of the second trimester of the pregnancy where death of the fetus does not result commits attempted feticide. Attempted feticide is a class "D" felony.

~~This section shall not apply to the termination of a human pregnancy performed by a physician licensed in this state to practice medicine or surgery when in the best clinical judgment of the physician the termination is performed to preserve the life or health of the pregnant person or of the fetus and every reasonable medical effort not inconsistent with preserving the life of the pregnant person is made to preserve the life of a viable fetus.~~

3. Any person who terminates a human pregnancy, with the knowledge and voluntary consent of the pregnant person, who is not a person licensed to practice medicine and surgery or osteopathic medicine and surgery under the provisions of chapter 148, ~~or an osteopathic physician and surgeon licensed to practice osteopathic medicine and surgery under the provisions of chapter 150A,~~ commits a class "C" felony.

4. This section shall not apply to the termination of a human pregnancy performed by a physician licensed in this state to practice medicine or surgery or osteopathic medicine or surgery when in the best clinical judgment of the physician the termination is performed to preserve the life or health of the pregnant person or of the fetus and every reasonable medical effort not inconsistent with preserving the life of the pregnant person is made to preserve the life of a viable fetus.

Sec. 176. Section 709.22, subsection 1, paragraph c, unnumbered paragraph 1, Code 2009, is amended to read as follows:

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

Sec. 177. Section 709.22, subsection 1, paragraph d, Code 2009, is amended by striking the paragraph.

Sec. 178. Section 714.8, subsection 18, Code 2009, is amended to read as follows:

18. a. Manufactures, creates, reproduces, alters, possesses, uses, transfers, or otherwise knowingly contributes to the production or use of a fraudulent retail sales receipt or universal ~~price~~ product code label with intent to defraud another person engaged in the business of retailing.

b. For purposes of this subsection:

~~a.~~ (1) "Retail sales receipt" means a document intended to evidence payment for goods or services.

~~b.~~ (2) "Universal ~~price~~ product code label" means the unique ten-digit bar code placed on the packaging of an item that may be used for purposes including but not limited to tracking inventory, maintaining price information in a computerized database, and serving as proof of purchase of a particular item.

Sec. 179. Section 714E.1, subsection 3, paragraph a, subparagraph (2), Code 2009, is amended to read as follows:

(2) Obtain a forbearance, modification, or repayment plan ~~from~~ for a beneficiary or mortgagee.

Sec. 180. Section 714E.4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

It is a violation of this chapter for a foreclosure consultant to do any of the following:

Sec. 181. Section 714F.3, subsection 2, Code 2009, is amended to read as follows:

2. The contract required by ~~this~~ section 714F.2 survives delivery of any instrument of conveyance of the residence in foreclosure, ~~and~~ but has no effect on persons other than the parties to the contract.

Sec. 182. Section 714F.6, Code 2009, is amended to read as follows:

714F.6 WAIVER.

A waiver of the provisions of this chapter is void and unenforceable as contrary to public policy, except a consumer may waive the three-day right to cancel provided in section 714F.4 if the property is subject to a foreclosure sale, tax sale, or contract forfeiture within the three business days and the shortened cancellation period was not caused by the foreclosure purchaser or an agent of the foreclosure purchaser~~, and the~~. A waiver of a foreclosed ~~homeowner agrees to waive the foreclosed~~ homeowner's right to cancel shall be in a handwritten statement signed by all parties holding title to the foreclosed property.

Sec. 183. Section 714F.9, subsection 2, Code 2009, is amended to read as follows:

2. EXEMPLARY DAMAGES. In a private right of action for a violation of this chapter, the court may award exemplary damages ~~of any amount~~. If the court determines that an award of exemplary damages is appropriate, the amount of exemplary damages awarded shall not be less than one and one-half times the foreclosed homeowner's actual damages. Any claim for exemplary damages brought pursuant to this section must be commenced within four years after the date of the alleged violation.

Sec. 184. Section 728.15, Code 2009, is amended to read as follows:

728.15 TELEPHONE DISSEMINATION OF OBSCENE MATERIAL TO MINORS.

1. a. As used in this section, "person" excludes any information-access service provider that merely provides transmission capacity without control over the content of the transmission.

b. A person shall not knowingly disseminate obscene material by the use of telephones or telephone facilities to a minor. ~~A person who violates this subsection upon conviction is guilty~~

~~of an aggravated misdemeanor. However, second and subsequent offenses of this subsection by a person who has been previously convicted of violating this subsection are class "D" felonies. As used in this subsection, a "person" excludes any information-access service provider that merely provides transmission capacity without control over the content of the transmission.~~

2. It shall be a defense in any prosecution for a violation of subsection 1 by a person ~~who~~ accused of knowingly ~~disseminates~~ disseminating obscene material by the use of telephones or telephone facilities to a minor that the ~~defendant~~ person accused has taken either of the following measures to restrict access to the obscene material:

a. ~~Required~~ The person accused has done all of the following:

(1) Required the person receiving the obscene material to use an authorized access or identification code, as provided by the information provider, before transmission of the obscene material begins~~, where the defendant has previously~~.

(2) Previously issued the code by mailing it to the applicant after taking reasonable measures to ascertain that the applicant was eighteen years of age or older ~~and has established~~.

(3) Established a procedure to immediately cancel the code of any person after receiving notice, in writing or by telephone, that the code has been lost, stolen, or used by persons under the age of eighteen years or that the code is no longer desired.

b. ~~Required~~ The person accused has required payment by credit card before transmission of the obscene material.

3. Any list of applicants or recipients compiled or maintained by an information-access service provider for purposes of compliance with subsection 2 is confidential and shall not be sold or otherwise disseminated except upon order of the court.

4. a. A violation of subsection 1 is an aggravated misdemeanor.

b. A violation of subsection 1 by a person who has been previously convicted of a violation of subsection 1 is a class "D" felony.

Sec. 185. Section 805.8B, subsection 2, paragraph e, Code 2009, is amended to read as follows:

e. For ~~identification~~ decal violations under section 321G.5, the scheduled fine is twenty dollars.

Sec. 186. Section 805.8B, subsection 2A, paragraph e, Code 2009, is amended to read as follows:

e. For ~~identification~~ decal violations under section 321I.6, the scheduled fine is twenty dollars.

Sec. 187. Section 820.11, Code 2009, is amended to read as follows:

820.11 PENALTY FOR WILLFUL DISOBEDIENCE.

Any officer who shall deliver to the agent for extradition of the demanding state a person in the officer's custody under the governor's warrant, in willful disobedience to ~~the last~~ section 820.10, shall be guilty of a simple misdemeanor.

Sec. 188. Section 35B.6, subsection 1, paragraph a, Code 2007, as amended by 2008 Iowa Acts, chapter 1130, section 4, is amended to read as follows:

a. The members of the commission shall qualify by taking the usual oath of office, and give bond in the sum of five hundred dollars each, conditioned for the faithful discharge of their duties with sureties to be approved by the county auditor. The commission shall organize by the selection of one of their members as chairperson, and one as secretary. The commission, subject to the approval of the board of supervisors, shall employ an executive director or administrator and shall have the power to employ other necessary employees when needed, including administrative or clerical assistants, but no member of the commission shall be so employed. The compensation of such employees shall be fixed by the board of supervisors~~, but no member of the commission shall be so employed~~. The executive director must possess the

same qualifications as provided in section 35B.3 for commission members. However, this qualification requirement shall not apply to a person employed as an executive director prior to July 1, 1989.

Sec. 189. Section 35B.14, Code 2007, as amended by 2008 Iowa Acts, chapter 1130, section 7, is amended to read as follows:

35B.14 COUNTY APPROPRIATION.

1. The board of supervisors of each county may appropriate moneys for training an executive director or administrator as provided ~~for~~ in section 35B.6, ~~the~~ and for the expenses for food, clothing, shelter, utilities, medical benefits, and a funeral ~~expenses of~~ for indigent veterans, as defined in section 35.1, ~~and~~ as well as for their indigent spouses, surviving spouses, and minor children not over eighteen years of age, ~~having a legal residence~~ who legally reside in the county.

2. The appropriation shall be expended by the joint action and control of the board of supervisors and the county commission of veteran affairs.

Sec. 190. 2008 Iowa Acts, chapter 1191, section 109, is amended to read as follows:

SEC.109. Section ~~257.11~~ 257.31, subsection 5, Code Supplement 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. n. Unusual need for additional funds for the costs associated with providing competent private instruction pursuant to chapter 299A.

Sec. 191. Sections 238.2, 435.34, and 435.35, Code 2009, are repealed.

Sec. 192. DIRECTIVES TO CODE EDITOR — TRANSFERS.

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

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

DIVISION II
CODE SECTION RENUMBERINGS

Sec. 193. Section 123.129, Code 2009, is amended to read as follows:

123.129 CLASS "C" APPLICATION.

1. For purposes of this section:

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

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

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

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

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

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

~~1.~~ a. Submits a written application for such permit, which application shall state under oath all the information required of a class "A" applicant by section 123.127, subsection 1.

~~2.~~ b. Establishes that the person is of good moral character as defined by this chapter.

~~3.~~ c. Consents to inspection as required in section 123.30, subsection 1.

~~4.~~ d. States the number of square feet of interior floor space which comprises the retail sales area of the premises for which the permit is sought.

Sec. 194. Section 124.101, subsection 1, Code 2009, is amended to read as follows:

1. "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

a. A practitioner, or in the practitioner's presence, by the practitioner's authorized agent; or

b. The patient or research subject at the direction and in the presence of the practitioner.

~~Nothing contained in this chapter shall be construed to prevent a physician, dentist, podiatric physician, or veterinarian from delegating the administration of controlled substances under this chapter to a nurse, intern, or other qualified individual or, as to veterinarians, to an orderly or assistant, under the veterinarian's direction and supervision; all pursuant to rules adopted by the board.~~

Sec. 195. NEW SECTION. 124.101A ADMINISTRATION OF CONTROLLED SUBSTANCES — DELEGATION.

Nothing contained in this chapter shall be construed to prevent a physician, dentist, podiatric physician, or veterinarian from delegating the administration of controlled substances under this chapter to a nurse, intern, or other qualified individual or, as to veterinarians, to an orderly or assistant, under the veterinarian's direction and supervision; all pursuant to rules adopted by the board.

Sec. 196. Section 135J.1, subsection 6, Code 2009, is amended to read as follows:

6. "Interdisciplinary team" means the hospice patient and the hospice patient's family, the attending physician, and all of the following individuals trained to serve with a licensed hospice program:

a. A licensed physician pursuant to chapter 148.

b. A licensed registered nurse pursuant to chapter 152.

c. An individual with at least a baccalaureate degree in the field of social work providing medical-social services.

d. Trained hospice volunteers.

e. ~~Providers~~ As deemed appropriate by the hospice, providers of special services, including but not limited to~~,~~ a spiritual counselor, a pharmacist, or professionals in the fields of mental health may be included on the interdisciplinary team ~~as deemed appropriate by the hospice~~.

Sec. 197. Section 137.6, Code 2009, is amended to read as follows:

137.6 POWERS OF LOCAL BOARDS.

1. Local boards shall have powers to do the following ~~powers~~:

~~1.~~ a. Enforce state health laws and the rules and lawful orders of the state department.

~~2.~~ b. (1) Make and enforce such reasonable rules and regulations not inconsistent with law or with the rules of the state board as may be necessary for the protection and improvement of the public health.

~~a.~~ (a) Rules of a county board shall become effective upon approval by the county board of supervisors by a motion or resolution as defined in section 331.101, subsection 13, and publication in a newspaper having general circulation in the county.

~~b.~~ (b) Rules of a city board shall become effective upon approval by the city council and publication in a newspaper having general circulation in the city.

~~c.~~ (c) Rules of a district board shall become effective upon approval by the district board and publication in a newspaper having general circulation in the district.

~~d.~~ (2) ~~However, before~~ Before approving any rule or regulation the local board of health shall hold a public hearing on the proposed rule. Any citizen may appear and be heard at the public hearing. A notice of the public hearing, stating the time and place and the general na-

ture of the proposed rule or regulation, shall be published as provided in section 331.305 in the area served by the board. The board shall also make a reasonable effort to give notice of the hearing to the communications media located within said area.

~~The board shall also make a reasonable effort to give notice of the hearing to the communications media located within said area.~~

~~3. May by agreement with the council of any city within its jurisdiction enforce appropriate ordinances of said city.~~

~~4.~~ c. Employ persons as necessary for the efficient discharge of its duties. Employment practices shall meet the requirements of chapter 8A, subchapter IV, or any civil service provision adopted under chapter 400.

~~5.~~ d. Provide reports of its operations and activities to the state department as may be required by the director.

2. A local board may, by agreement with the council of any city within its jurisdiction, enforce appropriate ordinances of the city.

Sec. 198. Section 147A.4, subsection 1, Code 2009, is amended to read as follows:

1. a. The department shall adopt rules required or authorized by this subchapter pertaining to the operation of ambulance, rescue, and first response services which have received authorization under section 147A.5 to utilize the services of certified emergency medical care providers. These rules shall include, but need not be limited to, requirements concerning physician supervision, necessary equipment and staffing, and reporting by ambulance, rescue, and first response services which have received the authorization pursuant to section 147A.5.

b. The director, pursuant to rule, may grant exceptions and variances from the requirements of rules adopted under this subchapter for any ambulance, rescue, or first response service. Exceptions or variations shall be reasonably related to undue hardships which existing services experience in complying with this subchapter or the rules adopted pursuant to this subchapter. However, no exception or variance may be granted unless the service ~~has~~ adopted a plan approved by the department prior to July 1, 1996, to achieve compliance during a period not to exceed seven years with this subchapter and rules adopted pursuant to this subchapter. Services requesting exceptions and variances shall be subject to other applicable rules adopted pursuant to this subchapter.

Sec. 199. Section 149.1, subsections 2, 3, and 4, Code 2009, are amended to read as follows:

2. As used in this chapter~~, "board"~~:

a. "Board" means the board of podiatry, created under chapter 147.

~~3.~~ b. ~~As used in this chapter, "human~~ "Human foot" means the ankle and soft tissue which insert into the foot as well as the foot.

~~4.~~ c. "Podiatric physician" means a physician or surgeon licensed under this chapter to engage in the practice of podiatric medicine and surgery.

Sec. 200. Section 149.5, Code 2009, is amended to read as follows:

149.5 AMPUTATIONS — ANESTHESIA — PRESCRIPTION DRUGS.

1. A license to practice podiatry shall not authorize the licensee to amputate the human foot.

2. A licensed podiatric physician may ~~administer~~ do all of the following:

a. Administer local anesthesia.

b. ~~Conscious~~ Administer conscious sedation ~~may be administered by a licensed podiatric physician~~ in a hospital or an ambulatory surgical center.

c. ~~A licensed podiatric physician may prescribe~~ Prescribe and administer drugs for the treatment of human foot ailments as provided in section 149.1.

Sec. 201. Section 153.39, subsection 2, Code 2009, is amended to read as follows:

2. Education requirements shall be determined by the board by rule, according to standards to be determined by the board. A person shall be registered upon the successful completion of either of the education and examination requirements ~~pursuant to~~ established in paragraph

"a" or "b". ~~Education requirements shall be determined by the board by rule, according to standards to be determined by the board.~~:

a. Successful completion of a course of study and examination approved by the board and sponsored by a board-approved postsecondary school.

b. Successful completion of on-the-job training and examination consisting of all of the following:

(1) Completion of on-the-job training as specified in rule.

(2) Successful completion of an examination process approved by the board. A written examination may be waived by the board pursuant to section 17A.9A, in practice situations where the written examination is deemed to be unnecessary or detrimental to the dentist's practice.

2A. The education requirements in subsection 2, paragraphs "a" and "b" may include possession of a valid certificate in a nationally recognized course in cardiopulmonary resuscitation. Successful passage of an examination administered by the board under subsection 2, paragraph "a" or "b", which shall include sections regarding infection control, hazardous materials, and jurisprudence, shall also be required.

2B. The board shall establish continuing education requirements as a condition of renewing registration as a registered dental assistant, as well as standards for the suspension or revocation of registration.

Sec. 202. Section 163.2, Code 2009, is amended to read as follows:

163.2 INFECTIOUS OR CONTAGIOUS DISEASES.

As provided in this chapter, unless the context otherwise requires:

1. "Certificate of veterinary inspection" or "certificate" means a legible record, made on an official form of the state of origin or the animal and plant health inspection service of the United States department of agriculture, and issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the animal and plant health inspection service, which shows that an animal listed on the form meets the health requirements of the state of destination.

2. "Control" means the prevention, suppression, or eradication of an infectious or contagious disease afflicting an animal within the state.

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

4. "Foot and mouth disease" means a virus of the family picornaviridae, genus aphthovirus, including any immunologically distinct serotypes.

~~4.~~ 5. "Infectious or contagious disease" means glanders, farcy, maladie du coit (dourine), anthrax, foot and mouth disease, scabies, hog cholera, tuberculosis, brucellosis, vesicular exanthema, scrapie, rinderpest, avian influenza or Newcastle disease as provided in chapter 165B, or any other transmissible, transferable, or communicable disease so designated by the department.

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

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

Sec. 203. Section 163.30, subsection 3, paragraph d, Code 2009, is amended to read as follows:

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

~~By~~ by mailing the notice, by ordinary mail, to every person filing a request for notice accom-

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

Sec. 204. Section 163.30, subsections 4 through 7, Code 2009, are amended to read as follows:

4. a. All swine moved shall be individually identified with a distinctive and easily discernible ear tag affixed in either ear of the animal or other identification acceptable to the department, which has been specified by rule promulgated under the department's rulemaking authority. The department shall make ear tags available at convenient locations within each county and shall sell such tags at a price not exceeding the cost to producers and others to comply with this section.

b. Every seller, dealer and market operator shall keep a record of the ear tag numbers, or other approved identification, and the farm of origin of swine moved by or through that person, which records shall be made available by that person to any appropriate representative of the department or the United States department of agriculture.

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

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

(1) Swine which are moved intrastate directly to an approved state, federal, or auction market ~~without such identification or certification~~, there to be identified and certificated, are excepted from the identification and certification requirements.

c. ~~However, registered~~ Registered swine for exhibition or breeding purposes which can be individually identified by an ear notch or tattoo or other method approved by the department are excepted from ~~this~~ the additional identification requirement. ~~In addition, native~~

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

6. The department may combine a certificate of veterinary inspection with a certificate of inspection required under chapter 166D.

~~6.~~ 7. The department may require issuance of movement permits on certain categories of swine moved, prior to their movement, pursuant to departmental rule. The rule shall be promulgated when in the judgment of the secretary, such movements would otherwise threaten or imperil the eradication of hog cholera in Iowa.

~~7.~~ 7A. All swine moved shall be quarantined separate and apart from other swine located at the Iowa farm of destination for thirty days beginning with their arrival at such premises, or if such incoming swine are not held separate and apart, all swine on such premises shall be thus quarantined, except animals moving from such premises directly to slaughter.

7B. There can only be one transfer by a dealer, involving not more than two markets, prior to quarantine.

Sec. 205. Section 166D.7, subsection 2, Code 2009, is amended to read as follows:

2. A monitored herd shall be initially certified, recertified, and maintained as follows:

a. The herd shall be certified when a statistical sampling of the herd is determined to be noninfected.

b. In order to remain certified the herd must be retested and recertified as provided by the department. The herd must be recertified annually. The herd shall be recertified when a statistical sampling of the herd is determined to be noninfected within twelve months from initial certification or the most recent recertification.

c. A monitored herd shall not be certified or recertified, if the herd is located within a county which is designated by the department as in stage II of the national pseudorabies eradication program, unless the herd is vaccinated with a modified-live differentiable vaccine pursuant to section 166D.11 and as required by the department.

~~c.~~ d. A monitored herd may receive new swine into the herd from a noninfected herd.

Sec. 206. Section 167.4, Code 2009, is amended to read as follows:

167.4 LICENSING PROCEDURE — FEES.

1. The following shall apply to a person required to be licensed under this chapter:

~~1.~~ a. The person shall submit an application for a license to the department in a manner and according to procedures required by the department.

~~2.~~ b. The person shall include in the application information as required by the department, on forms prescribed by the department, which shall include at least all of the following:

~~a.~~ (1) For a disposal plant, the person shall state the person's name and address, the person's proposed place of business, and the total number of vehicles to be involved in the operation.

~~b.~~ (2) For a collection point involving the accumulation of whole animal carcasses or their parts for ultimate transportation to a disposal plant, the person's name and address, the person's proposed place of business, and the total number of vehicles to be involved in the operation.

~~c.~~ (3) For a delivery service which transports whole animal carcasses or their parts to a disposal plant or collection point, the person's name and address, the total number of vehicles to be involved in the operation, and the location where the vehicles involved in the operation are to be maintained.

~~3.~~ c. The person shall submit a separate application for each location that the person is to operate as a disposal plant, collection point, or a delivery service.

~~4.~~ d. The person shall ~~submit~~ pay a license fee as follows:

~~a.~~ (1) For a disposal plant, one hundred dollars.

~~b.~~ (2) For a collection point, one hundred dollars. However, a person is not required to pay the license fee for a collection point which is operated by a disposal plant.

~~c.~~ (3) For a delivery service which is not part of the operation of a disposal plant or collection point, fifty dollars.

~~5.~~ e. A license issued to a person under this section shall expire on December 31 of each year. The person may renew the license by completing a renewal form as prescribed by the department in a manner and according to procedures required by the department. However, the renewal form must be submitted to the department prior to the license's expiration date. The person shall ~~submit~~ pay a renewal license fee which shall be for the same amount as the original license fee.

~~Fees collected pursuant to this section shall be deposited into the general fund of the state.~~

~~6.~~ f. A person's license is subject to suspension or revocation by the department if the department determines that the person has committed a material violation of this chapter, including rules adopted by this chapter, or a term or condition of the license. The person may contest the department's action as provided in chapter 17A.

2. Fees collected pursuant to this section shall be deposited into the general fund of the state.

Sec. 207. Section 169.6, Code 2009, is amended to read as follows:

169.6 DISCLOSURE OF CONFIDENTIAL INFORMATION.

1. A member of the board shall not disclose information relating to the following:

~~1.~~ a. Criminal history or prior misconduct of the applicant.

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

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

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

Sec. 208. Section 191.2, subsections 2 and 7, Code 2009, are amended to read as follows:

2. OLEOMARGARINE.

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

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

b. Whenever coloring of any kind has been added it shall be clearly stated on both inside wrapper and the outside package. The ingredients of oleo, oleomargarine or margarine shall be listed on both the inside wrapper and outside package in the order of the amounts of ingredients in the package.

c. Such oleo, oleomargarine or margarine shall contain vitamin "A" in such quantity that the finished oleo, oleomargarine or margarine contains not less than fifteen thousand United States Pharmacopoeia units of vitamin "A" per pound, as determined by the method prescribed in the Pharmacopoeia of the United States for the total biological vitamin "A" activity.

7. a. Tanks transporting raw milk and milk products to a milk plant from sources of supply not under the supervision of the secretary or authorized municipal corporation are required to be marked with the name and address of the milk plant or hauler and shall be sealed; in addition, for each such shipment, a shipping statement shall be prepared containing at least the following information:

~~a.~~ (1) Shipper's name, address, and permit number.

~~b.~~ (2) Permit number of hauler, if not employee of shipper.

~~c.~~ (3) Point of origin of shipment.

~~d.~~ (4) Tanker identity number.

~~e.~~ (5) Name of product.

~~f.~~ (6) Weight of product.

~~g.~~ (7) Grade of product.

~~h.~~ (8) Temperature of product.

~~i.~~ (9) Date of shipment.

~~j.~~ (10) Name of supervising health authority at the point of origin.

~~k.~~ (11) Whether the contents are raw, pasteurized, or otherwise heat treated.

b. Such statement shall be prepared in triplicate and shall be kept on file by the shipper, the consignee, and the carrier for a period of six months for the information of the secretary.

Sec. 209. Section 191.4, Code 2009, is amended to read as follows:

191.4 ~~"PERSON" DEFINED~~ DEFINITIONS.

1. "Oleo", "oleomargarine", or "margarine", for purposes of this chapter, includes all substances, mixtures, and compounds known as oleo, oleomargarine, or margarine, and all sub-

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

2. "Person" as used in this chapter and chapters 190 and 192 means any individual, plant operator, partnership, corporation, company, firm, trustee, or association.

Sec. 210. Section 200.14, Code 2009, is amended to read as follows:

200.14 RULES.

1. The secretary is authorized, after public hearing, following due notice, to adopt rules setting forth minimum general safety standards for the design, construction, location, installation and operation of equipment for storage, handling, transportation by tank truck or tank trailer, and utilization of anhydrous ammonia.

a. The rules shall be such as are reasonably necessary for the protection and safety of the public and persons using anhydrous ammonia, and shall be in substantial conformity with the generally accepted standards of safety.

b. ~~It is hereby declared that rules~~ Rules that are in substantial conformity with the published standards of the agricultural ammonia institute for the design, installation and construction of containers and pertinent equipment for the storage and handling of anhydrous ammonia, shall be deemed to be in substantial conformity with the generally accepted standards of safety.

2. Anhydrous ammonia equipment shall be installed and maintained in a safe operating condition and in conformity with rules adopted by the secretary.

3. The secretary ~~is hereby charged with the enforcement of~~ shall enforce this chapter~~,~~ and, after due publicity and due public hearing, ~~is empowered to promulgate and~~ may adopt such reasonable rules as may be necessary in order to carry into effect the purpose and intent and to secure the efficient administration of this chapter ~~or to secure the efficient administration thereof~~.

4. ~~Nothing in this~~ This chapter ~~shall~~ does not prohibit the use of storage tanks smaller than transporting tanks nor the transfer of all kinds of fertilizer including anhydrous ammonia directly from transporting tanks to implements of husbandry, if proper safety precautions are observed.

Sec. 211. Section 203.12A, subsections 1, 2, and 9, Code 2009, are amended to read as follows:

1. a. As used in this section:

(1) "Grain dealer assets" includes proceeds received or due a grain dealer upon the sale, including exchange, collection, or other disposition, of grain sold by the grain dealer. "Grain dealer assets" also includes any other funds or property of the grain dealer which can be directly traced as being from the sale of grain by the grain dealer, or which were utilized in the business operation of the grain dealer.

(2) "Proceeds" means noncash and cash proceeds as defined in section 554.9102.

b. A court, upon petition by an affected party, may order that claimed grain dealer assets are not grain dealer assets as defined in this section. The burden of proof shall be upon the petitioner to establish that the assets are not grain dealer assets as defined in this section.

2. A statutory lien is imposed on all grain dealer assets in favor of sellers who have surrendered warehouse receipts or other written evidence of ownership as part of a grain sale transaction or who possess written evidence of the sale of grain to a grain dealer, without receiving full payment for the grain.

~~2. "Grain dealer assets" includes proceeds received or due a grain dealer upon the sale, including exchange, collection, or other disposition, of grain sold by the grain dealer. As used in this section, "proceeds" means noncash and cash proceeds as defined in section 554.9102. "Grain dealer assets" also includes any other funds or property of the grain dealer which can be directly traced as being from the sale of grain by the grain dealer, or which were utilized~~

~~in the business operation of the grain dealer. A court, upon petition by an affected party, may order that claimed grain dealer assets are not grain dealer assets as defined in this section. The burden of proof shall be upon the petitioner to establish that the assets are not grain dealer assets as defined in this section.~~

9. a. The board may enforce the lien in the manner provided in chapter 554, article 9, part 6, for the enforcement of security interests. If, upon enforcement of the lien, the lien amount is satisfied in full without exhaustion of the grain dealer assets, the remaining assets shall be returned to the grain dealer or, if there are competing claims to those remaining assets by other creditors, shall place those assets in the custody of the district court and implead the known creditors.

b. For purposes of enforcement of the lien, the board is deemed to be the secured party and the grain dealer is deemed to be the debtor, and each has the respective rights and duties of a secured party and a debtor as provided in chapter 554, article 9, part 6. If a right or duty under chapter 554, article 9, part 6, is contingent upon the existence of express language in a security agreement, or may be waived by express language in a security agreement, the requisite language is deemed not to exist for purposes of enforcement of the lien created by this section.

Sec. 212. Section 203.15, subsection 4, paragraph c, Code 2009, is amended to read as follows:

c. (1) A grain dealer must meet at least either of the following conditions:

~~(1)~~ (a) The grain dealer's last financial statement required to be submitted to the department pursuant to section 203.3 is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state.

~~(2)~~ (b) The grain dealer files a bond with the department in the amount of one hundred thousand dollars payable to the department.

(2) (a) The bond filed with the department under this paragraph shall be used to indemnify sellers for losses resulting from a breach of a credit-sale contract as provided by rules adopted by the department. The rules shall include, but are not limited to, procedures and criteria for providing notice, filing claims, valuing losses, and paying claims. The bond provided in this paragraph shall be in addition to any other bond required in this chapter.

(b) ~~A~~ The bond ~~filed with the department under this paragraph~~ shall not be canceled by the issuer on less than ninety days notice by certified mail to the department and the principal. However, if an adequate replacement bond is filed with the department, the department may authorize the cancellation of the original bond before the end of the ninety-day period.

(c) If an adequate replacement bond is not received by the department within sixty days of the issuance of the notice of cancellation, the department shall automatically suspend the grain dealer's license. The department shall cause an inspection of the licensed grain dealer immediately at the end of the sixty-day period. If a replacement bond is not filed within another thirty days following the suspension, the grain dealer license shall be automatically revoked.

(3) When a license is revoked, the department shall provide notice of the revocation by ordinary mail to the last known address of each holder of an outstanding credit-sale contract and all known sellers.

Sec. 213. Section 203C.33, Code 2009, is amended to read as follows:

203C.33 FEES.

1. The department shall charge the following fees for deposit in the general fund:

~~1.~~ a. For the issuance or renewal of a warehouse license, the fee shall be determined on the basis of the storage capacity in bushels of grain as follows:

~~a.~~ (1) If the total storage capacity is one hundred thousand bushels or less, the fee is fifty-eight dollars.

~~b.~~ (2) If the total storage capacity is more than one hundred thousand bushels, but not more than seven hundred fifty thousand bushels, the fee is one hundred twenty-five dollars.

~~c.~~ (3) If the total storage capacity is more than seven hundred fifty thousand bushels, but

not more than one million five hundred thousand bushels, the fee is one hundred ninety-one dollars.

~~d.~~ (4) If the total storage capacity is more than one million five hundred thousand bushels, but not more than three million bushels, the fee is two hundred forty-nine dollars.

~~e.~~ (5) If the total storage capacity is more than three million bushels, but not more than four million seven hundred fifty thousand bushels, the fee is three hundred seven dollars.

~~f.~~ (6) If the total storage capacity is more than four million seven hundred fifty thousand bushels, but not more than nine million five hundred thousand bushels, the fee is three hundred seventy-four dollars.

~~g.~~ (7) If the total storage capacity is more than nine million five hundred thousand bushels, the fee is four hundred forty dollars.

~~2.~~ b. For the issuance or renewal of a warehouse license for the storage of products other than bulk grain, the fee shall be determined as follows:

~~a.~~ (1) For intended storage of products of a value of one hundred thousand dollars or less, a fee of sixty dollars.

~~b.~~ (2) For intended storage of products of a value greater than one hundred thousand dollars but not greater than three hundred thousand dollars, a fee of one hundred dollars.

~~c.~~ (3) For intended storage of products of a value in excess of three hundred thousand dollars, a fee of two hundred dollars.

c. For each inspection of a warehouse or station for the purpose of licensing, a fee of twenty-five dollars, and for each additional warehouse or station under the same license, a fee of ten dollars.

~~3.~~ d. For each amendment of a license, a fee of ten dollars.

~~4.~~ e. For each amendment of a tariff, a fee of ten dollars.

~~5.~~ f. For a duplicate license, a fee of five dollars.

~~6.~~ g. For the reinstatement of a license, a fee of fifty dollars.

2. ~~New~~ Fees for new licenses issued for less than a year shall be prorated from the date of application.

Sec. 214. Section 216.19, Code 2009, is amended to read as follows:

216.19 LOCAL LAWS IMPLEMENTING THIS CHAPTER.

1. All cities shall, to the extent possible, protect the rights of the citizens of this state secured by the Iowa civil rights Act. Nothing in this chapter shall be construed as indicating ~~an~~ any of the following:

a. An intent on the part of the general assembly to occupy the field in which this chapter operates to the exclusion of local laws not inconsistent with this chapter that deal with the same subject matter.

b. ~~Nothing in this chapter shall be construed as indicating an~~ An intent to prohibit an agency or commission of local government having as its purpose the investigation and resolution of violations of this chapter from developing procedures and remedies necessary to insure the protection of rights secured by this chapter. ~~All cities shall, to the extent possible, protect the rights of the citizens of this state secured by the Iowa civil rights Act. Nothing in this chapter shall be construed as limiting~~

c. Limiting a city or local government from enacting any ordinance or other law which prohibits broader or different categories of unfair or discriminatory practices.

2. ~~An agency or commission of local government and the Iowa civil rights commission shall cooperate in the sharing of data and research, and coordinating investigations and conciliations in order to expedite claims of unlawful discrimination and eliminate needless duplication.~~ A city with a population of twenty-nine thousand, or greater, shall maintain an independent local civil rights agency or commission consistent with commission rules adopted pursuant to chapter 17A. An agency or commission for which a staff is provided shall have control over such staff. A city required to maintain a local civil rights agency or commission shall structure and adequately fund the agency or commission in order to effect cooperative

undertakings with the Iowa civil rights commission and to aid in effectuating the purposes of this chapter.

3. An agency or commission of local government and the Iowa civil rights commission shall cooperate in the sharing of data and research, and coordinating investigations and conciliations in order to expedite claims of unlawful discrimination and eliminate needless duplication. The Iowa civil rights commission may enter into cooperative agreements with any local agency or commission to effectuate the purposes of this chapter. Such agreements may include technical and clerical assistance and reimbursement of expenses incurred by the local agency or commission in the performance of the agency's or commission's duties if funds for this purpose are appropriated by the general assembly.

4. The Iowa civil rights commission may designate an unfunded local agency or commission as a referral agency. A local agency or commission shall not be designated a referral agency unless the ordinance creating it provides the same rights and remedies as are provided in this chapter. The Iowa civil rights commission shall establish by rules the procedures for designating a referral agency and the qualifications to be met by a referral agency.

5. The Iowa civil rights commission may adopt rules establishing the procedures for referral of complaints. A referral agency may refuse to accept a case referred to it by the Iowa civil rights commission if the referral agency is unable to effect proper administration of the complaint. It shall be the burden of the referral agency to demonstrate that it is unable to properly administer that complaint.

6. A complainant who files a complaint with a referral agency having jurisdiction shall be prohibited from filing a complaint with the Iowa civil rights commission alleging violations based upon the same acts or practices cited in the original complaint; and a complainant who files a complaint with the commission shall be prohibited from filing a complaint with the referral agency alleging violations based upon the same acts or practices cited in the original complaint. However, the Iowa civil rights commission in its discretion may refer a complaint filed with the commission to a referral agency having jurisdiction over the parties for investigation and resolution; and a referral agency in its discretion may refer a complaint filed with that agency to the commission for investigation and resolution. ~~The commission may adopt rules establishing the procedures for referral of complaints. A referral agency may refuse to accept a case referred to it by the Iowa civil rights commission if the referral agency is unable to effect proper administration of the complaint. It shall be the burden of the referral agency to demonstrate that it is unable to properly administer that complaint.~~

7. A final decision by a referral agency shall be subject to judicial review as provided in section 216.17 in the same manner and to the same extent as a final decision of the Iowa civil rights commission.

8. The referral of a complaint by the Iowa civil rights commission to a referral agency or by a referral agency to the Iowa civil rights commission shall not affect the right of a complainant to commence an action in the district court under section 216.16.

Sec. 215. Section 222.31, Code 2009, is amended to read as follows:

222.31 COMMITMENT — LIABILITY FOR CHARGES.

1. If in the opinion of the court, or of a commission as authorized in section 222.28, the person is mentally retarded within the meaning of this chapter and the court determines that it will be conducive to the welfare of that person and of the community to commit the person to a proper institution for treatment, training, instruction, care, habilitation, and support, and that services or support provided to the family of such a person who is a child will not enable the family to continue to care for the child in the child's home, the court shall by proper order:

~~1.~~ a. Commit the person to any public or private facility within or without the state, approved by the director of the department of human services. If the person has not been examined by a commission as appointed in section 222.28, the court shall, prior to issuing an order of commitment, appoint such a commission to examine the person for the purpose of determining the mental condition of the person. No order of commitment shall be issued unless the

commission shall recommend that such order be issued and the private institution to which the person is to be committed shall advise the court that it is willing to receive the person.

~~2.~~ b. (1) Commit the person to the state resource center designated by the administrator to serve the county in which the hearing is being held, or to a special unit. The court shall, prior to issuing an order of commitment, request that a diagnostic evaluation of the person be made by the superintendent of the resource center or the special unit, or the superintendent's qualified designee. The evaluation shall be conducted at a place as the superintendent may direct. The cost of the evaluation shall be defrayed by the county of legal settlement unless otherwise ordered by the court. The cost may be equal to but shall not exceed the actual cost of the evaluation. Persons referred by a court to a resource center or the special unit for diagnostic evaluation shall be considered as outpatients of the institution. No order of commitment shall be issued unless the superintendent of the institution recommends that the order be issued, and advises the court that adequate facilities for the care of the person are available.

(2) The court shall examine the report of the county attorney filed pursuant to section 222.13, and if the report shows that neither the person nor those liable for the person's support under section 222.78 are presently able to pay the charges rising out of the person's care in ~~the~~ a resource center, or special treatment unit, shall enter an order stating that finding and directing that the charges be paid by the person's county of residence. The court may, upon request of the board of supervisors, review its finding at any subsequent time while the person remains at the resource center, or is otherwise receiving care or treatment for which this chapter obligates the county to pay. If the court finds upon review that the person or those legally responsible for the person are presently able to pay the expenses, that finding shall apply only to the charges incurred during the period beginning on the date of the board's request for the review and continuing thereafter, unless and until the court again changes its finding. If the court finds that the person, or those liable for the person's support, are able to pay the charges, the court shall enter an order directing that the charges be so paid to the extent required by section 222.78.

~~3.~~ 2. In its order, the court shall include a finding as to whether the person has sufficient mental capacity to comprehend and exercise the right to vote.

Sec. 216. Section 222.36, Code 2009, is amended to read as follows:

222.36 CUSTODY PENDING ADMISSION.

If a resource center or a special unit is unable to immediately receive a person committed under section 222.31, subsection ~~2~~ 1, paragraph "b", the superintendent shall notify the court of the time when such person may be received. In the meantime, said person shall be cared for under such order as the court may enter.

Sec. 217. Section 222.59, subsection 3, paragraph b, Code 2009, is amended to read as follows:

b. That the patient's commitment is still appropriate but the patient should be transferred to another public or private facility in accordance with the provisions of section 222.31, subsection 1, paragraph "a".

Sec. 218. Section 231.32, subsection 2, Code 2009, is amended to read as follows:

2. The commission shall designate an area agency to serve each planning and service area, after consideration of the views offered by units of general purpose local government. An area agency may be:

a. An established office of aging which is operating within a planning and service area designated by the commission.

b. Any office or agency of a unit of general purpose local government, which is designated for the purpose of serving as an area agency by the chief elected official of such unit.

c. Any office or agency designated by the appropriate chief elected officials of any combination of units of general purpose local government to act on behalf of the combination for such purpose.

d. Any public or nonprofit private agency in a planning and service area or any separate organizational unit within such agency which is under the supervision or direction for this purpose of the department of elder affairs and which can engage in the planning or provision of a broad range of supportive services or nutrition services within the planning and service area.

~~Each area agency shall provide assurance, determined adequate by the commission, that the area agency has the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program in accordance with the plan within the planning and service area. In designating an area agency on aging within the planning and service area, the commission shall give preference to an established office of aging, unless the commission finds that no such office within the planning and service area has the capacity to carry out the area plan.~~

Sec. 219. Section 231.32, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Each area agency shall provide assurance, determined adequate by the commission, that the area agency has the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program in accordance with the plan within the planning and service area. In designating an area agency on aging within the planning and service area, the commission shall give preference to an established office of aging, unless the commission finds that no such office within the planning and service area has the capacity to carry out the area plan.

Sec. 220. Section 232.52, subsection 2, paragraphs a and c, Code 2009, are amended to read as follows:

a. An order prescribing one or more of the following:

(1) A work assignment of value to the state or to the public.

(2) Restitution consisting of monetary payment or a work assignment of value to the victim.

(3) If the child is fourteen years of age or older, restitution consisting of monetary payment or a work assignment of value to the county or to the public for fees of attorneys appointed to represent the child at public expense pursuant to section 232.11.

(4) The suspension or revocation of the driver's license or operating privilege of the child, for a period of one year, for the commission of delinquent acts which are a violation of any of the following:

(a) Section 123.46.

(b) Section 123.47 regarding the purchase or attempt to purchase of alcoholic beverages.

(c) Chapter 124.

(d) Section 126.3.

(e) Chapter 453B.

(f) Two or more violations of section 123.47 regarding the possession of alcoholic beverages.

(g) Section 708.1, if the assault is committed upon an employee of the school at which the child is enrolled, and the child intended to inflict serious injury upon the school employee or caused bodily injury or mental illness.

(h) Section 724.4, if the child carried the dangerous weapon on school grounds.

(i) Section 724.4B.

The child may be issued a temporary restricted license or school license if the child is otherwise eligible.

(5) The suspension of the driver's license or operating privilege of the child for a period not to exceed one year. The order shall state whether a work permit may or shall not be issued to the child.

~~An order under paragraph "a" may be the sole disposition or may be included as an element in other dispositional orders.~~

c. An order providing special care and treatment required for the physical, emotional or mental health of the child, and

(1) Placing the child on probation or other supervision; and

(2) If the court deems appropriate, ordering the parent, guardian, or custodian to reimburse the county for any costs incurred as provided in section 232.141, subsection 1, or to otherwise pay or provide for such care and treatment.

~~A parent or guardian may be required by the juvenile court to participate in educational or treatment programs as part of a probation plan if the court determines it to be in the best interest of the child. A parent or guardian who does not participate in the probation plan when required to do so by the court may be held in contempt.~~

Sec. 221. Section 232.52, subsection 2A, Code 2009, is amended to read as follows:

2A. a. An order under subsection 2, paragraph "a", may be the sole disposition or may be included as an element in other dispositional orders.

b. A parent or guardian may be required by the juvenile court to participate in educational or treatment programs as part of a probation plan. A parent or guardian who does not participate in the probation plan when required to do so by the court may be held in contempt.

c. Notwithstanding subsection 2, the court shall not order group foster care placement of the child which is a charge upon the state if that placement is not in accordance with the service area plan for group foster care established pursuant to section 232.143 for the departmental service area in which the court is located.

Sec. 222. Section 236.5, Code 2009, is amended to read as follows:

236.5 DISPOSITION.

1. Upon a finding that the defendant has engaged in domestic abuse:

~~1.~~ a. The court may order that the plaintiff, the defendant, and the children who are members of the household receive professional counseling, either from a private source approved by the court or from a source appointed by the court. Costs of counseling shall be paid in full or in part by the parties and taxed as court costs. If the court determines that the parties are unable to pay the costs, they may be paid in full or in part from the county treasury.

~~2.~~ b. The court may grant a protective order or approve a consent agreement which may contain but is not limited to any of the following provisions:

~~a.~~ (1) That the defendant cease domestic abuse of the plaintiff.

~~b.~~ (2) That the defendant grant possession of the residence to the plaintiff to the exclusion of the defendant or that the defendant provide suitable alternate housing for the plaintiff.

~~c.~~ (3) That the defendant stay away from the plaintiff's residence, school, or place of employment.

~~d.~~ (4) The awarding of temporary custody of or establishing temporary visitation rights with regard to children under eighteen.

(a) In awarding temporary custody or temporary visitation rights, the court shall give primary consideration to the safety of the victim and the children.

(b) If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of the victim and the children.

(c) The court shall also investigate whether any other existing orders awarding custody or visitation rights should be modified.

~~e.~~ (5) Unless prohibited pursuant to 28 U.S.C. § 1738B, that the defendant pay the clerk a sum of money for the separate support and maintenance of the plaintiff and children under eighteen.

2. An order for counseling, a protective order, or approved consent agreement shall be for a fixed period of time not to exceed one year. The court may amend or extend its order or a consent agreement at any time upon a petition filed by either party and after notice and hearing. The court may extend the order if the court, after hearing at which the defendant has the opportunity to be heard, finds that the defendant continues to pose a threat to the safety of the victim, persons residing with the victim, or members of the victim's immediate family. At the time of the extension, the parties need not meet the requirement in section 236.2, subsection

2, paragraph "d", that the parties lived together during the last year if the parties met the requirements of section 236.2, subsection 2, paragraph "d", at the time of the original order. The number of extensions that can be granted by the court is not limited.

3. The order shall state whether a person is to be taken into custody by a peace officer for a violation of the terms stated in the order.

~~3.~~ 4. The court may order that the defendant pay the plaintiff's attorneys fees and court costs.

~~4.~~ 5. An order or consent agreement under this section shall not affect title to real property.

~~5.~~ 6. A copy of any order or approved consent agreement shall be issued to the plaintiff, the defendant, the county sheriff of the county in which the order or consent decree is initially entered, and the twenty-four-hour dispatcher for the county sheriff. Any subsequent amendment or revocation of an order or consent agreement shall be forwarded by the clerk to all individuals and the county sheriff previously notified.

7. The clerk shall notify the county sheriff and the twenty-four-hour dispatcher for the county sheriff in writing so that the county sheriff and the county sheriff's dispatcher receive written notice within six hours of filing the order, approved consent agreement, amendment, or revocation. The clerk may fulfill this requirement by sending the notice by facsimile or other electronic transmission which reproduces the notice in writing within six hours of filing the order.

8. The county sheriff's dispatcher shall notify all law enforcement agencies having jurisdiction over the matter and the twenty-four-hour dispatcher for the law enforcement agencies upon notification by the clerk.

Sec. 223. Section 252B.5, subsection 12, paragraphs a and b, Code 2009, are amended to read as follows:

a. ~~Comply~~ In compliance with federal procedures, ~~to~~ periodically certify to the secretary of the United States department of health and human services, a list of the names of obligors determined by the unit to owe delinquent support, under a support order as defined in section 252J.1, in excess of two thousand five hundred dollars. The certification of the delinquent amount owed may be based upon one or more support orders being enforced by the unit if the delinquent support owed exceeds two thousand five hundred dollars. The certification shall include any amounts which are delinquent pursuant to the periodic payment plan when a modified order has been retroactively applied. The certification shall be in a format and shall include any supporting documentation required by the secretary.

b. All of the following shall apply to an action initiated by the unit under this subsection:

(1) The obligor shall be sent a notice by regular mail in accordance with federal law and regulations and the notice shall remain in effect until support delinquencies have been paid in full.

(2) The notice shall include all of the following:

(a) A statement regarding the amount of delinquent support owed by the obligor.

(b) A statement providing information that if the delinquency is in excess of two thousand five hundred dollars, the United States secretary of state may apply a passport sanction by revoking, restricting, limiting, or refusing to issue a passport as provided in 42 U.S.C. § 652(k).

(c) Information regarding the procedures for challenging the certification by the unit.

(3) (a) If the obligor chooses to challenge the certification, the obligor shall notify the unit within the time period specified in the notice to the obligor. The obligor shall include any relevant information with the challenge.

~~(2) (a)~~ (b) A challenge shall be based upon mistake of fact. For the purposes of this subsection, "mistake of fact" means a mistake in the identity of the obligor or a mistake in the amount of the delinquent child support owed if the amount did not exceed two thousand five hundred dollars on the date of the unit's decision on the challenge.

~~If the obligor chooses to challenge the certification, the obligor shall notify the unit within the time period specified in the notice to the obligor. The obligor shall include any relevant information with the challenge.~~

~~(b)~~ (4) Upon timely receipt of the challenge, the unit shall review the certification for a mis-

take of fact, or refer the challenge for review to the child support agency in the state chosen by the obligor as provided by federal law.

~~(c)~~ (5) Following the unit's review of the certification, the unit shall send a written decision to the obligor within ten days of timely receipt of the challenge.

~~(i)~~ (a) If the unit determines that a mistake of fact exists, the unit shall send notification in accordance with federal procedures withdrawing the certification for passport sanction.

~~(ii)~~ (b) If the unit determines that a mistake of fact does not exist, the obligor may contest the determination within ten days following the issuance of the decision by submitting a written request for a contested case proceeding pursuant to chapter 17A.

~~(3)~~ (6) Following issuance of a final decision under chapter 17A that no mistake of fact exists, the obligor may request a hearing before the district court pursuant to chapter 17A. The department shall transmit a copy of its record to the district court pursuant to chapter 17A. The scope of the review by the district court shall be limited to demonstration of a mistake of fact. Issues related to visitation, custody, or other provisions not related to the support provisions of a support order are not grounds for a hearing under this subsection.

Sec. 224. Section 256B.2, Code 2009, is amended to read as follows:

256B.2 DEFINITIONS — POLICIES — FUNDS.

1. As used in this chapter:

a. "Children requiring special education" means persons under twenty-one years of age, including children under five years of age, who have a disability in obtaining an education because of a head injury, autism, behavioral disorder, or physical, mental, communication, or learning disability, as defined by the rules of the department of education.

~~2.~~ b. "Special education" means classroom, home, hospital, institutional, or other instruction designed to meet the needs of children requiring special education as defined in this subsection ~~1~~; transportation and corrective and supporting services required to assist children requiring special education, as defined in this subsection ~~1~~, in taking advantage of, or responding to, educational programs and opportunities, as defined by rules of the state board of education.

~~3.~~ 2. It is the policy of this state to require school districts and state operated educational programs to provide or make provision, as an integral part of public education, for a free and appropriate public education sufficient to meet the needs of all children requiring special education. This chapter is not to be construed as encouraging separate facilities or segregated programs designed to meet the needs of children requiring special education when the children can benefit from all or part of the education program as offered by the local school district. To the maximum extent possible, children requiring special education shall attend regular classes and shall be educated with children who do not require special education. Whenever possible, hindrances to learning and to the normal functioning of children requiring special education within the regular school environment shall be overcome by the provision of special aids and services rather than by separate programs for those in need of special education. Special classes, separate schooling, or other removal of children requiring special education from the regular educational environment, shall occur only when, and to the extent that the nature or severity of the educational disability is such, that education in regular classes, even with the use of supplementary aids and services, cannot be accomplished satisfactorily. For those children who cannot adapt to the regular educational or home living conditions, and who are attending facilities under chapters 263, 269, and 270, upon the request of the board of directors of an area education agency, the department of human services shall provide residential or detention facilities and the area education agency shall provide special education programs and services. The area education agencies shall cooperate with the board of regents to provide the services required by this chapter.

3. Special aids and services shall be provided to children requiring special education who are less than five years of age if the aids and services will reasonably permit the child to enter the educational process or school environment when the child attains school age.

4. Every child requiring special education shall, if reasonably possible, receive a level of ed-

ucation commensurate with the level provided each child who does not require special education. The cost of providing such an education shall be paid as provided in section 273.9, this chapter, and chapter 257. It shall be the primary responsibility of each school district to provide special education to children who reside in that district if the children requiring special education are properly identified, the educational program or service has been approved, the teacher or instructor has been licensed, the number of children requiring special education needing that educational program or service is sufficient to make offering the program or service feasible, and the program or service cannot more economically and equably be obtained from the area education agency, another school district, another group of school districts, a qualified private agency, or in cooperation with one or more other districts.

~~4.~~ 5. Moneys received by the school district of the child's residence for the child's education, derived from moneys received through chapter 257, this chapter, and section 273.9 shall be paid by the school district of the child's residence to the appropriate education agency, private agency, or other school district providing special education for the child pursuant to contractual arrangements as provided in section 273.3, subsections 5 and ~~7~~ 6.

Sec. 225. Section 321A.39, Code 2009, is amended to read as follows:

321A.39 LIABILITY INSURANCE — STATEMENT.

1. Whenever any dealer licensed under chapter 322 sells a motor vehicle at retail and the transaction does not include the sale of liability insurance coverage which will protect the purchaser under the Iowa motor vehicle financial and safety responsibility Act the purchase order or invoice evidencing the transaction shall contain a statement in the following form:

I understand that liability insurance coverage which would protect me under the Iowa Motor Vehicle Financial and Safety Responsibility Act IS NOT INCLUDED in my purchase of the herein described motor vehicle. I have received a copy of this statement.

. . . . . .
(Purchaser's signature)

2. The seller shall print or stamp the statement conspicuously on the purchase order or invoice. The statement shall be signed by the purchaser in the space provided on or before the date of delivery of the motor vehicle described in the purchase order or invoice and a copy of the statement shall be given to the purchaser by the seller.

3. No civil liability shall arise on account of the failure of any person to comply with the provisions of this section.

4. Any person violating any provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding fifty dollars.

Sec. 226. Section 805.8A, subsection 12, paragraph e, Code 2009, is amended to read as follows:

e. (1) Violations of the schedule of axle and tandem axle and gross or group of axle weight violations in section 321.463 shall be scheduled violations subject to the provisions, procedures, and exceptions contained in sections 805.6 through 805.11, irrespective of the amount of the fine under that schedule.

(a) Violations of the schedule of weight violations shall be chargeable, where the fine charged does not exceed one thousand dollars, only by uniform citation and complaint.

(b) Violations of the schedule of weight violations, where the fine charged exceeds one thousand dollars shall, when the violation is admitted and section 805.9 applies, be chargeable upon uniform citation and complaint, indictment, or county attorney's information, but otherwise shall be chargeable only upon indictment or county attorney's information.

(2) In all cases of charges under the schedule of weight violations, the charge shall specify the amount of fine charged under the schedule. Where a defendant is convicted and the fine under the foregoing schedule of weight violations exceeds one thousand dollars, the conviction shall be of an indictable offense although section 805.9 is employed and whether the violation is charged upon uniform citation and complaint, indictment, or county attorney's information.

DIVISION III
RELATED CHANGES

Sec. 227. Section 96.3, subsection 4, Code 2009, is amended to read as follows:

4. DETERMINATION OF BENEFITS. With respect to benefit years beginning on or after July 1, 1983, an eligible individual's weekly benefit amount for a week of total unemployment shall be an amount equal to the following fractions of the individual's total wages in insured work paid during that quarter of the individual's base period in which such total wages were highest; the director shall determine annually a maximum weekly benefit amount equal to the following percentages, to vary with the number of dependents, of the statewide average weekly wage paid to employees in insured work which shall be effective the first day of the first full week in July:

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

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

Sec. 228. Section 147.1, subsection 5, paragraph e, Code 2009, is amended to read as follows:

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

Sec. 229. Section 203D.5, subsection 1, Code 2009, is amended to read as follows:

1. The board shall review annually the debits of and credits to the grain depositors and sellers indemnity fund created in section 203D.3 and shall make any adjustments in the per-bushel fee required under section 203D.3, subsection 2, and the dealer-warehouse fee required under section 203D.3, subsection 3, that are necessary to maintain the fund within the limits established under this section. Not later than the first day of May of each year, the board shall determine the proposed amount of the per-bushel fee based on the expected volume of grain on which the fee is to be collected and that is likely to be handled under this chapter, and shall also determine any adjustment to the dealer-warehouse fee. The board shall make any changes in the previous year's fees in accordance with chapter 17A. Changes in the fees shall become effective on the following first day of July. The per-bushel fee shall not exceed one-quarter cent per bushel on all purchased grain as defined in section ~~203D.3~~ 203D.1. Until the per-bushel fee is adjusted or waived as provided in this section, the per-bushel fee is one-quarter cent on all purchased grain.

Sec. 230. Section 216B.3, subsection 15, Code 2009, is amended to read as follows:

15. Develop a plan to provide telephone yellow pages information without charge to persons declared to be blind under the standards in section 422.12, subsection ~~1~~ 2, paragraph ~~"e"~~ "a", subparagraph (5). The department may apply for federal funds to support the service. The program shall be limited in scope by the availability of funds.

Sec. 231. Section 236.6, subsection 1, Code 2009, is amended to read as follows:

1. When the court is unavailable from the close of business at the end of the day or week to the resumption of business at the beginning of the day or week, a petition may be filed before a district judge, or district associate judge designated by the chief judge of the judicial district, who may grant emergency relief in accordance with section 236.5, subsection ~~2~~ 1, paragraph "b", if the district judge or district associate judge deems it necessary to protect the plaintiff from domestic abuse, upon good cause shown in an ex parte proceeding. Present danger of domestic abuse to the plaintiff constitutes good cause for purposes of this subsection.

Sec. 232. Section 237.3, subsection 2, paragraph g, subparagraph (5), Code 2009, is amended to read as follows:

(5) Educational programs, including special education as defined in section 256B.2, subsection ~~2~~ 1, paragraph "b", where appropriate, which are approved by the state board of education. The department shall not promulgate rules which regulate individual licensees in the subject areas enumerated in this paragraph.

Sec. 233. Section 238.17, Code 2009, is amended to read as follows:

238.17 FORMS FOR REGISTRATION AND RECORD — PRESERVATION.

1. The administrator shall prescribe forms for the registration and record of persons cared for by any child-placing agency licensed under this chapter and for reports required by said administrator from the agencies.

2. If, for any reason, a child-placing agency as defined by section ~~238.2~~ 238.1 shall cease to exist, all records of registration and placement and all other records of any kind and character kept by such child-placing agency shall be turned over to the administrator, for preservation, to be kept by the said administrator as a permanent record.

Sec. 234. Section 256F.9, Code 2009, is amended to read as follows:

256F.9 PROCEDURES AFTER REVOCATION — STUDENT ENROLLMENT.

If a charter school contract is revoked in accordance with this chapter, a nonresident student who attended the school, and any siblings of the student, shall be determined to have shown good cause as provided in section 282.18, subsection ~~16~~ 14, and may submit an application to another school district according to section 282.18 at any time. Applications and notices required by section 282.18 shall be processed and provided in a prompt manner. The application and notice deadlines in section 282.18 do not apply to a nonresident student application under these circumstances.

Sec. 235. Section 306C.10, subsection 9, Code 2009, is amended to read as follows:

9. "Information center" means a site, either with or without structures or buildings, established and maintained at a rest area for the purpose of providing "information of specific interest to the traveling public", as ~~that phrase is~~ defined in section ~~306C.11, subsection 5~~ 306C.10.

Sec. 236. Section 313.4, subsection 6, paragraph a, Code 2009, is amended to read as follows:

a. A transfer of jurisdiction fund is created in the office of the treasurer of state under the control of the department. For each fiscal year in the period beginning July 1, 2003, and ending June 30, 2013, there is transferred from the primary road fund to the transfer of jurisdiction

fund one and seventy-five hundredths percent of the moneys credited to the primary road fund pursuant to section 312.2, subsection 1, paragraph "a".

Sec. 237. Section 313.4, subsection 7, unnumbered paragraph 1, Code 2009, is amended to read as follows:

For the fiscal year beginning July 1, 2013, and ending June 30, 2014, and each subsequent fiscal year, there is transferred the following percentages of the moneys credited to the primary road fund pursuant to section 312.2, subsection 1, paragraph "a", to the following funds:

Sec. 238. Section 314.21, subsection 1, Code 2009, is amended to read as follows:

1. a. The living roadway trust fund is created in the office of the treasurer of state. The moneys in this fund shall be used exclusively for the development and implementation of integrated roadside vegetation plans. Except as provided in subsections 2 and 3, the moneys shall only be expended for areas on or adjacent to road, street, and highway right-of-ways. The state department of transportation in consultation with the department of natural resources shall establish standards relating to the type of projects available for assistance. For the fiscal period beginning July 1, 1988, and ending March 31, 1990, the moneys in the fund shall be expended as follows: fifty-six percent on state department of transportation projects; thirty percent on county projects; and fourteen percent on city projects.

b. A city or county which has a project which qualifies for the use of these funds shall submit a request for the funds to the state department of transportation. A city or county may, at its option, apply moneys allocated for use on city or county projects under this subsection toward qualifying projects on the primary system. The state department of transportation in consultation with the department of natural resources shall determine which projects qualify for the funds and which projects shall be funded if the requests for the funds exceed the availability of the funds. In ranking applications for funds, the department shall consider the proportion of political subdivision matching funds to be provided, if any, and the proportion of private contributions to be provided, if any. In considering the proportion of political subdivision matching funds provided, the department shall consider only those moneys which are in addition to those which the political subdivision has historically provided toward such projects. Funds allocated to the cities, the counties, and the department which are not programmed by the end of each fiscal year shall be available for redistribution to any eligible applicant regardless of the original allocation of funds. Such funds shall be awarded for eligible projects based upon their merit in meeting the program objectives established by the department under section 314.22. The department shall submit a report of all projects funded in the previous fiscal year to the governor and to the general assembly on January 15 of each year.

c. Beginning April 1, 1990, the moneys in the living roadway trust fund shall be allocated between the state, counties, and cities in the same proportion that the road use tax funds are allocated under section 312.2, ~~subsections~~ subsection 1, ~~2, 3, and 4~~ paragraphs "a", "b", "c", and "d". However, after April 1, 1990, a city or county shall not be eligible to receive moneys from the living roadway trust fund unless the city or county has an integrated roadside vegetation management plan in place consistent with the objectives in section 314.22.

Sec. 239. Section 321.233, Code 2009, is amended to read as follows:

321.233 ROAD WORKERS EXEMPTED.

This chapter, except sections 321.277 and 321.280, does not apply to persons and motor vehicles and other equipment while actually engaged in work upon the surface of a highway officially closed to traffic but does apply to such persons and vehicles when traveling to or from such work. The minimum speed restriction of section 321.285, subsection ~~6~~ 5, and the provisions of sections 321.297, 321.298, and 321.323 do not apply to road workers operating maintenance equipment on behalf of any state or local authority while engaged in road maintenance, road blading, snow and ice control and removal, and granular resurfacing work on a highway, whether or not the highway is closed to traffic.

Sec. 240. Section 327G.30, Code 2009, is amended to read as follows:

327G.30 ADJUSTMENT OF EXPENSE.

1. If a grade crossing surface of a railroad track and a highway, street, or alley shall require repairs or maintenance, the costs for the maintenance may be paid as provided in section 312.2, subsection ~~5~~ 2.

2. If the railroad corporation and the jurisdiction having authority agree on the method of crossing maintenance and establish an agreement to each contribute costs as provided in section 312.2, subsection ~~5~~ 2, a copy of the agreement shall be filed with the department which shall allocate an amount of the cost for the work if funds are available in the highway railroad grade crossing surface repair fund. The department shall make appropriate notification if the fund is exhausted in which case agreements shall not be made under this section until additional funds are available. The fund shall be administered by the department.

3. Upon completion of the agreed repair work, a statement of costs shall be filed with the department by the railroad corporation in a form and manner prescribed by the department. The department, upon approval of the statement, shall pay to the railroad corporation an amount of the cost of the work from the highway railroad grade crossing surface repair fund as provided in section 312.2, subsection ~~5~~ 2. The owner of the track and the jurisdiction entering into the agreement shall each pay the cost as provided in section 312.2, subsection ~~5~~ 2.

Sec. 241. Section 331.362, subsection 9, Code 2009, is amended to read as follows:

9. A county may regulate traffic on and use of the secondary roads, in accordance with sections 321.236 to 321.250, 321.254, 321.255, 321.285, subsection ~~5~~ 4, sections 321.352, 321.471 to 321.473, and other applicable provisions of chapter 321, and sections 321G.9, 321I.10, and 327G.15.

Sec. 242. Section 422.8, subsection 4, Code 2009, is amended to read as follows:

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

Sec. 243. Section 422.11B, Code 2009, is amended to read as follows:

422.11B MINIMUM TAX CREDIT.

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

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

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

b. The net minimum tax for a tax year is the excess, if any, of the tax determined in section 422.5, subsection ~~1~~ 2, ~~paragraph "k"~~ for the tax year over the tax determined in section 422.5, subsection 1, paragraphs "a" through "j" for the tax year.

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

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

Sec. 245. Section 422.13, subsection 1A, Code 2009, is amended to read as follows:

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

Sec. 246. Section 437A.14, subsection 4, Code 2009, is amended to read as follows:

4. a. Notwithstanding subsections 2 and 3, the chief financial officer of any local taxing authority and any designee of such officer shall have access to any computations made by the director pursuant to the provisions of this chapter, and any tax return or other information used by the director in making such computations, which affect the replacement tax owed by any such taxpayer.

b. Notwithstanding this section, providing information relating to the kilowatt-hours of electricity or therms of natural gas delivered by a taxpayer in a competitive service area to the task force established in section 437A.15, subsection 7, ~~or to the study committee established in section 476.6, subsection 20,~~ is not a violation of this section.

Sec. 247. Section 455B.178, Code 2009, is amended to read as follows:

455B.178 JUDICIAL REVIEW.

Except as provided in section 455B.191, subsection ~~6~~ 5, judicial review of any order or other action of the commission or of the director may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of said Act, petitions for judicial review may be filed in the district court of the county in which the alleged offense was committed or such final order was entered.

Sec. 248. Section 600A.2, subsection 2, Code 2009, is amended to read as follows:

2. "Agency" means a child-placing agency as defined in section ~~238.2~~ 238.1 or the department.

Sec. 249. Section 600A.6B, subsections 1 and 2, Code 2009, are amended to read as follows:

1. A person filing a petition for termination of parental rights under this chapter or the person on whose behalf the petition is filed shall be responsible for the payment of reasonable attorney fees for counsel appointed pursuant to section 600A.6A unless the person filing the petition is a private child-placing agency as defined in section ~~238.2~~ 238.1 or unless the court determines that the person filing the petition or the person on whose behalf the petition is filed is indigent.

2. If the person filing the petition is a private child-placing agency as defined in section ~~238.2~~ 238.1 or if the person filing the petition or the person on whose behalf the petition is filed is

indigent, the appointed attorney shall be paid reasonable attorney fees as determined by the state public defender.

DIVISION IV
EFFECTIVE DATES

Sec. 250. EFFECTIVE DATES.

1. The section of this Act that amends section 294A.9, subsection 9, Code 2009, being deemed of immediate importance, takes effect upon enactment.

2. The section of this Act that amends 2008 Iowa Acts, chapter 1191, section 109, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2008.

Approved May 22, 2009

CHAPTER 134

ENERGY EFFICIENCY PROJECTS

S.F. 452

AN ACT directing the office of energy independence to establish a community grant program for energy efficiency projects, and allocating appropriated amounts for purposes of funding the program.

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

Section 1. Section 469.10, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. Of the moneys appropriated to the office and deposited in the fund, notwithstanding section 469.9, subsection 4, the board shall utilize four percent of the amount appropriated for each fiscal year for purposes of awarding grants for energy efficiency projects pursuant to the community grant program established in section 469.11. Of the moneys allocated pursuant to this section for each fiscal year, the office may utilize up to fifty thousand dollars for administrative costs. Moneys allocated to the program which remain unawarded or unencumbered at the close of the fiscal year shall revert to the fund.

Sec. 2. NEW SECTION. 469.11 ENERGY EFFICIENCY PROJECTS — COMMUNITY GRANT PROGRAM.

1. The office shall establish a community grant program with the objective of assisting communities and organizations to implement projects intended to reduce energy consumption and make communities in this state more sustainable and energy efficient.

2. a. Eligible applicants for the program shall include cities, counties, nonprofit organizations, organizations involved with energy efficiency or conservation efforts, and environmental organizations or groups.

b. Eligibility and approval criteria shall be established by the office by rule, and shall incorporate the criteria established in section 473.41, subsection 1, paragraphs "a" through "d", with regard to the energy city designation program.

c. Projects shall encourage partnerships between public and private sector groups, and develop collaboration and community involvement in energy efficiency efforts. Eligible projects may include but are not limited to the following:

(1) Projects promoting the installation of renewable energy systems by homeowners or small businesses.

(2) Projects for the development of community energy saving plans.

(3) Programs that publicize energy savings opportunities in the community.

(4) Kindergarten through grade twelve education programs that focus on increasing community energy efficiency efforts.

(5) Projects for the creation of community or regional energy efficiency alliances.

(6) Projects for the development of a low-cost energy efficiency public awareness campaign, highlighting strategies and success stories.

d. To qualify for a grant pursuant to the program, an applicant must document the ability to provide matching funds of at least fifty percent of the total cost of the project, either in cash or in kind.

3. The office shall establish an application and approval process that shall result in the awarding of an approved grant within a three-month period following receipt by the office of an application. Grants awarded pursuant to the program shall range from between one thousand dollars and fifty thousand dollars each.

4. The office shall prepare an annual report summarizing the operation of the program, and shall submit the report by January 1 each year to the Iowa power fund board.

Approved May 22, 2009

CHAPTER 135

TAX CREDIT LIMITS — NET OPERATING LOSS CARRYBACK ELIMINATION

S.F. 483

AN ACT relating to state taxes by limiting tax credits available under certain economic development programs and agricultural assets transfer agreements, eliminating the carryback of net operating losses, and including retroactive applicability date and other applicability date provisions.

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

DIVISION I
TAX CREDIT LIMITS

Section 1. NEW SECTION. 15.119 AGGREGATE TAX CREDIT LIMIT FOR CERTAIN ECONOMIC DEVELOPMENT PROGRAMS.

1. Notwithstanding any provision to the contrary in sections 15.327 through 15.336, 15.393, section 15A.9, subsection 8, sections 15E.191 through 15E.197, and 422.11E, and section 422.33, subsection 9, the department shall not authorize an amount of tax credits for purposes specified in subsection 2 in excess of one hundred eighty-five million dollars for any fiscal year. However, the department may authorize an amount of tax credits in one fiscal year in excess of one hundred eighty-five million, and such excess amount shall be counted against the total amount of tax credits that may be authorized in the next fiscal year.

2. The department, with the approval of the board, shall adopt by rule a procedure for allocating the aggregate tax credit limit established in this section among the following programs administered by the department:

a. The high quality job creation program administered pursuant to sections 15.326 through 15.336.

b. The film, television, and video project promotion program administered pursuant to sections 15.391 through 15.393.

c. The corporate tax research credit under the quality jobs enterprise zone program pursuant to section 15A.9, subsection 8.

d. The enterprise zones program administered pursuant to sections 15E.191 through 15E.197.

e. The assistive device tax credit program administered pursuant to section 422.11E and section 422.33, subsection 9.

3. The department shall submit to the department of revenue on or before August 15 of each year a report on the tax credits allocated pursuant to this section and the tax credits awarded under each of the programs described in subsection 2.

Sec. 2. Section 175.37, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 10. The amount of tax credit certificates that may be issued pursuant to this section shall not exceed six million dollars in any fiscal year. The authority shall issue the tax credit certificates on a first-come, first-served basis.

Sec. 3. APPLICABILITY DATES.

1. The section of this division of this Act amending section 175.37 applies to agricultural assets transfer agreements executed on or after July 1, 2009.

2. The section of this division of this Act enacting section 15.119 applies to tax credits awarded on or after July 1, 2009.

DIVISION II
NET OPERATING LOSS CARRYBACK

Sec. 4. Section 422.35, subsection 11, Code 2009, is amended to read as follows:

11. If after applying all of the adjustments provided for in this section and the allocation and apportionment provisions of section 422.33, the Iowa taxable income results in a net operating loss, such net operating loss shall be deducted as follows:

a. ~~The~~ For tax years beginning prior to January 1, 2009, the Iowa net operating loss shall be carried back three taxable years for a net operating loss incurred in a presidentially declared disaster area by a taxpayer engaged in a small business or in the trade or business of farming. For all other Iowa net operating losses for tax years beginning prior to January 1, 2009, the net operating loss shall be carried back two taxable years or to the taxable year in which the corporation first commenced doing business in this state, whichever is later.

b. ~~The~~ An Iowa net operating loss for a tax year beginning on or after January 1, 2009, or an Iowa net operating loss remaining after being carried back as required in paragraph "a" or "f" ~~or if not required to be carried back~~ shall be carried forward twenty taxable years.

c. If the election under section 172(b)(3) of the Internal Revenue Code is made, the Iowa net operating loss shall be carried forward twenty taxable years.

d. No portion of a net operating loss which was sustained from that portion of the trade or business carried on outside the state of Iowa shall be deducted.

e. The limitations on net operating loss carryback and carryforward under sections 172(b)(1)(E) and 172(h) of the Internal Revenue Code shall apply.

f. Notwithstanding paragraph "a", for a taxpayer who is engaged in the trade or business of farming as defined in section 263A(e)(4) of the Internal Revenue Code and has a loss from farming as defined in section 172(b)(1)(F) of the Internal Revenue Code including modifications prescribed by rule by the director, the Iowa loss from the trade or business of farming, for tax years beginning prior to January 1, 2009, is a net operating loss which may be carried back five taxable years prior to the taxable year of the loss.

g. ~~Provided, however, that~~ The deductions described in paragraphs "a" through "f" of this

subsection are allowed subject to the requirement that a corporation affected by the allocation provisions of section 422.33 shall be permitted to deduct only ~~such~~ that portion of the deductions for net operating loss and federal income taxes ~~as~~ that is fairly and equitably allocable to Iowa, under rules prescribed by the director.

Sec. 5. RETROACTIVE APPLICABILITY DATE. This division of this Act applies retroactively to January 1, 2009, for tax years beginning on or after that date.

Approved May 22, 2009

CHAPTER 136

BOARDING HOME REGULATION AND
PROTECTION OF DEPENDENT ADULTS

S.F. 484

AN ACT relating to regulatory requirements involving boarding homes and dependent adults and providing an appropriation and a penalty.

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

Section 1. Section 10A.104, subsection 9, Code 2009, is amended to read as follows:

9. Administer and enforce this chapter, and chapters 99B, 135B, 135C, 135H, 135J, 135O, 137C, 137D, and 137F.

Sec. 2. Section 91A.9, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. The commissioner shall, in consultation with the United States department of labor, develop a database of the employers in this state utilizing special certificates issued by the United States secretary of labor as authorized under 29 U.S.C. § 214, and shall maintain the database.

Sec. 3. NEW SECTION. 135O.1 DEFINITIONS.

For the purposes of this chapter unless the context otherwise requires:

1. "Boarding home" means a premises used by its owner or lessee for the purpose of letting rooms for rental to three or more persons not related within the third degree of consanguinity to the owner or lessee where supervision or assistance with activities of daily living is provided to such persons. A boarding home does not include a facility, home, or program otherwise subject to licensure or regulation by the department of human services, department of inspections and appeals, or department of public health.
2. "Department" means the department of inspections and appeals.
3. "Premises" means the same as defined in section 562A.6.

Sec. 4. NEW SECTION. 135O.2 REQUIRED REGISTRATION AND REPORTING — RULES — PENALTY.

1. The owner or lessee of a boarding home in this state shall register with and submit occupancy reports to the department. The content of the required occupancy reports shall include but is not limited to the number of individuals living in the boarding home and the supervision or assistance with activities of daily living being provided to the individuals.
2. The department of inspections and appeals shall adopt rules to administer this chapter in consultation with the departments of human services and public safety.

3. a. The owner or lessee of a boarding home who fails to register with the department or to timely submit occupancy reports required by this section and rules adopted pursuant to this chapter is subject to a civil penalty of not more than five hundred dollars.

b. The department may reduce, alter, or waive a penalty under paragraph "a" upon the owner's or lessee's showing of good faith compliance with the department's request to immediately cease and desist from conduct in violation of this chapter.

Sec. 5. NEW SECTION. 135O.3 RESPONSE TO ALLEGATIONS.

1. If the department or other state agency receives an allegation of a violation of this chapter by a boarding home or an allegation regarding the care or safety of an individual living in a boarding home, a coordinated, interagency approach shall be used to respond to the allegation.

2. a. The interagency approach may involve a multidisciplinary team consisting of employees of the department of inspections and appeals, the department of human services, the state fire marshal, and the division of criminal investigation of the department of public safety, or other local, state, and federal agencies.

b. The multidisciplinary team may consult with local, state, and federal law enforcement agencies, first responders, health and human services professionals, and governmental and nongovernmental advocacy organizations, and other appropriate persons.

3. The name of a person who files an allegation shall be kept confidential and shall not be subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than department employees or the members of a multidisciplinary team involved in the investigation of the allegation.

4. If the department or a multidisciplinary team has probable cause to believe that a boarding home is in violation of this chapter or licensing or other regulatory requirements of the department of human services, department of inspections and appeals, or department of public health, or that dependent adult abuse of any individual living in a boarding home has occurred, and upon producing proper identification, is denied entry to the boarding home or access to any individual living in the boarding home for the purpose of making an inspection or conducting an investigation, the department or multidisciplinary team may, with the assistance of the county attorney of the county in which the boarding home is located, apply to the district court for an order requiring the owner or lessee to permit entry to the boarding home and access to the individuals living in the boarding home.

Sec. 6. NEW SECTION. 135O.4 PUBLIC DISCLOSURE OF FINDINGS.

Following an inspection or investigation of a boarding home under this chapter by the department or a multidisciplinary team, the final findings with respect to compliance by the boarding home shall be made available to the public. Other information relating to a boarding home obtained by the department or a multidisciplinary team which does not constitute the findings from an inspection or investigation of the boarding home shall not be made available to the public except in proceedings involving the denial, suspension, or revocation of a boarding home registration under this chapter. The information made available to the public pursuant to this section shall not include information which is kept confidential under section 22.7.

Sec. 7. Section 235B.3, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. (1) The department shall receive dependent adult abuse reports and shall collect, maintain, and disseminate the reports by establishing a central registry for dependent adult abuse information. The department shall evaluate the reports expeditiously.

(2) However, the department of inspections and appeals is solely responsible for the evaluation and disposition of dependent adult abuse cases within facilities and programs pursuant to chapter 235E and shall inform the department of human services of such evaluations and dispositions pursuant to section 235E.2.

(3) If, in the course of an assessment or evaluation of a report of dependent adult abuse, the department of human services or the department of inspections and appeals determines the

case involves wages, workplace safety, or other labor and employment matters under the jurisdiction of the division of labor services of the department of workforce development, the relevant portions of the case shall be referred to the division.

(4) If, in the course of an assessment or evaluation of a report of dependent adult abuse, the department of human services or the department of inspections and appeals determines that the case involves discrimination under the jurisdiction of the civil rights commission, the relevant portions of the case shall be referred to the commission.

Sec. 8. Section 235B.9, subsection 2, Code 2009, is amended to read as follows:

2. a. Dependent adult abuse reports that are rejected for evaluation, assessment, or disposition for failure to meet the definition of dependent adult abuse shall be expunged three years from the rejection date.

b. Dependent adult abuse information which is determined by a preponderance of the evidence to be unfounded shall be expunged ~~one year~~ five years from the date it is determined to be unfounded.

Sec. 9. NEW SECTION. 235B.16A DEPENDENT ADULTS — DEPENDENCY ASSESSMENTS — INTERAGENCY TRAINING.

1. The dependent adult protective advisory council established pursuant to section 235B.1 shall recommend a uniform assessment instrument and process for adoption and use by the department of human services and other agencies involved with assessing a dependent adult's degree of dependency and determining whether dependent adult abuse has occurred. However, this section shall not apply to dependent adult abuse assessments and determinations made under chapter 235E.

2. The instrument and process design under subsection 1 shall address but is not limited to all of the following:

a. Evaluation of conformity with applicable federal law and regulations on the part of the persons employing, housing, or providing services to the dependent adult.

b. Provision for the final step in the dependency assessment of a dependent adult to be a formal assessment of the existence of risk to the health or safety of the individual or of the degree of the individual's impairment in ability under the definition of dependent adult in section 235B.2.

c. If the assessment under paragraph "b" determines that a risk to the health or safety of the individual exists or the individual has a significant impairment in ability, and the individual being assessed agrees, provision for a case manager to be assigned to assist in preparing and implementing a safety plan which includes protective services for the individual.

d. If the assessment under paragraph "b" determines that a risk to the health or safety of the individual exists or the individual has a significant impairment in ability, the individual being assessed does not agree to the safety plan provisions under paragraph "c" or accept other services, and the options available under sections 235B.17, 235B.18, and 235B.19 are not utilized, provision for the department of human services to maintain periodic contact with the individual in accordance with rules adopted for this purpose. The purpose of the contact is to assess any increased risk or impairment and to monitor the individual's goals, feelings, and concerns so that the department can intervene when necessary or offer services and other support to maintain or sustain the individual's safety and independence when the individual is ready to agree to a safety plan or accept services.

3. The department of human services and other agencies involved with assessing a dependent adult's degree of dependency and whether dependent adult abuse has occurred shall adopt rules and take other steps necessary to implement the uniform assessment instrument and process addressed by this section on or before July 1, 2010.

4. The department of human services shall cooperate with the departments of elder affairs, inspections and appeals, public health, public safety, and workforce development, the civil rights commission, and other state and local agencies performing inspections or otherwise visiting residential settings where dependent adults live, to regularly provide training to the ap-

propriate staff in the agencies concerning each agency's procedures involving dependent adults, and to build awareness concerning dependent adults and reporting of dependent adult abuse.

Sec. 10. Section 249A.7, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A Medicaid fraud account is created in the general fund of the state under the authority of the department of inspections and appeals. Moneys from penalties and other amounts received as a result of prosecutions involving the department of inspections and appeals investigations and audits to ensure compliance with the medical assistance program that are not credited to the program may be credited to the account. Notwithstanding sections 8.33 and 8.39, moneys credited to the account shall not revert to any other account or fund and are not subject to transfer except as specifically provided by law. Moneys in the fund shall be used for costs associated with the department of inspections and appeals' efforts to address medical assistance program fraud and abuse and for costs incurred by the department of inspections and appeals or other agencies in providing regulation, responding to allegations, or other activity involving chapter 135O. The department of inspections and appeals and other agencies receiving moneys from the account shall provide a joint annual report to the governor and general assembly detailing the expenditures from the account and activities performed relating to the expenditures. This unnumbered paragraph is repealed on July 1, 2012.

Sec. 11. MEDICAID FRAUD ACCOUNT. There is appropriated from the Medicaid fraud account created in this Act to the department of inspections and appeals for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the amount necessary for the state financial match requirement for meeting the federal mandates connected with the department's Medicaid fraud and abuse activities, and the amount necessary to cover costs incurred by the department or other agencies in providing regulation, responding to allegations, or other activity involving chapter 135O.

Approved May 22, 2009

CHAPTER 137

REGULATION OF ON-PREMISES CONSUMPTION
OF ALCOHOLIC BEVERAGES — PREMISES OCCUPANCY RATES

H.F. 278

AN ACT requiring notification of occupancy rates for certain premises licensed to permit on-premises consumption of alcohol.

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

Section 1. Section 123.32, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. OCCUPANCY RATES. A local authority located in a county with a population that exceeds three hundred thousand persons, as a condition of obtaining and holding a license or permit for on-premises consumption, shall require the applicant, licensee, or permittee, to provide, and update if necessary, the occupancy rate of the licensed premises.

Approved May 22, 2009

CHAPTER 138

CITY ELECTIONS — POLL OPENING TIMES

H.F. 450

AN ACT relating to the time of opening the polls for certain city elections.

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

Section 1. Section 49.73, subsection 1, Code 2009, is amended to read as follows:

1. At all elections, except as otherwise permitted by this section, the polls shall be opened at 7:00 a.m. if at least one official from each of the political parties referred to in section 49.13 is present. On the basis of voter turnout for recent similar elections and factors considered likely to so affect voter turnout for the forthcoming election as to justify shortened voting hours for that election, the commissioner may direct that the polls be opened at 12:00 noon for:

a. Any school district election.

b. Any election conducted for a city ~~of three thousand five hundred or less population~~, including a local option sales and services tax election conducted pursuant to section 423B.1. At elections conducted pursuant to chapter 423B, all polling places shall have the same voting hours.

~~c. Any election conducted for a city of more than three thousand five hundred population if there is no contest for any office on the ballot and no public question is being submitted to the voters at that election.~~

~~d.~~ c. Any election conducted for a benefited district.

~~e.~~ d. Any election conducted for the unincorporated area of a county.

Approved May 22, 2009

CHAPTER 139

INSURANCE COVERAGE FOR
DIABETES SELF-MANAGEMENT AND EDUCATION

H.F. 478

AN ACT relating to health insurance coverage for diabetes self-management training and education programs and providing effective and applicability dates.

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

Section 1. Section 514C.18, Code 2009, is amended to read as follows:

514C.18 DIABETES COVERAGE.

1. Notwithstanding the uniformity of treatment requirements of section 514C.6, a policy or contract providing for third-party payment or prepayment of health or medical expenses shall provide coverage benefits for the cost associated with equipment, supplies, and self-management training and education for the treatment of all types of diabetes mellitus when prescribed by a physician licensed under chapter 148. Coverage benefits shall include coverage for the cost associated with all of the following:

a. Blood glucose meter and glucose strips for home monitoring.

b. Payment for diabetes self-management training and education only under all of the following conditions:

(1) The physician managing the individual's diabetic condition certifies that such services are needed under a comprehensive plan of care related to the individual's diabetic condition to ensure therapy compliance or to provide the individual with necessary skills and knowledge to participate in the management of the individual's condition.

(2) The ~~diabetic~~ diabetes self-management training and education program is certified by the Iowa department of public health. The department shall consult with the American diabetes association, Iowa affiliate, in developing the standards for certification of diabetes education programs ~~as follows:~~

~~(a) Initial training shall cover up to~~ that cover at least ten hours of initial outpatient diabetes self-management training within a continuous twelve-month period and up to two hours of follow-up training for each subsequent year for each individual ~~that meets any of the following conditions:~~ diagnosed by a physician with any type of diabetes mellitus.

~~(i) A new onset of diabetes.~~

~~(ii) Poor glycemic control as evidenced by a glycosylated hemoglobin of nine and five-tenths or more in the ninety days before attending the training.~~

~~(iii) A change in treatment regimen from no diabetes medications to any diabetes medication, or from oral diabetes medication to insulin.~~

~~(iv) High risk for complications based on poor glycemic control; documented acute episodes of severe hypoglycemia or acute severe hyperglycemia occurring in the past year during which the individual needed third-party assistance for either emergency room visits or hospitalization.~~

~~(v) High risk based on documented complications of a lack of feeling in the foot or other foot complications such as foot ulcer or amputation, pre-proliferative or proliferative retinopathy or prior laser treatment of the eye, or kidney complications related to diabetes, such as macroalbuminuria or elevated creatinine.~~

~~(b) An individual who receives the initial training shall be eligible for a single follow-up training session of up to one hour each year.~~

2. a. This section applies to the following classes of third-party payment provider contracts or policies delivered, issued for delivery, continued, or renewed in this state on or after July 1, 1999:

(1) Individual or group accident and sickness insurance providing coverage on an expense-incurred basis.

(2) An individual or group hospital or medical service contract issued pursuant to chapter 509, 514, or 514A.

(3) An individual or group health maintenance organization contract regulated under chapter 514B.

(4) Any other entity engaged in the business of insurance, risk transfer, or risk retention, which is subject to the jurisdiction of the commissioner.

(5) A plan established pursuant to chapter 509A for public employees.

(6) An organized delivery system licensed by the director of public health.

b. This section shall not apply to accident-only, specified disease, short-term hospital or medical, hospital confinement indemnity, credit, dental, vision, Medicare supplement, long-term care, basic hospital and medical-surgical expense coverage as defined by the commissioner, disability income insurance coverage, coverage issued as a supplement to liability insurance, workers' compensation or similar insurance, or automobile medical payment insurance.

Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act, being deemed of immediate importance, takes effect upon enactment and applies to the classes of third-party payment provider contracts or policies specified in Code section 514C.18, as amended by this Act, that are delivered, issued for delivery, continued, or renewed in this state on or after July 1, 2009.

Approved May 22, 2009

CHAPTER 140

COUNTING OF ABSENTEE BALLOTS

H.F. 670

AN ACT relating to absentee voting and the counting of absentee ballots beginning on the day before the general election.

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

Section 1. Section 53.23, subsections 3 and 4, Code 2009, are amended to read as follows:

3. a. The commissioner shall set the convening time for the board, allowing a reasonable amount of time to complete counting all absentee ballots by 10:00 p.m. on election day.

b. (1) The commissioner may direct the board to meet on the day before the election ~~solely~~ for the purpose of reviewing the absentee voters' affidavits appearing on the sealed affidavit envelopes. If in the commissioner's judgment this procedure is necessary due to the number of absentee ballots received, the members of the board may open the sealed affidavit envelopes and remove the secrecy envelope containing the ballot, but under no circumstances shall a secrecy envelope be opened before the board convenes on election day, except as provided in paragraph "c". If the affidavit envelopes are opened before election day pursuant to this paragraph "b", two observers, one appointed by each of the two political parties referred to in section 49.13, subsection 2, shall witness the proceedings. The observers shall be appointed by the county chairperson or, if the county chairperson fails to make an appointment, by the state chairperson. However, if either or both political parties fail to appoint an observer, the commissioner may continue with the proceedings.

~~b.~~ (2) If the board finds any ballot not enclosed in a secrecy envelope and the ballot is folded in such a way that any of the votes cast on the ballot are visible, the two special precinct election officials, one from each of the two political parties referred to in section 49.13, subsection 2, shall place the ballot in a secrecy envelope. No one shall examine the ballot, except as provided in paragraph "c".

c. For the general election, the commissioner may convene the special precinct election board on the day before the election to begin counting absentee ballots. However, if in the preceding general election the counting of absentee ballots was not completed by 10:00 p.m. on election day, the commissioner shall convene the special precinct election board on the day before the next general election to begin counting absentee ballots. The board shall not release the results of its tabulation pursuant to this paragraph until the count is completed on election day.

4. The room where members of the special precinct election board are engaged in counting absentee ballots on the day before the election pursuant to subsection 3, paragraph "c", or during the hours the polls are open shall be policed so as to prevent any person other than those whose presence is authorized by this subsection from obtaining information about the progress of the count. The only persons who may be admitted to that room are the members of the board, one challenger representing each political party, one observer representing any nonparty political organization or any candidate nominated by petition pursuant to chapter 45 or any other nonpartisan candidate in a city or school election appearing on the ballot of the election in progress, one observer representing persons supporting a public measure appearing on the ballot and one observer representing persons opposed to such measure, and the commissioner or the commissioner's designee. It shall be unlawful for any of these persons to communicate or attempt to communicate, directly or indirectly, information regarding the progress of the count at any time while the board is convened pursuant to subsection 3, paragraph "c", or at any time before the polls are closed.

Approved May 22, 2009

CHAPTER 141

IOWA PROPANE EDUCATION AND RESEARCH COUNCIL — MISCELLANEOUS CHANGES

H.F. 684

AN ACT relating to the membership and administration of the Iowa propane education and research council.

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

Section 1. Section 101C.2, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. "Energy star certification" means meeting energy efficiency standards and guidelines pursuant to the energy star program developed and jointly administered by the United States environmental protection agency and United States department of energy.

NEW SUBSECTION. 13. "Weatherization" means activities designed to promote or enhance energy efficiency in a residence or other building including but not limited to the installation of attic, wall, foundation, crawlspace, water heater, and pipe insulation; air sealing including caulking and weather-stripping of windows and doors; installation of windows and doors that qualify for energy star certification; the performance of home energy audits; programmable thermostat installation; and carbon monoxide and radon inspection and detection system installation.

Sec. 2. Section 101C.2, subsection 8, Code 2009, is amended by striking the subsection.

Sec. 3. Section 101C.3, subsections 1, 4, and 8, Code 2009, are amended to read as follows:

1. The Iowa propane education and research council is established. ~~Members of the council shall be appointed by the governor from a list of nominees submitted by qualified propane industry organizations within thirty days after May 24, 2007, and by December 15 of each year thereafter.~~ The council shall consist of ten voting members, nine of whom represent retail propane marketers and one of whom shall be ~~a public member~~ the administrator of the division of community action agencies of the department of human rights. Members of the council other than the administrator shall be appointed by the fire marshal from a list of nominees submitted by qualified propane industry organizations by December 15 of each year. ~~Qualified propane industry organizations shall together nominate all members of the council.~~ A vacancy in the unfinished term of a council member shall be filled for the remainder of the term in the same manner as the original appointment was made. Other than the ~~public member~~ administrator, council members shall be full-time employees or owners of a propane industry business or representatives of an agricultural cooperative actively engaged in the propane industry. An employee of a qualified propane industry organization shall not serve as a member of the council. An officer of the board of directors of a qualified propane industry organization or propane industry trade association shall not serve concurrently as a member of the council. The fire marshal or a designee may serve as an ex officio, nonvoting member of the council.

4. A council member~~, other than the public member,~~ shall not receive compensation for the council member's service and shall not be reimbursed for expenses relating to the council member's service. ~~The public member shall receive a per diem as specified in section 7E.6 and shall be reimbursed for actual expenses incurred in performing official duties of the council not to exceed forty days per year.~~ A member of the council shall not be a salaried employee of the council or of any organization or agency which receives funds from the council.

8. a. The council shall develop programs and projects and enter into agreements for administering such programs and projects as provided in this chapter, including programs to enhance consumer and employee safety and training, provide for research and development of clean and efficient propane utilization equipment, inform and educate the public about safety

and other issues associated with the use of propane, and develop programs and projects that provide assistance to persons who are eligible for the low-income home energy assistance program. The programs and projects shall be developed to attain equitable geographic distribution of their benefits to the fullest extent practicable. The costs of the programs and projects shall be paid with funds collected pursuant to section 101C.4. The council shall coordinate its programs and projects with propane industry trade associations and others as the council deems appropriate to provide efficient delivery of services and to avoid unnecessary duplication of activities. Issues concerning propane that are related to research and development, safety, education, and training shall be given priority by the council in the development of programs and projects.

b. The council may develop energy efficiency programs dedicated to weatherization, acquisition and installation of energy-efficient customer appliances that qualify for energy star certification, installation of low-flow faucets and showerheads, and energy efficiency education. The council may by rule establish quality standards in relation to weatherization and appliance installation.

Sec. 4. Section 101C.11, Code 2009, is amended to read as follows:

101C.11 REPORT.

The council shall prepare and submit an annual report to the fire marshal and the auditor of state summarizing the activities of the council conducted pursuant to this chapter. The report shall show all income, expenses, and other relevant information concerning assessments collected and expended under this chapter. The report shall also include a summary of energy efficiency programs as specified in section 101C.3, subsection 8, if developed by the council.

Approved May 22, 2009

CHAPTER 142

SAFE ROOM AND STORM SHELTER STANDARDS

H.F. 705

AN ACT concerning safe rooms and storm shelters in newly constructed buildings.

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

Section 1. Section 103A.7, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. Standards for safe rooms and storm shelters.

Sec. 2. NEW SECTION. 103A.8C STANDARDS FOR SAFE ROOMS AND STORM SHELTERS.

The commissioner, after consulting with and receiving recommendations from the department of public defense, the department of natural resources, and the rebuild Iowa office, shall adopt rules pursuant to chapter 17A specifying standards and requirements for design and construction of safe rooms and storm shelters. In developing these standards, the commissioner shall consider nationally recognized standards. The standards and requirements shall be incorporated into the state building code established in section 103A.7, but shall not be interpreted to require the inclusion of a safe room or storm shelter in a building construction project unless such inclusion is expressly required by another statute or by a federal statute or regulation. However, if a safe room or storm shelter is included in any building construction

project which reaches the design development phase on or after January 1, 2011, compliance with the standards developed pursuant to this section shall be required.

The commissioner may provide education and training to promote the use of best practices in the design, construction, and maintenance of buildings, safe rooms, and shelters to reduce the risk of personal injury from tornadoes or other severe weather.

Sec. 3. STATE BUILDING CODE — SAFE ROOMS AND STORM SHELTERS — RULEMAKING. The initial administrative rules required to be adopted pursuant to section 103A.8C, as enacted by this Act, shall be adopted by the state building code commissioner on or after February 1, 2010, but no later than April 1, 2010, and shall not become effective prior to July 1, 2010.

Sec. 4. SAFE ROOMS AND STORM SHELTERS — BEST PRACTICES REVIEW — REPORT. The state building code commissioner, in cooperation with the department of public defense, the department of natural resources, and the rebuild Iowa office, shall review and assess best practices in the design, construction, and maintenance of buildings, safe rooms, and storm shelters to reduce the risk of personal injury from tornadoes and other severe weather. The commissioner shall report the findings of the review and assessment to the governor and the general assembly by December 15, 2009. The review and assessment shall be conducted as part of the rulemaking process for the initial rulemaking required pursuant to this Act and section 103A.8C, as enacted by this Act, and shall include public comment received during that process.

Approved May 22, 2009

CHAPTER 143

ABSENTEE BALLOTS — PATIENTS OR RESIDENTS
OF HOSPITALS OR HEALTH CARE FACILITIES

H.F. 708

AN ACT relating to absentee ballots delivered to applicants who are patients or residents of hospitals or health care facilities.

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

Section 1. Section 53.8, subsection 3, Code 2009, is amended to read as follows:

3. a. When an application for an absentee ballot is received by the commissioner of any county from a registered voter who is a patient in a hospital in that county or a resident of any facility in that county shown to be a health care facility by the list of licenses provided the commissioner under section 135C.29, the absentee ballot shall be delivered to the voter and returned to the commissioner in the manner prescribed by section 53.22. ~~However, if~~

b. (1) If the application is received more than five days before the ballots are printed and the commissioner has elected to have the ballots personally delivered during the ten-day period after the ballots are printed, the commissioner shall mail to the applicant within twenty-four hours a letter in substantially the following form:

Your application for an absentee ballot for the election to be held on . . . . . has been received. This ballot will be personally delivered to you by a bipartisan team sometime during the ten days after the ballots are printed. If you will not be at the address from which your application was sent during any or all of the ten-day period immediately following

the printing of the ballots, the ballot will be personally delivered to you sometime during the fourteen days preceding the election. If you will not be at the address from which your application was sent during either of these time periods, contact this office and arrangements will be made to have your absentee ballot delivered at a time when you will be present at that address.

(2) If the application is received more than ~~ten~~ fourteen calendar days before the election and the commissioner has not elected to mail absentee ballots to ~~the applicant~~ applicants as provided under section 53.22, subsection 3, and has not elected to have the absentee ballots personally delivered during the ten-day period after the ballots are printed, the commissioner shall mail to the applicant within twenty-four hours a letter in substantially the following form:

Your application for an absentee ballot for the election to be held on . . . . . has been received. This ballot will be personally delivered to you by a bipartisan team sometime during the ~~ten~~ fourteen days preceding the election. If you will not be at the address from which your application was sent during any or all of the ~~ten-day~~ fourteen-day period immediately preceding the election, contact this office and arrangements will be made to have your absentee ballot delivered at a time when you will be present at that address.

~~b.~~ c. Nothing in this subsection nor in section 53.22 shall be construed to prohibit a registered voter who is a hospital patient or resident of a health care facility, or who anticipates entering a hospital or health care facility before the date of a forthcoming election, from casting an absentee ballot in the manner prescribed by section 53.10 or 53.11.

Sec. 2. Section 53.22, subsection 1, paragraph a, subparagraph (1), Code 2009, is amended to read as follows:

(1) A registered voter who has applied for an absentee ballot, in a manner other than that prescribed by section 53.10 or 53.11, and who is a resident or patient in a health care facility or hospital located in the county to which the application has been submitted shall be delivered the appropriate absentee ballot by two special precinct election officers, one of whom shall be a member of each of the political parties referred to in section 49.13, who shall be appointed by the commissioner from the election board panel for the special precinct established by section 53.20. The special precinct election officers shall be sworn in the manner provided by section 49.75 for election board members, shall receive compensation as provided in section 49.20, and shall perform their duties during the ten calendar days after the ballots are printed if the commissioner so elects, during the ~~ten~~ fourteen calendar days preceding the election, and on election day if all ballots requested under section 53.8, subsection 3, have not previously been delivered and returned.

Sec. 3. Section 53.22, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. If an applicant under this subsection notifies the commissioner that the applicant will not be available at the health care facility or hospital address at any time during the ten-day period after the ballots are printed, if applicable, or during the ~~ten-day~~ fourteen-day period immediately prior to the election, but will be available there at some ~~earlier~~ other time prior to the election or on election day, the commissioner shall direct the two special precinct election officers to deliver the applicant's ballot at an appropriate time ~~prior to the ten-day period immediately~~ preceding the election or on election day. If a person who so requested an absentee ballot has been dismissed from the health care facility or hospital, the special precinct election officers may take the ballot to the voter if the voter is currently residing in the county.

Sec. 4. Section 53.22, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Observers representing candidates, political parties, or nonparty political organizations, or observers who are opponents or proponents of a ballot issue to be voted on at the election are prohibited from being present at a hospital or health care facility during the time the special precinct election officers are delivering absentee ballots to the residents of such hospital or health care facility.

Approved May 22, 2009

CHAPTER 144

NATURAL RESOURCES —
CONSERVATION AND RECREATION ACTIVITIES

H.F. 722

AN ACT relating to regulation of certain conservation and recreation activities under the jurisdiction of the department of natural resources, modifying fees, establishing an upland game bird study advisory committee, making penalties applicable, and providing an immediate effective date.

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

Section 1. Section 321G.2, subsection 1, paragraph e, Code 2009, is amended to read as follows:

e. Establishment of a program of grants, subgrants, and contracts to be administered by the department for the development ~~and delivery of certified courses of instruction for the safe use and operation of snowmobiles~~, maintenance, and operation of designated snowmobile trails and grooming equipment by political subdivisions and incorporated private organizations.

Sec. 2. Section 321G.2, subsection 1, Code 2009, is amended by adding the following new paragraphs:

NEW PARAGRAPH. i. Establishment of a certified education course for the operation of snowmobile grooming equipment.

NEW PARAGRAPH. j. Establishment of a certified education course for the safe use and operation of snowmobiles.

NEW PARAGRAPH. k. Certification of volunteer snowmobile education instructors.

Sec. 3. Section 321G.11, subsection 1, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

1. The exhaust of every internal combustion engine used in any snowmobile shall be effectively muffled by equipment constructed and used to muffle all snowmobile noise in a reasonable manner in accordance with rules adopted by the commission.

Sec. 4. Section 321G.21, subsection 9, Code 2009, is amended to read as follows:

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

Sec. 5. Section 321G.24, subsection 3, Code 2009, is amended to read as follows:

3. Any person who is required to have a safety certificate under this chapter and who has completed a course of instruction established under section 321G.2, subsection 1, paragraph ~~"e"~~ "j", including the successful passage of an examination which includes a written test relating to such course of instruction, shall be considered qualified to ~~apply for~~ receive a safety certificate. ~~The commission may waive the requirement of completing such course of instruction if such person successfully passes a written test based on such course of instruction.~~

Sec. 6. Section 321I.1, subsection 1, paragraph c, Code 2009, is amended by striking the paragraph.

Sec. 7. Section 321I.1, subsection 16, Code 2009, is amended to read as follows:

16. a. "Off-road utility vehicle" means a motorized flotation-tire vehicle with not less than four and not more than ~~six~~ eight low-pressure tires that is limited in engine displacement to

less than one thousand five hundred cubic centimeters and in total dry weight to not more than one thousand eight hundred pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.

b. An owner of an off-road utility vehicle may register or title an off-road utility vehicle in order to legally operate the off-road vehicle on public ice, a designated riding area, or a designated riding trail. The operator of an off-road utility vehicle is subject to provisions governing the operation of all-terrain vehicles in section 321.234A and this chapter, but is exempt from the safety instruction and certification program requirements of sections 321I.25 and 321I.26. An operator of an off-road utility vehicle shall not operate the vehicle on a designated riding area or designated riding trail unless the department has posted signage indicating the riding area or trail is open to the operation of off-road utility vehicles. Off-road utility vehicles are exempt from the dealer registration and titling requirements of this chapter. A motorized vehicle that was previously titled or is currently titled under chapter 321 shall not be registered or operated as an off-road utility vehicle.

Sec. 8. Section 321I.2, subsection 1, paragraph e, Code 2009, is amended to read as follows:

e. Establishment of a program of grants, subgrants, and contracts to be administered by the department for the development ~~and delivery of certified courses of instruction for the safe use and operation of all-terrain vehicles~~, maintenance, and operation of designated all-terrain vehicle riding areas and trails by political subdivisions and incorporated private organizations.

Sec. 9. Section 321I.2, subsection 1, paragraph i, Code 2009, is amended by striking the paragraph and inserting in lieu thereof the following:

i. Establishment of a certified education course for the safe use and operation of all-terrain vehicles.

Sec. 10. Section 321I.2, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. Certification of volunteer all-terrain vehicle education instructors.

Sec. 11. Section 321I.22, subsection 9, Code 2009, is amended to read as follows:

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

Sec. 12. Section 321I.26, subsection 3, Code 2009, is amended to read as follows:

3. Any person who is required to have a safety certificate under this chapter and who has completed a course of instruction established under section 321I.2, subsection 1, paragraph ~~"e"~~ "i", including the successful passage of an examination which includes either a written test relating to such course of instruction or the demonstration of adequate riding skills, shall be considered qualified to ~~apply for~~ receive a safety certificate. ~~The commission may waive the requirement of completing such course of instruction if such person successfully passes a written test based on such course of instruction.~~

Sec. 13. Section 452A.17, subsection 1, paragraph a, subparagraph (7), Code 2009, is amended to read as follows:

(7) A bona fide commercial fisher, licensed and operating under an owner's certificate for commercial ~~fishing~~ gear issued pursuant to section 482.4.

Sec. 14. Section 464A.11, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

In administering the water trails and low head dam public hazard program, the department

shall conduct a study of waterways for recreational purposes and develop a statewide plan by ~~January 1~~ March 31, 2010. Elements of the plan shall include but not be limited to:

Sec. 15. Section 481A.19, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. Any person licensed by the authority of Illinois, Minnesota, Missouri, Wisconsin, Nebraska, or South Dakota to take fish, game, mussels, or fur-bearing animals from or in lands under the jurisdiction of any of those states may take such fish, game, mussels, or fur-bearing animals from or in lands under the jurisdiction of the commission when such land is ~~wholly surrounded by~~ adjacent to that respective state but is separated from other land in Iowa by a body of water, without having procured a license from the director of this state, in the same manner that persons holding Iowa licenses may do, if the laws of Illinois, Minnesota, Missouri, Wisconsin, Nebraska, or South Dakota, respectively, extend a similar privilege to persons so licensed under the laws of Iowa.

Sec. 16. Section 481A.19, subsection 2, Code 2009, is amended to read as follows:

2. Any privileges conferred by this section shall be subject to a reciprocal agreement as negotiated by the commission and the authority of a state provided in subsection 1 which confers upon a licensee of this state reciprocal rights, privileges, and immunities as provided in section 483A.31. Such agreements may include determination of which state's seasons and limits shall apply for specific geographical areas.

Sec. 17. Section 481A.122, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. This section is not applicable to a person who is legally hunting with a raptor.

Sec. 18. Section 481A.130, subsection 1, paragraphs d and e, Code 2009, are amended to read as follows:

d. For each ~~fish,~~ reptile, mussel, or amphibian, fifteen dollars.

e. For each beaver, bobcat, mink, otter, red fox, gray fox, or raccoon, two hundred dollars.

Sec. 19. Section 481A.130, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. For each fish, reimbursement shall be as follows:

(1) For each fish of a species other than shovelnose sturgeon, with an established daily limit greater than twenty-five, fifteen dollars.

(2) For each fish of a species other than paddlefish and muskellunge, with an established daily limit of twenty-five or less, fifty dollars.

(3) For each shovelnose sturgeon, paddlefish, and muskellunge, one thousand dollars.

Sec. 20. Section 481A.130, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. This section does not apply to a person who is liable to pay restitution to the department pursuant to section 481A.151 for injury to a wild animal caused by polluting a water of this state in violation of state law.

Sec. 21. Section 482.1, Code 2009, is amended to read as follows:

482.1 AUTHORITY OF THE COMMISSION.

1. The natural resource commission shall observe, administer, and enforce this chapter. The natural resource commission may adopt and enforce rules under chapter 17A as necessary to carry out this chapter.

2. The natural resource commission may:

~~1.~~ a. Remove or cause to be removed from the waters of the state any aquatic species that in the judgment of the commission is an underused renewable resource or has a detrimental effect on other aquatic populations. All proceeds from a sale of these aquatic organisms shall be credited to the state fish and game protection fund.

~~2.~~ b. Issue to any person a permit or license authorizing that person to take, possess, and sell underused, undesirable, or injurious aquatic organisms from the waters of the state. The person receiving a permit or license shall comply with the applicable provisions of this chapter.

~~3.~~ c. Authorize the director to enter into written contracts for the removal of underused, undesirable, or injurious organisms from the waters of the state. The contracts shall specify all terms and conditions desired. Sections 482.4, 482.6, and 482.14 do not apply to these contracts.

~~4.~~ d. Prohibit, restrict, or regulate commercial fishing~~,~~ and commercial turtle ~~fishing, and commercial mussel fishing~~ harvesting in any waters of the state.

~~5.~~ e. Revoke the license of a licensee ~~and the licensee's designated operators~~ for up to one year if the licensee ~~or any designated operator~~ has been convicted of a violation of chapter 481A, 482, or 483A. A licensee shall not continue commercial fishing while a license issued by the natural resource commission or issued by another state is under revocation or suspension.

~~6.~~ f. Regulate the numbers of commercial fishers~~,~~ and commercial turtle ~~fishers, and commercial mussel fishers~~ harvesters and the amount, type, seasonal use, mesh size, construction and design, manner of use, and other criteria relating to the use of commercial gear for any body of water or part thereof.

~~7.~~ g. Establish catch quotas, seasons, size limits, and other regulations for any species of commercial fish~~,~~ or turtles~~, or mussels~~ for any body of water or part thereof.

~~8.~~ h. Designate by listing species as commercial fish~~,~~ or turtles~~, or mussels~~.

~~9.~~ i. Designate any body of water or its part as protected habitat and restrict, prohibit, or otherwise regulate the taking of commercial fish~~,~~ and turtles~~, and mussels~~ in protected habitat areas.

3. Employees of the ~~commission~~ department may lift and inspect any commercial gear at any time ~~when being used~~ and may inspect commercial catches, commercial markets, and landings, and examine ~~catch~~ sale and purchase records of commercial fishers, commercial turtle ~~fishers~~ harvesters, and commercial ~~mussel fishers~~ roe harvesters, commercial turtle buyers, and commercial roe buyers upon demand.

4. ~~Officers~~ Employees of the ~~commission~~ department may seize and retain as evidence any illegal fish~~,~~ or turtles, ~~or mussels,~~ or any illegal commercial gear, or any other personal property used in violation of any provision of the Code, and may confiscate any untagged or illegal commercial gear as contraband.

Sec. 22. Section 482.2, Code 2009, is amended to read as follows:

482.2 DEFINITIONS.

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

1. "Boundary waters" means the waters of the Mississippi, Missouri, and Big Sioux rivers.

2. "Commercial fish helper" means a person who is licensed by the state to assist a commercial fisher or a commercial roe harvester in operating commercial gear or in taking, attempting to take, possessing, or transporting commercial fish, roe species, roe, or turtles.

~~2.~~ 3. "Commercial fisher" means a person who is licensed by the state to take ~~and sell fish from waters of the state~~, attempt to take, possess, transport, sell, barter, or trade turtles or turtle eggs, commercial fish except roe species, or fish parts except roe.

~~3.~~ 4. "Commercial fishing" means taking, attempting to take, possessing, or transporting of commercial fish or turtles for the purpose of selling, bartering, ~~exchanging~~ trading, offering, or exposing for sale.

~~4.~~ 5. "Commercial gear" means the capturing equipment used by commercial fishers, commercial roe harvesters, and commercial turtle ~~fishers, and commercial mussel fishers~~ harvesters.

~~5. "Commercial mussel fisher" means a person who is licensed to take and sell freshwater mussels from waters of the state. A resident commercial mussel license holder must have resided in this state for one year preceding the person's application for a commercial mussel fishing license.~~

~~6. "Commercial mussel fishing" means taking, attempting to take, or transporting of freshwater mussels for the purpose of selling, bartering, exchanging, offering, or exposing for sale.~~

6. "Commercial roe buyer" means a person who is licensed by the state to engage in the business of buying, selling, bartering, or trading of roe and roe species.

7. "Commercial roe harvester" means a person who is licensed by the state to engage in the harvest and sale, barter, or trade of roe and roe species.

~~7.~~ 8. "Commercial species" means species of fish~~,~~ and turtles~~, and freshwater mussels~~ which may be lawfully taken and sold by commercial fishers, commercial roe harvesters, and commercial turtle ~~fishers~~ harvesters, ~~and commercial mussel fishers,~~ as established by rule by the commission.

9. "Commercial turtle buyer" means a person who is licensed by the state to engage in the business of buying, selling, bartering, or trading commercial turtles or turtle eggs.

~~9.~~ 10. "Commercial turtle ~~fishing"~~ harvesting" means taking, attempting to take, possessing, or transporting of commercial turtles or turtle eggs for the purpose of selling, bartering, ~~exchanging~~ trading, offering, or exposing for sale.

~~8.~~ 11. "Commercial turtle ~~fisher"~~ harvester" means a person who is licensed by the state to take, attempt to take, possess, transport, and sell, barter, or trade commercial turtles ~~from the waters of the state~~ or turtle eggs.

12. "Commercial turtle helper" means a person who is licensed by the state to assist a commercial turtle harvester in operating commercial gear, or in taking, attempting to take, possessing, or transporting commercial turtles or turtle eggs.

~~10.~~ 13. "Constant attendance" means the presence of a commercial fisher ~~or a designated operator~~ whenever commercial gear is in use.

~~11.~~ 14. "Director" means the director of the department of natural resources, and the director's duly authorized assistants, deputies, or agents.

~~12.~~ 15. "Game fish" means all species and size categories of fish not included as "commercial species" or minnows.

~~13.~~ 16. "Inland waters of the state" means all public waters of the state excluding the boundary waters of the Mississippi, Big Sioux, and Missouri rivers.

~~14.~~ 17. "Licensed commercial gear" means any commercial gear that is licensed as provided in this chapter and that, when in use, has ~~attached~~ the proper tags attached as provided by this chapter.

~~15.~~ 18. "Nonresident or alien" means a person who does not qualify as a resident ~~of the state of Iowa either because of a bona fide residence in another state or because of citizenship of a country other than the United States. However, "alien" does not include a person who has applied for naturalization papers~~ as defined in section 483A.1A.

~~16.~~ 19. "Resident" means a person ~~who is legally subject to motor vehicle registration and driver's license laws of this state, or who is qualified to vote in an election of this state~~ as defined in section 483A.1A.

20. "Roe" means fish eggs.

21. "Roe species" means fish harvested for their eggs. Roe species include but are not limited to shovelnose sturgeon and bowfin and any other fish defined as roe species by the commission by rule.

~~17.~~ 22. "Waters of the state" means all of the waters under the jurisdiction of the state.

Sec. 23. Section 482.4, Code 2009, is amended to read as follows:

482.4 COMMERCIAL LICENSES AND GEAR TAGS.

1. A person shall not use or operate commercial gear unless ~~at least one~~ an individual is at the site where the commercial gear is being operated who possesses an appropriate valid commercial license~~, or a designated operator's license~~. A commercial license is valid from the date of issue to January 10 of the succeeding calendar year.

~~2. A commercial fisher may designate a person as a designated operator to lift and to fish with any licensed commercial fishing gear owned by the commercial fisher. A commercial fisher shall not have more than five designated operators. A designated operator's license shall be assigned to not more than three operators during a year and a designated operator's~~

~~license shall be valid for use only by an operator who possesses the license and has signed the license. The signature of any preceding designated operator who possessed the license shall be crossed out. A designated operator shall not lift or fish any commercial fishing gear without possessing a designated operator's license which is signed by the operator. A designated operator's license which is not signed by the operator in possession of the license is forfeited to the state.~~

~~3. A boundary water annual sport trotline license permits the licensee to use a maximum of four trotlines with two hundred hooks in the aggregate. All boundary water sport trotlines shall be tagged with the name and address of the licensee on a metal tag affixed above the waterline.~~

2. A commercial roe harvester shall possess a valid commercial fishing license and a valid commercial roe harvester license.

~~4.~~ 3. Commercial fishers and commercial turtle ~~fishers~~ harvesters shall purchase gear tags from the commission to be affixed to each piece of gear in use. Notwithstanding the fee rates for gear tags ~~of~~ under subsection ~~7~~ 6, the minimum fee ~~for a gear tag~~ is five dollars. All tags are valid for ten years from the date of issue. In addition to the gear tags, all gear shall be tagged with a ~~metal~~ weather-resistant tag showing the name and address of the licensee and whether the gear is fish or turtle gear.

~~5.~~ 4. All numbered fish gear tags are interchangeable among the different types of commercial ~~fishing~~ gear.

~~6.~~ 5. Annual license fees are as follows:

a. Commercial ~~fishing~~ fisher, resident ..... $ 200.00

b. Commercial ~~fishing~~ fisher, nonresident ..... $ 400.00

c. ~~Designated operator~~ Commercial fish helper, resident ..... $ 50.00

d. ~~Designated operator~~ Commercial fish helper, nonresident ..... $ 100.00

e. Commercial roe buyer, resident ..... $ 250.00

f. Commercial roe buyer, nonresident ..... $ 500.00

g. Commercial roe harvester, resident ..... $ 100.00

h. Commercial roe harvester, nonresident ..... $ 3,500.00

i. Commercial turtle buyer, resident ..... $ 200.00

j. Commercial turtle buyer, nonresident ..... $ 400.00

~~e.~~ k. Commercial turtle harvester, resident ..... $ ~~50.00~~ 100.00

~~f.~~ l. Commercial turtle harvester, nonresident ..... $ ~~100.00~~ 400.00

~~g.~~ m. Commercial ~~mussel fisher~~ turtle helper, resident ..... $ ~~100.00~~ 50.00

~~h.~~ n. Commercial ~~mussel buyer, resident~~ ..... $ ~~1,000.00~~ turtle helper, nonresident 100.00

~~i. Commercial mussel buyer, nonresident ..... $ 5,000.00~~

~~j. Boundary water sport trotline, resident ..... $ 10.00~~

~~k. Boundary water sport trotline, nonresident ..... $ 20.00~~

~~l. Commercial mussel fisher, nonresident ..... $ 2,500.00~~

~~m. Commercial mussel helper, resident ..... $ 50.00~~

~~n. Commercial mussel helper, nonresident ..... $ 200.00~~

~~7.~~ 6. Commercial fish gear tags are required on the following units of commercial ~~fishing~~ gear at the listed fee:

a. Seine, resident, one gear tag for each 100 feet or fraction thereof ..... $ 1.00

b. Seine, nonresident, one gear tag for each 100 feet or fraction thereof ..... $ 2.00

c. Trammel net, resident, one gear tag for each 100 feet or fraction thereof ..... $ 1.00
d. Trammel net, nonresident, one gear tag for each 100 feet or fraction thereof ..... $ 2.00
e. Gill net, resident, one gear tag for each 100 feet or fraction thereof ..... $ 1.00
f. Gill net, nonresident, one gear tag for each 100 feet or fraction thereof ..... $ 2.00
g. Entrapment nets, resident, one gear tag per net ..... $ 1.00
h. Entrapment nets, nonresident, one gear tag per net ..... $ 2.00
i. Commercial trotline, resident, one gear tag for each 50 hooks or less ..... $ 1.00
j. Commercial trotline, nonresident, one gear tag for each 50 hooks or less ..... $ 2.00

~~8.~~ 7. Turtle trap gear tags are not interchangeable with other commercial gear. Turtle trap gear tag fees are as follows:
a. Commercial turtle trap, resident, one gear tag per trap ..... $ 1.00
b. Commercial turtle trap, nonresident, one gear tag per trap ..... $ 2.00

Sec. 24. Section 482.5, Code 2009, is amended to read as follows:
482.5 COMMERCIAL GEAR.
It is lawful for a person who is legally licensed to harvest commercial fish or commercial turtles to use ~~the~~ commercial ~~fishing~~ gear of a design, construction, size, season, and all other criteria established by the commission for taking those species of fish and turtles designated by the commission by rule.

Sec. 25. Section 482.7, Code 2009, is amended to read as follows:
482.7 GEAR ATTENDANCE.
1. ~~The~~ A commercial fisher, commercial turtle harvester, or commercial roe harvester licensee ~~or a designated operator~~ must be present when ~~lifting~~ commercial gear is operated. A commercial fish helper or commercial turtle helper shall not operate commercial gear except under the direct supervision of a commercial fisher, commercial turtle harvester, or commercial roe harvester. A nonresident commercial turtle helper is licensed only to assist a licensed nonresident commercial turtle harvester. Commercial gear shall be lifted and emptied of catch as provided by the rules of the commission. Constant attendance by the ~~licensee or a designated operator~~ commercial fisher of seines, trammel nets, and gill nets is required when the gear is fished by driving, drive-seining, seining, floating, or drifting methods. Officers of the commission ~~shall~~ may grant a reasonable extension of gear attendance intervals ~~in cases of inclement weather or unsafe conditions~~ only upon the request of a commercial fisher, commercial turtle harvester, or commercial roe harvester specifying why such an extension is necessary.
2. For the purposes of this section, "direct supervision" means that a commercial fisher, commercial turtle harvester, or commercial roe harvester must be in the same boat, within hand-signal distance, or within vocal communication distance, without the help of any electronic or amplifying device, of the commercial fish helper or commercial turtle helper being supervised.

Sec. 26. Section 482.8, subsection 1, Code 2009, is amended to read as follows:
1. It is lawful for licensed commercial fishers, ~~designated operators,~~ commercial turtle ~~fish-~~

~~ers, and licensed sport trotline fishers~~ harvesters, and commercial roe harvesters to pursue, take, possess, and transport any commercial fish or their parts, bait fish, turtles, frogs, salamanders, leeches, crayfish, or any other aquatic invertebrates for bait unless otherwise prohibited by law.

Sec. 27. Section 482.9, subsections 4 and 7, Code 2009, are amended to read as follows:

4. For a person to lift or to fish licensed commercial gear of another person, except ~~by~~ the licensee ~~and the licensee's designated operators~~.

7. To block or inhibit navigation through channels with commercial ~~fishing~~ gear unless a minimum of three feet of water depth is maintained over float lines of any entanglement gear or leads to trap nets. Gear shall not block over one-half the width of a navigable channel if there is less than three feet of water over the gear.

Sec. 28. Section 482.10, Code 2009, is amended to read as follows:

482.10 ~~SALE OF~~ COMMERCIAL FISH LICENSES.

1. ~~A person possessing a~~ All persons who commercially take, attempt to take, possess, transport, sell, barter, trade, or buy commercial fish or their parts shall possess an appropriate, valid commercial fishing license ~~or designated operator's license may possess and sell any commercial fish, turtles, or freshwater mussels, or their parts, which have been lawfully taken~~. This subsection does not apply to an individual who buys commercial fish or their parts from a commercial fisher for personal consumption.

a. A commercial fisher license is required to operate commercial gear and to take, attempt to take, possess, process, transport, or sell any commercial fish, commercial turtles, or turtle eggs.

b. A commercial fish helper license is required to assist a commercial fisher or commercial roe harvester in operating commercial gear and in taking, attempting to take, possessing, or transporting commercial fish, roe species, roe, commercial turtles, or turtle eggs. A commercial fish helper is not permitted to buy, sell, barter, or trade commercial fish, roe species, roe, commercial turtles, or turtle eggs. A commercial fish helper license is not required for a person under sixteen years of age to assist a commercial fisher as provided in this paragraph "b".

c. A commercial roe harvester license is required to harvest, possess, transport, or sell roe or roe species or their parts. A commercial roe harvester is not permitted to buy, barter, or trade roe or roe species unless in possession of a valid roe buyer license. A commercial roe harvester shall sell roe or roe species only to a commercial roe buyer licensed in this state.

d. A commercial roe buyer license is required to buy, barter, or trade roe or roe species for resale.

2. All intrastate and interstate shipments of commercial fish, ~~or~~ turtles, or roe or roe species, must be accompanied by a ~~label~~ receipt which shows the name and address of the seller ~~and the kinds~~, date of sale, and the species, numbers, and pounds of the ~~catches~~ fish, roe species, roe, turtles, or turtle eggs being sold. ~~Individuals purchasing fish, turtles, or mussels from a commercial fisher, turtle fisher, or mussel fisher need not possess a license.~~

Sec. 29. Section 482.11, subsections 1 and 3, Code 2009, are amended to read as follows:

1. ~~A person shall not~~ All persons who commercially take, attempt to take, possess, transport, or sell turtles ~~from the waters of the state without~~ or turtle eggs shall possess an appropriate, valid commercial license. This subsection does not apply to an individual who buys turtles or turtle eggs from a commercial fisher or a commercial turtle harvester for personal consumption.

a. A ~~valid sport fishing license entitles a person~~ commercial turtle harvester license is required to operate commercial gear and to take ~~and~~, attempt to take, possess ~~a maximum of one hundred pounds of live turtles or fifty pounds of dressed turtles~~, transport, sell, barter, or trade commercial turtles or turtle eggs. ~~The sale of live or dressed turtles is not permitted with a sport fishing license.~~ Nonresident commercial turtle harvesters shall harvest commercial turtles only from the boundary waters.

b. A commercial turtle helper license is required to ~~take and possess more than one hundred pounds of live or fifty pounds of dressed turtles. The holder of~~ assist a commercial turtle ~~license may sell live or dressed turtles~~ harvester in operating commercial gear, and in taking, attempting to take, possessing, or transporting commercial turtles or turtle eggs. A commercial turtle helper is not permitted to buy, sell, barter, or trade commercial turtles or turtle eggs. A commercial turtle helper license is not required for a person under sixteen years of age to assist a commercial turtle harvester as provided in this paragraph "b".

c. A commercial turtle buyer license is required to engage in the business of buying, bartering, or trading commercial turtles or turtle eggs.

~~c.~~ d. A commercial ~~fishing~~ fisher license ~~or a designated operator's license~~ entitles commercial fishers to operate any licensed commercial ~~fishing~~ gear ~~for taking, possessing, or selling~~ and to take, attempt to take, possess, and sell, barter, or trade turtles or turtle eggs taken with such commercial gear.

~~d. An individual possessing a valid commercial turtle license may have the assistance of one unlicensed individual in the commercial taking of turtles.~~

~~3. The method of taking turtles shall only be by hand, turtle hook, turtle trap, licensed commercial fishing gear, or other means designated by commission rules. Sport fishers may also use hook-and-line in catching turtles.~~

Sec. 30. Section 482.11, subsections 3 and 4, Code 2009, are amended by striking the subsections.

Sec. 31. Section 482.14, Code 2009, is amended to read as follows:

482.14 REPORTS AND RECORDS REQUIRED — INSPECTIONS.

1. All commercial fishers, commercial turtle ~~fishers~~ harvesters, commercial turtle buyers, commercial ~~mussel fishers~~ roe harvesters, and commercial ~~mussel~~ roe buyers shall submit a monthly report supplying all information requested on forms furnished by the ~~commission~~ department. Reports must be received by the ~~commission~~ department no later than the fifteenth day of the following month.

2. Commercial fishers shall utilize a dated receipt with at least two parts, with one original and one copy of each receipt, that contains the species, number, and pounds of fish or turtles sold, bartered, or traded. Commercial fishers shall retain a copy of each receipt for five years following the transaction. A purchaser of commercial fish or turtles shall retain a copy of the receipt for as long as the purchaser is in possession of the fish or turtles.

3. Commercial turtle harvesters shall utilize a dated receipt with at least two parts, with one original and one copy of each receipt, that contains the species, number, and pounds of turtles sold, bartered, or traded. Commercial turtle harvesters shall retain a copy of each receipt for five years following the transaction. A purchaser of commercial turtles shall retain a copy of the receipt for as long as the purchaser is in possession of the turtles.

4. Commercial turtle buyers shall maintain accurate records of all transactions. The records shall contain the date, number, weight, and species of turtles purchased, the name and address of the seller, and the county or pools where the turtles were taken. The records shall be updated monthly. Such records shall be available for examination by employees of the department upon request. A commercial turtle buyer shall only purchase turtles from a licensed commercial fisher or commercial turtle harvester.

5. Commercial roe buyers shall utilize a receipt with at least two parts, with one original and at least one copy of each receipt, for each purchase of commercial roe species and roe. The original of the receipt shall be kept by the commercial roe buyer and a copy of the receipt shall be given to the commercial roe harvester selling the commercial roe species or roe. Commercial roe buyers and commercial roe harvesters shall retain such receipts for five years following the date of the transaction.

6. Facilities and records of commercial fish buyers, commercial turtle buyers, commercial roe harvesters, and commercial roe buyers shall be open at all reasonable times for inspection by any conservation officer.

Sec. 32. Section 483A.1, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. u. Boundary waters sport trotline license, annual ..... $ 20.50

Sec. 33. Section 483A.1, subsection 2, Code 2009, is amended by adding the following new paragraphs:

NEW PARAGRAPH. ee. Preference point issued under section 483A.7, subsection 3, paragraph "b", or section 483A.8, subsection 3, paragraph "e" ..... $ 50.00[1]

NEW PARAGRAPH. w. Boundary waters sport trotline license, annual ..... $ 40.50

Sec. 34. Section 483A.1A, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 0A. "Boundary waters" means the waters of the Mississippi, Missouri, and Big Sioux rivers.

NEW SUBSECTION. 6A. "Nonresident" means a person who is not a resident as defined in subsection 7.

NEW SUBSECTION. 6B. "Principal and primary residence or domicile" means the one and only place where a person has a true, fixed, and permanent home, and to where, whenever the person is briefly and temporarily absent, the person intends to return. Relevant factors in determining a person's principal and primary residence or domicile include but are not limited to proof of place of employment, mailing address, utility records, land ownership records, vehicle registration, and address listed on the person's state and federal income tax returns. A person shall submit documentation to establish the person's principal and primary residence or domicile to the department or its designee upon request. The department or its designee shall keep confidential any document received pursuant to such a request if the document is required to be kept confidential by state or federal law.

Sec. 35. Section 483A.1A, subsection 7, Code 2009, is amended to read as follows:

7. "Resident" means a natural person who meets any of the following criteria during each year in which the person claims status as a resident:

a. Has physically resided in this state ~~at least thirty~~ as the person's principal and primary residence or domicile for a period of not less than ninety consecutive days immediately before applying for or purchasing a resident license, tag, or permit under this chapter and has been issued an Iowa driver's license or an Iowa nonoperator's identification card. A person is not considered a resident under this paragraph if the person is residing in the state only for a special or temporary purpose including but not limited to engaging in hunting, fishing, or trapping.

b. Is a full-time student at either of the following:

(1) ~~an~~ An accredited educational institution located in this state and resides in this state while attending the educational institution.

(2) An accredited educational institution located outside of this state, if the person is under the age of twenty-five and has at least one parent or legal guardian who maintains a principal and primary residence or domicile in this state.

c. ~~A~~ Is a student who qualifies as a resident pursuant to ~~this~~ paragraph "b" only for the purpose of purchasing any resident license specified in section 483A.1 or 484A.2.

~~c.~~ d. Is a nonresident under eighteen years of age whose parent is a resident of this state.

~~d.~~ e. Is a member of the armed forces of the United States who is serving on active duty, claims residency in this state, and has filed a state individual income tax return as a resident pursuant to chapter 422, division II, for the preceding tax year, or is stationed in this state.

~~e. Is registered to vote in this state.~~

Sec. 36. Section 483A.2, Code 2009, is amended to read as follows:

483A.2 DUAL RESIDENCY.

A resident license shall be limited to persons who do not claim any resident privileges, ex-

[1] See chapter 179, §147 herein

cept as defined in section 483A.1A, subsection 7, paragraphs "b", "c", ~~and~~ "d", and "e", in another state or country. A person shall not purchase or apply for any resident license or permit if that person has claimed residency in any other state or country.

Sec. 37. Section 483A.7, subsection 3, Code 2009, is amended to read as follows:

3. a. A nonresident wild turkey hunter is required to have a nonresident hunting license and a nonresident wild turkey hunting license and pay the wildlife habitat fee. The commission shall annually limit to two thousand three hundred licenses the number of nonresidents allowed to have wild turkey hunting licenses. Of the two thousand three hundred licenses, one hundred fifty licenses shall be valid for hunting with muzzle loading shotguns only. The commission shall allocate the nonresident wild turkey hunting licenses issued among the zones based on the populations of wild turkey. A nonresident applying for a wild turkey hunting license must exhibit proof of having successfully completed a hunter safety and ethics education program as provided in section 483A.27 or its equivalent as determined by the department before the license is issued.

b. The commission shall assign one preference point to a nonresident whose application for a nonresident wild turkey hunting license is denied due to limitations on the number of nonresident wild turkey hunting licenses available for issuance that year. An additional preference point shall be assigned to that person each subsequent year the person's license application is denied for that reason. A nonresident may purchase additional preference points pursuant to section 483A.1, subsection 2, paragraph "ee". The first nonresident wild turkey hunting license drawing each year shall be made from the pool of applicants with the most preference points and continue to pools of applicants with successively fewer preference points until all available nonresident wild turkey hunting licenses have been issued. If a nonresident applicant receives a wild turkey hunting license, all of the applicant's assigned preference points at that time shall be removed.[2]

Sec. 38. Section 483A.8, subsections 3, 4, and 5, Code 2009, are amended to read as follows:

3. a. A nonresident hunting deer is required to have a nonresident hunting license and a nonresident deer hunting license and must pay the wildlife habitat fee. In addition, a nonresident who purchases a deer hunting license shall pay a one dollar fee that shall be used and is appropriated for the purpose of deer herd population management, including assisting with the cost of processing deer donated to the help us stop hunger program administered by the commission.

b. A nonresident who purchases an antlered or any sex deer hunting license pursuant to section 483A.1, subsection 2, paragraph "e", is required to purchase an antlerless deer only deer hunting license at the same time, pursuant to section 483A.1, subsection 2, paragraph "f".

c. The commission shall annually limit to six thousand the number of nonresidents allowed to have antlered or any sex deer hunting licenses. Of the six thousand nonresident antlered or any sex deer hunting licenses issued, not more than thirty-five percent of the licenses shall be bow season licenses. After the six thousand antlered or any sex nonresident deer hunting licenses have been issued, all additional licenses shall be issued for antlerless deer only. The commission shall annually determine the number of nonresident antlerless deer only deer hunting licenses that will be available for issuance.

d. The commission shall allocate all nonresident deer hunting licenses issued among the zones based on the populations of deer. However, a nonresident applicant may request one or more hunting zones, in order of preference, in which the applicant wishes to hunt. If the request cannot be fulfilled, the applicable fees shall be returned to the applicant. A nonresident applying for a deer hunting license must exhibit proof of having successfully completed a hunter safety and ethics education program as provided in section 483A.27 or its equivalent as determined by the department before the license is issued.

e. The commission shall assign one preference point to a nonresident whose application for a nonresident antlered or any sex deer hunting license is denied due to limitations on the number of nonresident antlered or any sex deer hunting licenses available for issuance that year. An additional preference point shall be assigned to that person each subsequent year the per-

[2] See chapter 179, §147 herein

son's license application is denied for that reason. A nonresident may purchase additional preference points pursuant to section 483A.1, subsection 2, paragraph "ee". The first nonresident antlered or any sex deer hunting license drawing each year shall be made from the pool of applicants with the most preference points and continue to pools of applicants with successively fewer preference points until all available nonresident antlered or any sex deer hunting licenses have been issued. If a nonresident applicant receives an antlered or any sex deer hunting license, all of the applicant's assigned preference points at that time shall be removed.

4. The commission may provide, by rule, for the issuance of an additional antlerless deer hunting license to a person who has been issued an antlerless deer hunting license. The rules shall specify the number of additional antlerless deer hunting licenses which may be issued, and the season and zone in which the license is valid. The fee for an additional antlerless deer hunting license shall be ten dollars for residents.

5. A nonresident owning land in this state may apply for a nonresident antlered or any sex deer hunting license, and the provisions of subsection 3 shall apply. However, if a nonresident owning land in this state is unsuccessful in obtaining one of the nonresident antlered or any sex deer hunting licenses, the landowner shall be given preference for one of the antlerless deer only nonresident deer hunting licenses available pursuant to subsection 3. A nonresident owning land in this state shall pay the fee for a nonresident antlerless only deer hunting license and the license shall be valid to hunt on the nonresident's land only. If one or more parcels of land have multiple nonresident owners, only one of the nonresident owners is eligible for a nonresident antlerless only deer hunting license. If a nonresident jointly owns land in this state with a resident, the nonresident shall not be given preference for a nonresident antlerless only deer hunting license. The department may require proof of land ownership from a nonresident landowner applying for a nonresident antlerless only deer hunting license.

Sec. 39. Section 483A.8A, Code 2009, is amended to read as follows:

483A.8A DEER AND WILD TURKEY HARVEST REPORTING SYSTEM.

1. The commission shall provide, by rule, for the establishment of a deer and wild turkey harvest reporting system for the purpose of collecting information from ~~deer~~ hunters concerning the deer and wild turkey population in this state. Each person who is issued a deer or wild turkey hunting license in this state shall report such information pursuant to this section. Information collected by the commission pursuant to the deer and wild turkey harvest reporting system from a ~~deer~~ hunter who takes a deer or wild turkey shall be limited to the following:

a. The county where the deer or wild turkey was taken.
b. The season during which the deer or wild turkey was taken.
c. The sex of the deer or wild turkey taken.
d. The age of the deer or wild turkey taken.
e. The type of weapon used.
f. The hunting license number of the hunter.
g. The number of days the hunter hunted.
h. The total number of deer or wild turkey taken by the hunter.

2. The deer and wild turkey harvest reporting system established by the commission shall utilize and is limited to utilizing one or more of the following methods of reporting deer or wild turkey taken by hunters:

a. A toll-free telephone number.
b. A postcard.
c. Reporting at an electronic licensing location.
d. Electronic internet communication.

Sec. 40. NEW SECTION. 483A.9A COMBINATION PACKAGES OF LICENSES.

1. The commission is authorized, pursuant to rules adopted under chapter 17A, to develop combination packages of licenses in order to offer incentives to residents to purchase additional licenses or for the specific purpose of increasing sales of licenses that will help to recruit or retain hunters, anglers, and trappers in the state.

2. The total cost of each combination package of licenses offered shall be less than the total cost of the licenses if each was purchased separately.

Sec. 41. Section 483A.10, Code 2009, is amended to read as follows:

483A.10 ISSUANCE OF LICENSES.

1. The licenses and combination packages of licenses issued pursuant to this chapter shall be issued by the department or the license agents as specified by rules of the commission. A county recorder may issue licenses or combination packages of licenses subject to the rules of the commission.

2. The rules shall include the application procedures as necessary. The licenses and combination packages of licenses shall show the total cost of the license or combination package of licenses, including a writing fee to be retained by the license agent and any administrative fees to be forwarded to the department, if applicable. A person authorized to issue a license or combination package of licenses or collect a fee pursuant to this chapter or chapter 484A shall charge the fee specified in this chapter or chapter 484A only plus a writing fee and administrative fee, if applicable.

Sec. 42. Section 483A.12, Code 2009, is amended to read as follows:

483A.12 FEES.

1. The license agent shall be responsible for all fees for the issuance of hunting, fishing, ~~and~~ fur harvester licenses, and combination packages of licenses sold by the license agent. All unused license blanks shall be surrendered to the department upon the department's demand.

2. A license agent shall retain a writing fee of fifty cents from the sale of each license or combination package of licenses except that the writing fee for a free deer or wild turkey license as authorized under section 483A.24, subsection 2, shall be one dollar. If a county recorder is a license agent, the writing fees retained by the county recorder shall be deposited in the general fund of the county.

Sec. 43. NEW SECTION. 483A.28 NONCOMMERCIAL HARVEST OF AQUATIC SPECIES.

1. A boundary waters sport trotline license entitles the licensee to use a maximum of four trotlines with two hundred hooks in the aggregate and only on boundary waters. All boundary waters sport trotlines shall be tagged with the name and address of the licensee on a weather-resistant tag provided by the licensee and affixed above the waterline. A boundary waters sport trotline licensee is not permitted to sell, barter, or trade fish or turtles taken pursuant to the license.

2. A valid fishing license issued pursuant to this chapter entitles the licensee to take and possess a maximum of one hundred pounds of live turtles or fifty pounds of dressed turtles. Any unattended fishing gear used to take turtles pursuant to a fishing license shall be tagged with the name and address of the licensee on a weather-resistant tag provided by the licensee and affixed above the waterline. A fishing licensee is not permitted to sell, barter, or trade live or dressed turtles taken pursuant to the license.

3. A valid fishing license issued pursuant to this chapter entitles the licensee to take and possess a maximum amount of mussels or shells daily as authorized by rule under the authority of sections 456A.24, 481A.38, and 481A.39. A fishing licensee shall not sell, barter, or trade freshwater mussels or shells taken pursuant to the fishing license.

Sec. 44. Section 484B.10, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A nonresident youth under sixteen years of age may hunt game birds on a licensed hunting preserve upon securing an annual hunting preserve license restricted to hunting preserves only for a license fee of five dollars and payment of the wildlife habitat fee. A nonresident youth is not required to complete the hunter safety and ethics education course to obtain a hunting preserve license pursuant to this subsection if the youth is accompanied by a person who is at least eighteen years of age, is qualified to hunt, and pos-

sesses a valid hunting license. During the hunt, the accompanying adult must be within arm's reach of the nonresident youth.

Sec. 45. Section 805.8B, subsection 3, paragraphs c, d, and n, Code 2009, are amended to read as follows:

c. For violations of sections 481A.6, 481A.21, 481A.22, 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62, 481A.83, 481A.84, 481A.92, 481A.123, 481A.145, subsection 3, sections ~~482.7,~~ 483A.7, 483A.8, 483A.23, ~~and~~ 483A.24, and 483A.28, the scheduled fine is twenty-five dollars.

d. For violations of sections 481A.7, 481A.24, 481A.47, 481A.52, 481A.53, 481A.55, 481A.58, 481A.76, 481A.90, 481A.91, 481A.97, 481A.122, 481A.126, 481A.142, 481A.145, subsection 2, 482.5, 482.7, sections 482.8, 482.10, and 483A.37, the scheduled fine is fifty dollars.

n. For violations of section 482.11 ~~relating to turtles:~~, the scheduled fine is one hundred dollars.

~~(1) For commercial turtle violations, the scheduled fine is one hundred dollars.~~

~~(2) For sport turtle violations, the scheduled fine is fifty dollars.~~

Sec. 46. Section 805.8B, subsection 3, paragraph o, Code 2009, is amended by striking the paragraph.

Sec. 47. Section 805.8B, subsection 3, paragraph p, subparagraph (5), Code 2009, is amended to read as follows:

(5) For a license or permit costing more than fifty dollars but less than one hundred dollars, the scheduled fine is one hundred dollars.

(6) For a license or permit costing one hundred dollars or more, the scheduled fine is two times the cost of the original license or permit.

Sec. 48. Sections 482.12 and 483A.25, Code 2009, are repealed.

Sec. 49. UPLAND GAME BIRD STUDY ADVISORY COMMITTEE. An upland game bird study advisory committee is established for the purpose of studying the best ways to restore sustainable and socially acceptable populations of pheasants and quail in the state to maximize the economic value of upland game bird hunting to Iowa's economy while balancing the needs of the agricultural industry.

1. The advisory committee shall be composed of the following members:

a. One representative from each of the following organizations or entities who, if possible, is involved with policy decisions for that organization or entity, to be appointed by the governor:

(1) Iowa association of county conservation boards.
(2) Iowa farm bureau federation.
(3) Iowa farmers union.
(4) Iowa conservation alliance.
(5) Pheasants forever.
(6) Quails forever.
(7) Iowa hospitality association.
(8) Izaak Walton league.
(9) Iowa realtors association.
(10) The department of transportation.
(11) Iowa chapter of the sierra club.
(12) Iowa sportsmen's federation.
(13) Outdoor writer's association.
(14) A person who represents a farm land management company.
(15) Two persons who are farmers, one who farms in northern Iowa and one who farms in southern Iowa.

(16) Two persons who hunt upland game birds, one who resides in northern Iowa and one who resides in southern Iowa.

b. Two legislative staff members, one from the staff of United States Senator Tom Harkin and one from the staff of United States Senator Charles Grassley, or their designees.

c. The director of the department of natural resources, or a designee.

d. The secretary of agriculture, or a designee.

e. The director of the department of economic development, or a designee.

f. A representative of the United States fish and wildlife service.

g. The executive director of the farm service agency, or a designee.

i. A member of the state soil conservation committee, or a designee.

j. A representative of the Iowa state university fisheries and wildlife cooperative unit.

k. Two members of the senate, one of whom is appointed by the majority leader of the senate and one of whom is appointed by the minority leader of the senate.

l. Two members of the house of representatives, one of whom is appointed by the speaker of the house of representatives and one of whom is appointed by the minority leader of the house of representatives.

2. The director of the department of natural resources or the director's designee shall serve as the chairperson of the advisory committee.

3. Legislative members of the committee are eligible for per diem and reimbursement of actual expenses as provided in section 2.10.

4. The committee shall review, analyze, and make recommendations on issues relating to the state's upland game bird population, including but not limited to the following:

a. The current status of Iowa's upland game bird populations and harvest and habitat management programs.

b. Current farm programs and their impact on upland game bird populations.

c. The economic impact and value of Iowa's upland game bird populations to Iowa.

d. Upland game bird population challenges and programs in other midwestern states.

e. New and innovative ways to restore sustainable populations of Iowa's upland game birds.

f. An assessment of public opinion concerning the impact and value of Iowa's upland game bird populations.

5. The advisory committee shall complete its deliberations in December 2009 and submit a final report to the governor and the general assembly summarizing the committee's activities, analyzing the issues studied, and including any other information or recommendations that the committee deems relevant and necessary by January 10, 2010. Copies of the final report shall be sent to the national resource conservation service, the United States fish and wildlife service, and to members of Iowa's congressional delegation.

Sec. 50. EFFECTIVE DATE. The section of this Act establishing the upland game bird study advisory committee, being deemed of immediate importance, takes effect upon enactment.

Approved May 22, 2009

CHAPTER 145

INSURANCE AND OTHER MATTERS
REGULATED BY THE INSURANCE DIVISION

H.F. 723

AN ACT relating to various matters under the purview of the insurance division of the department of commerce including the uniform securities Act; insurance division; articles of incorporation filing requirements; viatical settlements contracts; life insurance companies and associations; long-term care insurance; long-term care asset disregard incentives; insurance other than life; insurance guaranty association; county mutual insurance associations; state mutual insurance associations; consolidation, merger, and reinsurance; and cemetery and funeral merchandise and funeral services; and providing for an immediate effective date and retroactive applicability.

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

Section 1. Section 249A.35, Code 2009, is amended to read as follows:

249A.35 PURCHASE OF ~~CERTIFIED~~ QUALIFIED LONG-TERM CARE INSURANCE POLICY — COMPUTATION UNDER MEDICAL ASSISTANCE PROGRAM.

A computation for the purposes of determining eligibility under this chapter concerning an individual who is the beneficiary of a ~~certified~~ qualified long-term care insurance policy under chapter 514H shall include consideration of the asset disregard provided in section 514H.5.

Sec. 2. Section 502.409, subsection 1, Code 2009, is amended to read as follows:

1. WITHDRAWAL OF REGISTRATION. Withdrawal of registration by a broker-dealer, agent, investment adviser, or investment adviser representative becomes effective sixty days after the filing of the application to withdraw or within any shorter period as provided by rule adopted or order issued under this chapter unless a revocation or suspension proceeding is pending when the application is filed. If a proceeding is pending, withdrawal becomes effective when and upon such conditions as required by rule adopted or order issued under this chapter. The administrator may institute a ~~revocation or suspension proceeding~~ disciplinary action under section 502.412, including an action to revoke, suspend, condition, or limit the registration of a registrant, censure, impose a bar, or impose a civil penalty, within one year after the withdrawal became effective automatically and issue a ~~revocation or suspension~~ disciplinary order as of the last date on which registration was effective if a proceeding is not pending.

Sec. 3. Section 505.8, subsection 6, Code 2009, is amended to read as follows:

6. The commissioner shall provide assistance to the public and to consumers of insurance products and services in this state.

a. The commissioner shall accept inquiries and complaints from the public regarding the business of insurance. The commissioner or the commissioner's designee may respond to inquiries and complaints, and may examine or investigate such inquiries and complaints to determine whether laws in this subtitle and rules adopted pursuant to such laws have been violated.

~~a.~~ b. The commissioner shall establish a bureau, to be known as the "consumer advocate bureau", which shall be responsible for ensuring fair treatment of consumers ~~by persons in the business of insurance~~ and for preventing unfair or deceptive trade practices in the ~~insurance~~ marketplace and by persons under the jurisdiction of the commissioner.

~~b.~~ (1) The commissioner, with the advice of the governor, shall appoint a consumer advocate who shall be knowledgeable in the area of insurance and particularly in the area of consumer protection. The consumer advocate shall be the chief administrator of the consumer advocate bureau.

~~c.~~ (2) The consumer advocate bureau ~~shall~~ may receive and may investigate consumer

complaints and inquiries from the public, and ~~shall~~ may conduct investigations to determine whether any person has violated any provision of the insurance code, including chapters 507B and 522B, and any provisions related to the establishment of insurance rates.

~~d. When necessary or appropriate to protect the public interest or consumers, the consumer advocate may request that the commissioner conduct administrative hearings as provided in section 505.29.~~

~~e.~~ (3) The consumer advocate bureau shall perform other functions as may be assigned to it by the commissioner related to consumer advocacy.

~~f.~~ (4) The consumer advocate bureau shall work in conjunction with other areas of the insurance division on matters of mutual interest. The insurance division shall cooperate with the consumer advocate in fulfilling the duties of the consumer advocate bureau. The consumer advocate may also seek assistance from other federal or state agencies or private entities for the purpose of assisting consumers.

(5) When necessary or appropriate to protect the public interest or consumers, the consumer advocate may request that the commissioner conduct rate filing reviews as provided in section 505.15 or administrative hearings as provided in section 505.29.

~~g.~~ (6) The commissioner, in cooperation with the consumer advocate, shall prepare and deliver a report to the general assembly by January 15 of each year that contains findings and recommendations regarding the activities of the consumer advocate bureau including but not limited to all of the following:

~~(1)~~ (a) An overview of the functions of the bureau.

~~(2)~~ (b) The structure of the bureau including the number and type of staff positions.

~~(3)~~ (c) Statistics showing the number of complaints handled by the bureau, the nature of the complaints including the line of business involved and their disposition, and the disposition of similar issues in other states.

~~(4)~~ (d) Actions commenced by the consumer advocate.

~~(5)~~ (e) Studies performed by the consumer advocate.

~~(6)~~ (f) Educational and outreach efforts of the consumer advocate bureau.

~~(7)~~ (g) Recommendations from the commissioner and the consumer advocate about additional consumer protection functions that would be appropriate and useful for the bureau or the insurance division to fulfill based on observations and analysis of trends in complaints and information derived from national or other sources.

~~(8)~~ (h) Recommendations from the commissioner and the consumer advocate about any needs for additional funding, staffing, legislation, or administrative rules.

c. When necessary or appropriate to protect the public interest or consumers, the commissioner may conduct, or the commissioner's designee may request that the commissioner conduct administrative hearings as provided in this subtitle.

d. The commissioner may adopt rules for the administration of this subsection.

Sec. 4. Section 505.15, subsection 2, Code 2009, is amended to read as follows:

2. The commissioner may retain, or the commissioner's designee may request that the commissioner retain, attorneys, appraisers, independent actuaries, independent certified public accountants, or other professionals or specialists to assist the division or the consumer advocate bureau in carrying out its duties in regard to rate filing reviews. The reasonable cost of retaining such professionals and specialists shall be borne by the insurer which is the subject of the rate filing review.

Sec. 5. Section 508.2, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

508.2 ARTICLES — APPROVAL — BYLAWS.

The articles of incorporation, and any subsequent amendments, of a company shall be filed with and approved by the commissioner of insurance before filing with the secretary of state. A company shall file with the commissioner bylaws and subsequent amendments to the bylaws within thirty days of adoption of the bylaws and amendments.

Sec. 6. Section 508E.3, subsection 1, paragraph b, subparagraphs (1) and (2), Code 2009, are amended to read as follows:

(1) A life insurance producer who has been duly licensed as a resident insurance producer with a life line of authority in this state or the life insurance producer's home state for at least one year immediately prior to operating as a viatical settlement broker and is licensed as a nonresident producer in this state shall be deemed to meet the licensing requirements of this section and shall be permitted to operate as a viatical settlement broker.

(2) Not later than thirty days from the first day of operating as a viatical settlement broker, the life insurance producer shall notify the commissioner that the life insurance producer is acting as a viatical settlement broker on a form prescribed by the commissioner, and shall pay any applicable fee of up to one hundred dollars as provided by rules adopted by the commissioner. The notification shall include an acknowledgment by the life insurance producer that the life insurance producer will operate as a viatical settlement broker in accordance with this chapter. The notification shall also include proof that the life insurance producer is covered by an errors and omissions policy for an amount of not less than one hundred thousand dollars per occurrence and not less than one hundred thousand dollars total annual aggregate for all claims during the policy period.

Sec. 7. Section 508E.3, subsections 3 and 9, Code 2009, are amended to read as follows:

3. ~~A~~ The license ~~may be renewed from year to year on the anniversary date~~ term shall be three years and the license may be renewed upon payment of the ~~annual~~ renewal fee of not more than one hundred dollars as provided by rules adopted by the commissioner. A failure to pay the fee by the renewal date results in expiration of the license.

9. An individual licensed as a viatical settlement broker shall complete on a ~~biennial basis fifteen hours~~ triennial basis running concurrent with the license term twenty credits of training related to viatical settlements and viatical settlement transactions, as required by the commissioner; provided, however, that a life insurance producer who is operating as a viatical settlement broker pursuant to subsection 1, paragraph "b", shall not be subject to the requirements of this subsection. Any person failing to meet the requirements of this subsection shall be subject to the penalties imposed by the commissioner.

Sec. 8. Section 511.8, subsection 18, paragraph b, Code 2009, is amended to read as follows:

b. Common stocks or shares in a subsidiary corporation, the acquisition or purchase of which is authorized by section 508.33 are eligible if the total investment in these stocks or shares does not exceed five percent of the legal reserve; provided, however, that common stocks or shares of stock in a direct or indirect subsidiary insurance company which is domiciled in the United States are eligible up to an additional two percent of the legal reserve upon application by the insurer to and upon approval by the commissioner. Stocks or shares of the insurer's subsidiary corporations are not eligible in total in excess of seven percent of the legal reserve and the stock or shares of any one subsidiary corporation are not eligible in excess of five percent of the legal reserve. These stocks or shares are eligible even if the stocks or shares are not listed or admitted to trading on a securities exchange in the United States and are not publicly held and have not been traded in the "over-the-counter market". The stocks or shares shall be valued at their book value; provided, however, that stocks or shares of a direct or indirect subsidiary insurance company held in the legal reserve of up to an additional two percent of the legal reserve shall be valued at their statutory book value, excluding approved permitted practices.

Sec. 9. Section 512A.10, subsection 1, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

1. The articles of incorporation, and any subsequent amendments, of an organization shall be filed with and approved by the commissioner of insurance before filing with the secretary of state. An organization shall file bylaws and subsequent amendments to bylaws with the commissioner within thirty days of adoption of the bylaws and amendments.

Sec. 10. Section 514B.3A, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

514B.3A ARTICLES — APPROVAL — BYLAWS.

The articles of incorporation, and any subsequent amendments, of a corporation shall be filed with and approved by the commissioner of insurance before filing with the secretary of state. A corporation shall file bylaws and subsequent amendments to the bylaws with the commissioner within thirty days of adoption of the bylaws and amendments.

Sec. 11. Section 514G.102, Code 2009, is amended to read as follows:

514G.102 SCOPE.

The requirements of this chapter apply to policies delivered or issued for delivery in this state on or after July 1, 2008. The requirements of this chapter related to independent review of benefit trigger determinations apply to all claims made on or after January 1, 2009. This chapter is not intended to supersede the obligations of entities subject to this chapter to comply with the substance of other applicable insurance laws not in conflict with this chapter, except that laws and regulations designed and intended to apply to Medicare supplement insurance policies shall not be applied to long-term care insurance.

Sec. 12. Section 514G.104, Code 2009, is amended to read as follows:

514G.104 EXTRATERRITORIAL JURISDICTION — GROUP LONG-TERM CARE INSURANCE.

Group long-term care insurance coverage shall not be offered to a resident of this state under a group policy issued in another state unless either this state or another state with statutory and regulatory requirements for long-term care insurance that are substantially similar to those adopted in this state has made a determination that the group to which the policy is issued meets the requirements of section 514G.103, subsection 9, paragraph "d".

Sec. 13. Section 514H.1, subsection 1, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

1. "Deficit Reduction Act of 2005" means section 6021(a)(1)(A) of Public Law 109-171 as it pertains to the expansion of state long-term care insurance partnership programs.

Sec. 14. Section 514H.1, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. "Qualified long-term care insurance policy" means a long-term care insurance contract that is issued by an insurer or other person who complies with section 514H.4.

NEW SUBSECTION. 5. "Qualified state long-term care insurance partnership" means an approved state plan amendment, according to the Deficit Reduction Act of 2005 that provides for the disregard of any assets or resources in an amount equal to the insurance benefit payments that are made to or on behalf of an individual who is a beneficiary.

Sec. 15. Section 514H.2, subsection 2, Code 2009, is amended to read as follows:

2. The insurance division of the department of commerce shall administer the program in cooperation with the division responsible for medical services within the department of human services. Each agency shall take ~~appropriate action to maintain the waiver granted by the centers for Medicare and Medicaid services of the United States department of health and human services under 42 U.S.C. § 1396 relating to providing medical assistance under chapter 249A, in effect prior to November 17, 2005~~ all necessary actions, including filing an appropriate medical assistance state plan amendment to the state Medicaid plan to take full advantage of the benefits and features of the Deficit Reduction Act of 2005.

Sec. 16. Section 514H.3, Code 2009, is amended to read as follows:

514H.3 ELIGIBILITY.

An individual who is the beneficiary of a ~~certified~~ qualified long-term care insurance policy approved by the insurance division may be eligible for assistance under the medical assistance program using the asset disregard provisions pursuant to section 514H.5.

Sec. 17. Section 514H.4, Code 2009, is amended to read as follows:

514H.4 INSURER REQUIREMENTS.

~~1.~~ An insurer or other person who wishes to issue a ~~certified~~ qualified long-term care insurance policy ~~meeting the requirements of this chapter shall, at a minimum, offer to each policyholder or prospective policyholder a policy that provides both of the following:~~ in Iowa shall conform with all policy guidelines as expressed in the Deficit Reduction Act of 2005 and in Iowa law and rules.

~~a. Facility coverage, including but not limited to long-term care facility coverage.~~

~~b. Nonfacility coverage, including but not limited to home and community-based care coverage.~~

~~2. An insurer or other person who complies with subsection 1 may also elect to offer a certified long-term care insurance policy that provides only facility coverage.~~

Sec. 18. Section 514H.5, Code 2009, is amended to read as follows:

514H.5 ASSET DISREGARD ADJUSTMENT.

1. As used in this section, "asset disregard" means a one dollar increase in the amount of assets an individual who is the beneficiary of a ~~certified~~ qualified long-term care insurance policy and meets the requirements of section 514H.3 may retain under section 249A.35 for each one dollar of benefit paid out under the individual's ~~certified~~ qualified long-term care insurance policy for qualified long-term care services ~~if the policy meets all of the following criteria:~~.

~~a. If purchased prior to January 1, 2005, provides benefits in an amount equal to at least seventy thousand dollars as computed on January 1, 2005.~~

~~b. If purchased on or after January 1, 2005, provides benefits in an amount equal to at least seventy thousand dollars as computed on January 1, 2005, compounded annually by at least five percent, or an amount equal to at least the minimum face amount specified by the commissioner of insurance pursuant to subsection 3, whichever amount is greater.~~

~~c. Includes a provision under which the total amount of the benefit increases by at least five percent, compounded annually.~~

2. When the division responsible for medical services within the department of human services determines whether an individual is eligible for medical assistance under chapter 249A, the division shall make an asset disregard adjustment for any individual who meets the requirements of section 514H.3. The asset disregard shall be available after benefits of the ~~certified~~ qualified long-term care insurance policy have been applied to the cost of qualified long-term care services as required under this chapter.

~~3. Beginning September 1, 2006, or one year after November 17, 2005, whichever is later, the commissioner of insurance shall issue a bulletin annually on that date, declaring the minimum face amount for policies to qualify for the Iowa long-term care asset disregard incentive program for the following calendar year. In making this determination, the commissioner shall consult with the division responsible for collecting data on average nursing home costs in Iowa. Additionally, in making this determination, the commissioner shall consider the current average daily cost for three years of nursing home care and other relevant information.~~

Sec. 19. Section 514H.7, subsection 1, Code 2009, is amended to read as follows:

1. If the Iowa long-term care asset disregard incentive program is discontinued, an individual who is covered by a ~~certified~~ qualified long-term care insurance policy prior to the date the program is discontinued is eligible to continue to receive an asset disregard as defined under section 514H.5.

Sec. 20. Section 514H.8, Code 2009, is amended to read as follows:

514H.8 RECIPROCAL AGREEMENTS TO EXTEND ASSET DISREGARD.

The division responsible for medical services within the department of human services may enter into reciprocal agreements with other states to extend the asset disregard under section 514H.5 to Iowa residents who had purchased or were covered by ~~certified~~ qualified long-term care insurance policies in other states.

Sec. 21. Section 514H.9, Code 2009, is amended to read as follows:

514H.9 RULES.

The insurance division of the department of commerce in cooperation with the department of human services shall adopt rules pursuant to chapter 17A as necessary to administer this chapter. ~~The insurance division shall consult with representatives of the insurance industry in adopting such rules. This delegation of rulemaking authority shall be construed narrowly.~~

Sec. 22. Section 515.2, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

515.2 ARTICLES — APPROVAL — BYLAWS.

The articles of incorporation, and any subsequent amendments, of an organization shall be filed with and approved by the commissioner of insurance before filing with the secretary of state. An organization shall file with the commissioner bylaws and subsequent amendments to the bylaws within thirty days of adoption of the bylaws and amendments.

Sec. 23. Section 515.101, subsection 2, paragraph i, Code 2009, is amended to read as follows:

i. ~~The fraud~~ Fraud, concealment, or misrepresentation of ~~the~~ an insured ~~in the procurement of the contract of insurance~~.

Sec. 24. Section 515B.1, subsection 9, Code 2009, is amended to read as follows:

9. Insurance provided by, ~~or~~ guaranteed by, or reinsured by government.

Sec. 25. Section 515B.2, subsection 4, paragraph b, subparagraph (7), Code 2009, is amended to read as follows:

(7) That would otherwise be a covered claim, but is an obligation to or on behalf of a person who has a net worth greater than that allowed by the guarantee fund law of the state of residence of the ~~claimant~~ person, and which state has denied coverage to that ~~claimant~~ person on that basis.

Sec. 26. Section 518.2, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

518.2 ARTICLES — APPROVAL — BYLAWS.

The articles of incorporation, and any subsequent amendments, of an organization shall be filed with and approved by the commissioner of insurance before filing with the secretary of state. The organization shall file with the commissioner bylaws and subsequent amendments to the bylaws within thirty days of adoption of the bylaws or amendments.

Sec. 27. Section 518.5, Code 2009, is amended to read as follows:

518.5 COMMENCEMENT OF BUSINESS — CONDITIONS.

~~No~~ A county mutual insurance association formed on or after July 1, 2009, shall not issue policies until applications for insurance of not less than ~~fifty~~ one hundred thousand dollars, representing at least ~~fifty~~ two hundred applicants, have been received, and no application for insurance during the period of organization shall exceed two percent of the amount required for organization, any reinsurance taking effect simultaneously with the policy being deducted in determining such maximum single risk.

Sec. 28. Section 518.13, Code 2009, is amended to read as follows:

518.13 PREMIUM CHARGES.

Any association may by action of its board of directors establish premium charges for the purpose of payment of losses and expenses and for the establishment or maintenance of a reserve fund.

~~Any policy shall stand suspended if any default shall be made in the payment of any premium on or before the date specified in a written notice requiring the payment of such premium and mailed to the insured and directed to the insured's last known address not less than thirty~~

~~days prior to such suspension date. Such notice shall specify the amount and due date of the premium. The association shall in no event be liable for any loss occurring during such period of suspension.~~

Sec. 29. Section 518.14, subsection 3, paragraph a, subparagraph (2), Code 2009, is amended by striking the subparagraph.

Sec. 30. Section 518.14, subsection 4, paragraph f, subparagraphs (1) and (2), Code 2009, are amended to read as follows:

(1) Stocks purchased under this lettered paragraph shall not exceed fifty percent of surplus.

(2) With the approval of the commissioner, an association may invest ~~any amount~~ in common stocks, preferred stocks, or other securities of one or more subsidiaries provided that ~~after~~ both of the following occur:

(a) After such investments the association's surplus as regards policyholders will be reasonable in relation to the association's outstanding liabilities and adequate to its financial needs.

(b) The association owns one hundred percent of the stock of the subsidiary.

~~(2)~~ (3) An association shall not invest more than ten percent of its surplus in the stocks of any one corporation.

Sec. 31. Section 518.14, subsection 4, paragraph g, Code 2009, is amended to read as follows:

g. HOME OFFICE REAL ESTATE. ~~Funds~~ With the prior approval of the commissioner, funds may be invested in a home office[1] ~~building~~ real estate for the association or a subsidiary, at the direction of the board of directors ~~and with the prior approval of the commissioner of insurance~~. ~~An~~ The association or subsidiary shall obtain the approval of the commissioner prior to the sale or disposition of home office real estate owned by the association or subsidiary. Effective as to home office real estate acquired on or after July 1, 2009, an association shall not invest more than ~~twenty-five~~ twenty percent of its total admitted assets in such real estate. With the prior approval of the commissioner, an association may exceed the real estate investment limitation to effectuate a merger with, or the acquisition of, another association.

Sec. 32. Section 518.17, Code 2009, is amended to read as follows:

518.17 REINSURANCE.

1. A county mutual insurance association may reinsure a part or all of its coverages written pursuant to this chapter with an association operating under this chapter, or with any other association or company licensed in this state and authorized to write the kinds of insurance enumerated in section 518.11.

2. Reinsurance sufficient to protect the financial stability of the ~~state~~ county mutual insurance association is also required. In general, reinsurance coverage obtained by a county mutual insurance association shall not expose the association to losses from coverages written pursuant to this chapter of more than fifteen percent from surplus in any calendar year. The commissioner of insurance may require additional reinsurance if necessary to protect the policyholders of the association.

Sec. 33. Section 518.19, Code 2009, is amended to read as follows:

518.19 PROOF OF LOSS — REQUIREMENT FOR REPORTING.

~~The insured shall give immediate written notice to the association of any loss for which claim is made and shall then furnish a written proof of loss to the association within sixty days from the time the loss occurred, unless such time is extended in writing by the association. The proof~~ A proof of loss shall contain such information as is required by the policy provisions of the association, which information shall be signed and sworn to by the insured.

Sec. 34. Section 518.22, Code 2009, is amended to read as follows:

518.22 LIMITATION OF ACTION.

~~No~~ A suit or action on a policy for the recovery of any ~~loss shall be begun sooner than forty~~

[1] According to enrolled Act; the phrase "invested in ~~a~~ home office" probably intended

~~days after proof of loss has been given to the association~~ claim shall not be sustainable in any court of law or equity unless all requirements of the policy have been complied with, and unless commenced within twelve months next after the inception of the loss.

Sec. 35. Section 518.23, subsections 1 and 4, Code 2009, are amended to read as follows:

1. CANCELLATION BY INSURED. A policy shall be canceled at any time at the request of the insured ~~upon the return of the policy to the home office of the association, and the payment of all premium charges against such policy~~.

4. NOTICE. Service of notice under subsection 2 or 3 may be delivered in person or mailed to the insured at the insured's post office address as given in or upon the policy, or to such other address as the insured shall have given to the association in writing. A post office department certificate of mailing shall be deemed proof of receipt of such mailing. If in either case the cash payments exceed the amount properly chargeable, the excess shall be refunded to the insured ~~upon the surrender of the policy to the association at its home office~~.

Sec. 36. Section 518.25, Code 2009, is amended to read as follows:

518.25 SURPLUS.

An association organized under this chapter before July 1, 2009, shall at all times maintain a surplus of not less than fifty thousand dollars or one-tenth of one percent of the gross risk in force, whichever is greater. An association organized under this chapter on or after July 1, 2009, shall at all times maintain a surplus of not less than one hundred thousand dollars or one-tenth of one percent of the gross risk in force, whichever is greater.

Sec. 37. NEW SECTION. 518.31 RULEMAKING.

The commissioner may adopt rules pursuant to chapter 17A as necessary for the administration of this chapter.

Sec. 38. Section 518A.8, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

518A.8 ARTICLES — APPROVAL — BYLAWS.

The articles of incorporation, and any subsequent amendments, to the articles of an organization shall be filed with and approved by the commissioner of insurance before filing with the secretary of state. The organization shall file with the commissioner bylaws and subsequent amendments to the bylaws within thirty days of adoption of the bylaws or amendments.

Sec. 39. Section 518A.9, Code 2009, is amended to read as follows:

518A.9 PREMIUM CHARGES.

An association, by action of its board of directors, may establish premium charges for the purpose of payment of losses and expenses and for the establishment or maintenance of a reserve fund.

~~A policy shall stand suspended if any default is made in the payment of any premium on or before the date specified in a written notice requiring the payment of such premium and mailed to the insured and directed to the insured's last known address not less than thirty days prior to such suspension date. The notice shall specify the amount and due date of the premium. The association is not liable for any loss occurring during such period of suspension.~~

Sec. 40. Section 518A.12, subsection 3, paragraph a, subparagraph (2), Code 2009, is amended by striking the subparagraph.

Sec. 41. Section 518A.12, subsection 4, paragraph f, subparagraphs (1) and (2), Code 2009, are amended to read as follows:

(1) Stocks purchased under this lettered paragraph shall not exceed fifty percent of surplus.

(2) With the approval of the commissioner, an association may invest ~~any amount~~ in common stocks, preferred stocks, or other securities of one or more subsidiaries provided that ~~after~~ both of the following occur:

(a) After such investments the association's surplus as regards policyholders will be reasonable in relation to the association's outstanding liabilities and adequate to its financial needs.

(b) The association owns one hundred percent of the stock of the subsidiary.

~~(2)~~ (3) An association shall not invest more than ten percent of its surplus in the stocks of any one corporation.

Sec. 42. Section 518A.12, subsection 4, paragraph g, Code 2009, is amended to read as follows:

g. HOME OFFICE REAL ESTATE. ~~Funds~~ With the prior approval of the commissioner, funds may be invested in a home office[2] ~~building~~ real estate for the association or a subsidiary, at the direction of the board of directors ~~and with the prior approval of the commissioner of insurance~~. ~~An~~ The association or subsidiary shall obtain the approval of the commissioner prior to the sale or disposition of home office real estate owned by the association or subsidiary. Effective as to home office real estate acquired on or after July 1, 2009, an association shall not invest more than ~~twenty-five~~ twenty percent of its total admitted assets in such real estate. With the prior approval of the commissioner, an association may exceed the real estate investment limitation to effectuate a merger with, or the acquisition of, another association.

Sec. 43. Section 518A.19, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

518A.19 PROOF OF LOSS.

A proof of loss shall contain such information as is required by the policy provisions of the association, which information shall be signed and sworn to by the insured.

Sec. 44. Section 518A.22, Code 2009, is amended to read as follows:

518A.22 LIMITATION OF ACTION.

~~No~~ A suit or action on ~~any loss~~ a policy for the recovery of any claim shall not be ~~begun until the date when such loss becomes due in accordance with the articles of incorporation or by-laws of such association and in no event sooner than forty days after such proof has been given to the association and no action can be started after one year from the date such cause of action accrues~~ sustainable in any court of law or equity unless all requirements of the policy have been complied with, and unless commenced within twelve months next after the inception of the loss.

Sec. 45. Section 518A.29, subsections 1 and 4, Code 2009, are amended to read as follows:

1. CANCELLATION BY INSURED. A policy shall be canceled at any time at the request of the insured ~~upon the return of the policy to the home office of the association and the payment of all premium charges against such policy~~.

4. NOTICE. Service of notice under subsection 2 or 3 may be delivered in person or mailed to the insured at the insured's post office address as given in or upon the policy, or to such other address as the insured shall have given to the association in writing. A post office department certificate of mailing shall be deemed proof of receipt of such mailing. If in either case the cash payments exceed the amount properly chargeable, the excess shall be refunded ~~upon the surrender of the policy to the association at its home office~~ to the insured.

Sec. 46. Section 518A.37, Code 2009, is amended to read as follows:

518A.37 SURPLUS.

An association organized under this chapter before July 1, 2009, shall at all times maintain a surplus of not less than one hundred thousand dollars, or one-tenth of one percent of the gross risk in force, whichever is greater. An association organized under this chapter on or after July 1, 2009, shall at all times maintain a surplus of not less than two hundred thousand dollars or one-tenth of one percent of the gross risk in force, whichever is greater.

Sec. 47. Section 518A.40, subsection 1, Code 2009, is amended to read as follows:

1. Such associations shall pay the same fees for annual reports and annual certificates of

[2] According to enrolled Act; the phrase "invested in ~~a~~ home office" probably intended

authority as are required to be paid by domestic companies organized and doing business under chapter 515, which certificates shall expire ~~May~~ June 1 of the year following the date of issue.

Sec. 48. NEW SECTION. 518A.56 RULEMAKING AUTHORITY.

The commissioner may adopt rules, pursuant to chapter 17A, as necessary for the administration of this chapter.

Sec. 49. NEW SECTION. 518A.57 POWERS OF MEMBERS.

Members of the association shall have the power to make or amend articles of incorporation at any membership meeting, provided that notice of such proposed addition or amendment has been mailed to each member of the association at least ten days in advance of the meeting in which such proposed action is to be considered, and provided that no such addition or amendment shall become effective until approved by the commissioner of insurance and recorded in the office of the secretary of state.

Sec. 50. Section 519.3, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

519.3 ARTICLES — APPROVAL — BYLAWS.

The articles of incorporation, and any subsequent amendments, of such mutual insurance corporation shall be filed with and approved by the commissioner of insurance before being filed with the secretary of state. A mutual insurance corporation shall file with the commissioner bylaws and subsequent amendments to the bylaws within thirty days of adoption of the bylaws or amendments.

Sec. 51. Section 521.2, subsection 1, Code 2009, is amended to read as follows:

1. One or more domestic mutual insurance companies organized under chapter 491 may merge or consolidate with a domestic or foreign mutual insurance company as provided in this chapter. Sections ~~491.101~~ 491.102 through 491.105 shall not be applicable to a merger or consolidation of a domestic mutual insurance company pursuant to this chapter.

Sec. 52. Section 521A.14, subsection 3, Code 2009, is amended to read as follows:

3. A mutual insurance holding company resulting from the reorganization of a domestic mutual insurance company organized under chapter 491 shall be incorporated pursuant to chapter 491. This requirement shall supersede any conflicting provisions of section 491.1. The articles of incorporation and any amendments to such articles of the mutual insurance holding company shall be subject to approval of the commissioner ~~and the attorney general~~ in the same manner as those of an insurance company.

Sec. 53. Section 523A.202, subsection 1, Code 2009, is amended to read as follows:

1. All funds held in trust pursuant to section 523A.201 shall be deposited in a financial institution within fifteen days ~~after the close of the month a seller receives~~ following receipt of the funds. The financial institution shall hold the funds for the designated beneficiary until released.

Sec. 54. Sections 518A.4, 518A.7, and 518A.23, Code 2009, are repealed.

Sec. 55. IMMEDIATE EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. The section of this Act amending Code section 514G.102, being deemed of immediate importance, takes effect upon enactment, and is retroactively applicable to January 1, 2009, and applicable on and after that date.

Approved May 22, 2009

CHAPTER 146

WATERSHED, LAND USE, AND FLOOD PLAIN MANAGEMENT

H.F. 756

AN ACT relating to regional watershed, land use, and flood plain management policies, and providing for the establishment of a council.

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

Section 1. NEW SECTION. 28N.1 MISSISSIPPI RIVER PARTNERSHIP COUNCIL — FINDINGS.

The state of Iowa finds and declares all of the following:

1. The preservation, enhancement, and intelligent use of the Mississippi river is in the ecological and economic interests of the citizens of the state of Iowa.

2. The public interest is advanced by the stimulation of sustainable economic development initiatives and watershed management projects by local, state, and federal agencies, local communities, not-for-profit conservation organizations, and private landowners and other stakeholders along the Mississippi river.

Sec. 2. NEW SECTION. 28N.2 MISSISSIPPI RIVER PARTNERSHIP COUNCIL — ESTABLISHMENT AND PROCEDURES.

1. A Mississippi river partnership council is established. The purpose of the council is to be a forum for city, county, state, agriculture, business, conservation, and environmental representatives and other stakeholders to discuss matters relevant to the health, management, and use of the Mississippi river. In furthering its purpose the council may work with local communities to develop local and regional strategies, and make recommendations to appropriate state and federal agencies.

2. The Mississippi river partnership council may consist of all of the following:

a. One nonvoting person appointed by the governor who shall serve as the chairperson of the council.

b. Six voting members appointed by the governor, each of whom shall reside in one of the ten Iowa counties bordering the Mississippi river, including all of the following:

(1) One member representing soil and water conservation districts.

(2) One person representing business.

(3) One person representing recreational interests.

(4) One person representing conservation interests.

(5) One person representing environmental interests.

(6) One person representing agricultural interests who is actively engaged in farming.

c. Ten voting members appointed by county boards of supervisors, one by each of the ten Iowa counties bordering the Mississippi river.

d. Ten voting members appointed by city councils, one each by the council of the largest Iowa city adjacent to the Mississippi river in each county bordering the river.

e. Four voting members, each appointed by the heads of the following departments:

(1) The department of agriculture and land stewardship.

(2) The department of natural resources.

(3) The department of economic development.

(4) The department of transportation.

f. Two members of the senate and two members of the house of representatives, serving as ex officio, nonvoting members. The members may be appointed, one each by the majority leader of the senate, after consultation with the president of the senate, and by the minority leader of the senate, and by the speaker of the house of representatives, after consultation with the majority leader of the house of representatives, and by the minority leader of the house of representatives. Members shall receive compensation pursuant to section 2.12.

g. The council may, at its discretion, appoint individuals representing federal agencies or other state agencies or commissions to serve as ex officio, nonvoting members.

3. Members of the Mississippi river partnership council, other than members of the general assembly, shall be appointed to serve for three-year terms. However, among the initial appointments, the persons making the appointments of voting members shall coordinate appointments of members to serve terms for less than three years to ensure staggered terms. The persons making the appointments of voting members shall also coordinate appointments to meet the requirements of sections 69.16 and 69.16A.

4. The Mississippi river partnership council shall meet at least quarterly in one or more Iowa counties bordering the Mississippi river during its first three years of existence and shall meet at least twice a year in one or more Iowa counties bordering the Mississippi river after that time. The council shall meet at any time on the call of the chairperson.

5. A majority of the voting members of the Mississippi river partnership council constitutes a quorum. Any action taken by the council must be adopted by the affirmative vote of a majority of its voting membership.

6. Until the Mississippi river partnership council provides for its permanent staffing and support, the east central intergovernmental association, in cooperation with councils of governments and county boards of supervisors in counties adjacent to the Mississippi river, shall be responsible for providing the council with administrative support.

7. The Mississippi river partnership council may adopt bylaws and rules of operation consistent with this section.

8. The Mississippi river partnership council, including any of its committees, is a governmental body for purposes of chapter 21 and a government body for purposes of chapter 22.

Sec. 3. NEW SECTION. 28N.3 MISSISSIPPI RIVER PARTNERSHIP COUNCIL — POWERS AND DUTIES.

1. The Mississippi river partnership council may collaborate with the water resources coordinating council established pursuant to section 466B.3.

2. a. The Mississippi river partnership council's duties shall include all of the following:

(1) Reviewing activities and programs administered by state and federal agencies that directly impact the Mississippi river.

(2) Working with local communities, organizations, and other states to encourage partnerships that promote sustainable economic development opportunities in counties along the Mississippi river; enhance awareness about the river and its uses; encourage the protection, restoration, and expansion of critical habitats; and promote the adoption of soil conservation and water quality best management practices.

(3) Working with federal agencies to optimize the implementation of programs and the expenditure of moneys affecting the Mississippi river and counties in Iowa along the Mississippi river, including the upper Mississippi river basin association and the Mississippi parkway planning commission.

(4) Advising and making recommendations to the water resources coordinating council established in section 466B.3, the governor, the general assembly, and state agencies, regarding strategic plans and priorities impacting the Mississippi river, methods to optimize the implementation of associated programs, and the expenditure of moneys affecting the river and counties bordering the Mississippi river.

(5) Encouraging communities in counties bordering the Mississippi river to develop watershed management plans for their communities to address storm water, erosion, flooding, sedimentation, and pollution problems and encouraging projects for the natural conveyance and storage of floodwaters; the enhancement of wildlife habitat and outdoor recreation opportunities; the recovery, management, and conservation of the Mississippi river; and the preservation of farmland, prairies, and forests.

(6) Identifying and promoting opportunities to enhance economic development and job creation in communities along the Mississippi river, as well as other measurable development efforts, which are compatible with the ecological health of the Mississippi river and the state.

(7) Helping identify possible sources of funding for watershed management projects and sustainable economic development opportunities.

(8) Functioning as a forum for discussion and providing advice or recommendations on matters of public interest that are reasonably related to the purpose of the council.

b. The Mississippi river partnership council shall only administer its duties as provided in paragraph "a" within the ten Iowa counties bordering the Mississippi river.

3. The department of agriculture and land stewardship, the department of natural resources, the department of economic development, and the department of transportation may apply for grant moneys or may solicit moneys from sources to support the work of the Mississippi river partnership council.

Sec. 4. NEW SECTION. 455B.290 COUNTY AND CITY CONTROL OF JUNKYARDS.

Nothing in this part shall be construed as limiting the authority of a city or county to adopt an ordinance regulating a junkyard located within a five hundred year flood plain.

Sec. 5. Section 466A.2, subsection 2, paragraph c, Code 2009, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (8) Structures and conservation systems for the prevention and mitigation of floods within the watershed of the project.

NEW SUBPARAGRAPH. (9) Removal of channels of waterways to allow waterways to meander.

Sec. 6. Section 466A.4, subsection 1, Code 2009, is amended to read as follows:

1. Public water supply utilities, counties, county conservation boards, and cities may also be eligible and apply for and receive local watershed improvement grants for water quality improvement projects. An applicant shall coordinate with a local watershed improvement committee or a soil and water conservation district and shall include in the application a description of existing projects and any potential impact the proposed project may have on existing or planned water quality improvement projects.

Sec. 7. Section 466B.1, Code 2009, is amended to read as follows:

466B.1 SHORT TITLE.

This chapter shall be known and may be cited as the "Surface Water Protection and Flood Mitigation Act".

Sec. 8. Section 466B.3, subsection 3, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Whether the potential for flood damage in each watershed in the state has been reduced.

Sec. 9. Section 466B.3, subsection 4, paragraph l, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The governor, who shall be the chairperson, or the governor's designee. As the chairperson, and in order to further the coordination efforts of the council, the governor may invite representatives from any other public agency, private organization, business, citizen group, or nonprofit entity to give public input at council meetings provided the entity has an interest in the coordinated management of land resources, soil conservation, flood mitigation, or water quality. The governor shall also invite and solicit advice from the following:

Sec. 10. Section 466B.3, subsection 4, Code 2009, is amended by adding the following new paragraphs:

NEW PARAGRAPH. m. The dean of the college of engineering at the university of Iowa or the dean's designee.

NEW PARAGRAPH. n. The director of the rebuild Iowa office or the director's designee, until June 30, 2011.

Sec. 11. Section 466B.3, subsection 6, paragraph b, subparagraph (9), Code 2009, is amended to read as follows:

(9) Review best available technologies on a regular basis, so that investments of time and program resources can be prioritized and directed to projects that will best and most effectively improve water quality and reduce flood damage within regional and community subwatersheds.

Sec. 12. Section 466B.3, subsection 6, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The council shall develop recommendations for policies and funding promoting a watershed management approach to reduce the adverse impact of future flooding on this state's residents, businesses, communities, and soil and water quality. Policy and funding recommendations shall be submitted to the governor and the general assembly not later than November 15, 2009. The council shall consider policies and funding options for various strategies to reduce the impact of flooding including but not limited to additional flood plain regulation; wetland protection, restoration, and construction; the promulgation and implementation of statewide storm water management standards; conservation easements and other land management; perennial ground cover and other agricultural conservation practices; pervious pavement, bioswales, and other urban conservation practices; and permanent or temporary water retention structures. In developing recommendations, the council shall consult with hydrological and land use experts, representatives of cities, counties, drainage and levee districts, agricultural interests, and soil and water conservation districts, and other urban and regional planning experts.

Sec. 13. Section 466B.4, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. In addition to the use of Iowa land for agriculture and economic development, the land in watersheds and flood plains should be managed to reduce flooding, reduce flood damage, ameliorate the effects of drought, improve water quality, improve habitat and the natural environment, increase renewable energy production, and enhance recreational opportunities.

Sec. 14. IMPLEMENTATION. Sections 28N.1, 28N.2, and 28N.3 as enacted in this Act, shall be implemented when persons appointed by the governor to act on behalf of the Mississippi river partnership council have notified the governor that they have procured at least twenty-five thousand dollars in funds or in-kind services providing for expenses associated with the start-up and first-year administration of the council. The department of agriculture and land stewardship, the department of natural resources, the department of economic development, and the state department of transportation may cooperate with such persons to facilitate the implementation of sections 28N.1, 28N.2, and 28N.3, as enacted in this Act.

Approved May 22, 2009

CHAPTER 147

FLOOD HAZARD AREA INSURANCE REQUIREMENTS

H.F. 759

†**AN ACT** requiring counties and cities with flood hazard areas within their boundaries to participate in the national flood insurance program and requiring preparation of a flood insurance report by the commissioner of insurance.

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

Section 1. NEW SECTION. 455B.262A NATIONAL FLOOD INSURANCE PROGRAM — PARTICIPATION REQUIRED.

1. All counties and cities in this state that have an effective flood insurance rate map or flood hazard boundary map published by the federal emergency management agency that identifies a special flood hazard area within the political boundaries of the county or city shall meet the requirements for participation in the national flood insurance program administered by the federal emergency management agency on or before June 30, 2011.

2. If a county or city does not currently have an effective flood insurance rate map or flood hazard boundary map published by the federal emergency management agency that identifies a special flood hazard area within the political boundaries of the county or city, the county or city shall have twenty-four months from the effective date of any future flood insurance rate map or flood hazard boundary map published by the federal emergency management agency to meet the requirements for participation in the national flood insurance program.

3. State participation in funding financial assistance for a flood-related disaster under section 29C.6, subsection 17, paragraph "a", is contingent upon the county or city participating in the national flood insurance program pursuant to the terms, conditions, and deadlines set forth in this section.

Sec. 2. FLOOD INSURANCE REPORT. The commissioner of insurance, in collaboration with the rebuild Iowa office and the homeland security and emergency management division of the Iowa department of public defense, shall develop recommendations on policies and incentives to expand the availability and procurement of flood insurance in the state, which shall be contained in a report transmitted to the chairperson and ranking member of the Iowa senate rebuild Iowa committee and the Iowa house of representatives rebuild Iowa and disaster recovery committee by November 15, 2009.

Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.

Approved May 22, 2009

† Estimate of additional local revenue expenditures required by state mandate on file with the Secretary of State

CHAPTER 148

WIND ENERGY —
SMALL INNOVATION ZONE TAX CREDITS

H.F. 810

AN ACT providing for the establishment of small wind innovation zones, providing for the applicability of tax credits, and including effective and retroactive applicability date provisions.

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

Section 1. NEW SECTION. 476.48 SMALL WIND INNOVATION ZONE PROGRAM.

1. DEFINITIONS. For purposes of this section, unless the context otherwise requires:

a. "Electric utility" means a public utility that furnishes electricity to the public for compensation and which enters into a model interconnection agreement with the owner of a small wind energy system as provided in subsection 4.

b. "Small wind energy system" means a wind energy conversion system that collects and converts wind into energy to generate electricity which has a nameplate generating capacity of one hundred kilowatts or less.

c. "Small wind innovation zone" means a political subdivision of this state, including but not limited to a city, county, township, school district, community college, area education agency, institution under the control of the state board of regents, or any other local commission, association, or tribal council which adopts, or is encompassed within a local government which adopts, the model ordinance as provided in subsection 3.

2. PROGRAM ESTABLISHED.

a. The utilities division shall establish and administer a small wind innovation zone program to optimize local, regional, and state benefits from wind energy and to facilitate and expedite interconnection of small wind energy systems with electric utilities throughout this state. Pursuant to the program, the owner of a small wind energy system located within a small wind innovation zone desiring to interconnect with an electric utility shall benefit from a streamlined application process, may utilize a model interconnection agreement, and can qualify under a model ordinance.

b. A political subdivision seeking to be designated a small wind innovation zone shall apply to the division upon a form developed by the division. The division shall approve an application which documents that the applicable local government has adopted the model ordinance or is in the process of amending an existing zoning ordinance to comply with the model ordinance and that an electric utility operating within the political subdivision has agreed to utilize the model interconnection agreement to contract with the small wind energy system owners who agree to its terms.

3. MODEL ORDINANCE. The Iowa league of cities, the Iowa association of counties, the Iowa environmental council, the Iowa wind energy association, and representatives from the utility industry shall consult and develop a model ordinance to be offered on both the Iowa league of cities' and the Iowa association of counties' internet sites and made available for use by a local government which constitutes or encompasses a political subdivision that is applying for designation as a small wind innovation zone. A local government adopting the model ordinance shall establish an expedited approval process with regard to small wind energy systems in compliance with the ordinance in order to qualify as a small wind innovation zone.

4. MODEL INTERCONNECTION AGREEMENT. The utilities board shall develop a model interconnection agreement by June 1, 2010, for utilization within a small wind innovation zone by the owner of a small wind energy system seeking to interconnect with an electric utility. The interconnection agreement shall ensure that the energy produced can be safely interconnected with the utility without causing any adverse or unsafe consequences and is consistent with the electric utility's resource needs. The board shall establish by rule procedures for mod-

ification of the model interconnection agreement upon mutually agreeable terms and conditions in unique or unusual circumstances, subject to board approval. Electric utilities shall consider adopting the model interconnection agreement.

5. TAX CREDIT INCENTIVES. The owner of a small wind energy system operating within a small wind innovation zone shall qualify for the renewable energy tax credit pursuant to chapter 476C.

6. REPORTING REQUIREMENTS. The division shall prepare a report summarizing the number of applications received from political subdivisions seeking to be designated a small wind innovation zone, the number of applications granted, the number of small wind energy systems generating electricity within each small wind innovation zone, and the amount of wind energy produced, and shall submit the report to the members of the general assembly by January 1 annually.

Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to tax years beginning on or after January 1, 2009.

Approved May 22, 2009

CHAPTER 149

RECYCLING PLANNING TASK FORCE

H.F. 826

AN ACT relating to the comprehensive recycling planning task force.

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

Section 1. 2008 Iowa Acts, chapter 1109, section 11, subsection 2, paragraphs a and c, are amended to read as follows:

a. The task force shall consist of the following voting members:

(1) ~~One member selected~~ Three members nominated by the Iowa recycling association. One member shall have expertise in the recycling of paper and cardboard, one member shall have expertise in the recycling of plastic and glass, and one member shall have expertise in the recycling of metals that are not located in or that are not from a scrapyard.

(2) One member ~~selected~~ nominated by the Iowa society of solid waste operations.

(3) Three members ~~selected~~ nominated by the Iowa society of solid waste operations representing solid waste planning areas of various sizes and from various locations across the state.

(4) One member ~~selected~~ nominated by the Iowa league of cities.

(5) One member ~~selected~~ nominated by the solid waste association of north America representing private solid waste disposal entities. The member shall have expertise in the hauling of solid waste.

(6) The director of the department of natural resources, or the director's designee.

(7) One member ~~selected~~ nominated by the Iowa environmental council.

(8) One member ~~selected~~ nominated by the league of women voters of Iowa.

(9) One member ~~selected~~ nominated by the Iowa wholesale beer distributors association.

(10) One member ~~selected~~ nominated by the Iowa beverage association representing juice and soft drink distributors.

(11) One member ~~selected~~ nominated by the Iowa bottle bill coalition representing independent redemption centers.

(12) One member ~~selected~~ nominated by the Iowa association of counties.

(13) One member ~~selected~~ nominated by the Iowa farm bureau federation.
(14) One member ~~selected~~ nominated by the Iowa association of business and industry.
(15) One member ~~selected~~ nominated by the home builders association of Iowa.
(16) The director of the alcoholic beverages division of the department of commerce, or the director's designee.
(17) One member ~~selected~~ nominated by keep Iowa beautiful.
(18) One member ~~selected~~ nominated by the Iowa grocery industry association.
(19) One member ~~selected~~ nominated by the Iowa dairy foods association.
(20) One member ~~selected~~ nominated by the petroleum marketers and convenience stores of Iowa.
(21) One member ~~selected~~ nominated by the Iowa retail federation.
(22) One member ~~selected~~ nominated by the Iowa wine growers association.
(23) The director ~~of the department~~ of transportation, or the director's designee.
(24) One member nominated by the Iowa division of the Izaak Walton league.
(25) One member nominated by the American chemistry council.
(26) One member nominated by the Iowa chapter of the sierra club.
(27) One member representing the brewer industry who is a member of the beer institute and who sells beer in Iowa and surrounding states.

c. The voting members shall be appointed by the governor in compliance with the requirements of sections 69.16, 69.16A, and 69.19, and shall serve for the duration of the task force.

Sec. 2. 2008 Iowa Acts, chapter 1109, section 11, subsection 3, paragraph b, is amended to read as follows:

b. Make recommendations for creating and enhancing comprehensive sustainable recycling programs. Such recommendations may include methods of collecting and paying for the recycling of residential, industrial, and commercial waste, mechanisms for increasing the recycling of construction and demolition waste, proper disposal of household-generated medical sharps, and incentives for increasing the recycling of yard waste, food or other organic waste, hazardous household waste, and electronic waste.

Sec. 3. 2008 Iowa Acts, chapter 1109, section 11, subsections 4 and 5, are amended to read as follows:

4. REPORT. The task force shall submit a written report containing its findings and recommendations to the governor and the general assembly by January 1, ~~2009~~ 2010.

5. DISSOLUTION. The task force shall complete its duties no later than January 1, ~~2009~~ 2010, but may complete its duties and dissolve itself prior to that date.

Approved May 22, 2009

CHAPTER 150

PUBLIC EMPLOYMENT AND VETERANS PREFERENCES

S.F. 186

AN ACT concerning preferential hiring treatment by government for veterans.

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

Section 1. Section 35C.1, subsection 1, Code 2009, is amended to read as follows:

1. In every public department and upon all public works in the state, and of the counties, cities, and school corporations of the state, veterans ~~as defined in section 35.1~~ who are citizens

and residents of ~~this state~~ the United States are entitled to preference in appointment and employment over other applicants of no greater qualifications. However, any veteran's preference provided shall not deny equally qualified residents of this state from being given equal consideration for an interview as veterans who are not residents of this state. The preference in appointment and employment for employees of cities under a municipal civil service is the same as provided in section 400.10. For purposes of this section, "veteran" means as defined in section 35.1 except that the requirement that the person be a resident of this state shall not apply.[1]

Sec. 2. Section 400.10, Code 2009, is amended to read as follows:

400.10 PREFERENCES.

In all examinations and appointments under this chapter, other than promotions and appointments of chief of the police department and chief of the fire department, veterans ~~as defined in section 35.1,~~ who are citizens and residents of ~~this state~~ the United States, shall have five percentage points added to the veteran's grade or score attained in qualifying examinations for appointment to positions and five additional percentage points added to the grade or score if the veteran has a service-connected disability or is receiving compensation, disability benefits or pension under laws administered by the veterans administration. An honorably discharged veteran who has been awarded the Purple Heart ~~for disabilities~~ incurred in action shall be considered to have a service-connected disability. However, the percentage points shall be given only upon passing the exam and shall not be the determining factor in passing. Veteran's preference percentage points shall be applied once to the final scores used to rank applicants for selection for an interview and any veteran's preference provided shall not deny equally qualified residents of this state from being given equal consideration for an interview as veterans who are not residents of this state. For purposes of this section, "veteran" means as defined in section 35.1 except that the requirement that the person be a resident of this state shall not apply.[2]

Approved May 26, 2009

CHAPTER 151

REGULATION OF PLUMBERS,
MECHANICAL PROFESSIONALS, AND CONTRACTORS

S.F. 224

AN ACT relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision.

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

Section 1. Section 105.1, Code 2009, is amended to read as follows:

105.1 TITLE.

This chapter may be known and cited as the "Iowa Plumber, ~~and~~ Mechanical Professional, and Contractor Licensing Act".

Sec. 2. Section 105.2, subsections 2, 7, and 8, Code 2009, are amended to read as follows:

2. "Board" means the plumbing and mechanical systems ~~examining~~ board as established pursuant to section 105.3.

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[1] See chapter 179, §108 herein

[2] See chapter 179, §128 herein

7. "HVAC" means heating, ventilation, ~~and~~ air conditioning ~~in~~, and ducted systems. "HVAC" includes all natural, propane, liquid propane, or other gas lines associated with any component of an HVAC system.

8. "Hydronic" means a heating or cooling system that transfers heating or cooling by circulating fluid through a closed system, including boilers, pressure vessels, refrigerated equipment in connection with chilled water systems, all steam piping, hot or chilled water piping together with all control devices and accessories, installed as part of, or in connection with, any comfort heating or comfort cooling system or appliance using a liquid, water, or steam as the heating or cooling media. "Hydronic" includes all low-pressure and high-pressure systems and all natural, propane, liquid propane, or other gas lines associated with any component of a hydronic system.

Sec. 3. Section 105.2, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 17. "Routine maintenance" means the maintenance, repair, or replacement of existing fixtures or parts of plumbing, HVAC, refrigeration, or hydronic systems in which no changes in original design are made. Fixtures or parts do not include smoke and fire dampers, or water, gas, or steam piping permanent repairs except for traps or strainers. Routine maintenance shall include emergency repairs, and the board shall define the term emergency repairs to include the repair of water pipes to prevent imminent damage to property. "Routine maintenance" does not include the replacement of furnaces, boilers, cooling appliances, or water heaters more than one hundred gallons in size.

Sec. 4. Section 105.3, subsections 1, 6, and 7, Code 2009, are amended to read as follows:

1. A plumbing and mechanical systems ~~examining~~ board is created within the Iowa department of public health.

6. Members of the board shall receive actual expenses for their duties as a member of the ~~examining~~ board. Each member of the board may also be eligible to receive compensation as provided in section 7E.6.

7. The board may maintain a membership in any national organization of state ~~examining~~ boards for the professions of plumbing, HVAC, refrigeration, or hydronic professionals, with all membership fees to be paid from funds appropriated to the board.

Sec. 5. Section 105.3, subsection 2, paragraph a, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The ~~examining~~ board shall be comprised of eleven members, appointed by the governor, as follows:

Sec. 6. Section 105.4, Code 2009, is amended to read as follows:

105.4 RULES.

1. The board shall establish by rule a plumbing installation code governing the installation of plumbing in this state.

2. The board shall adopt all rules necessary to carry out the licensing and other provisions of this chapter.

Sec. 7. Section 105.5, Code 2009, is amended to read as follows:

105.5 ~~APPLICATIONS FOR~~ EXAMINATIONS.

1. Any person desiring to take an examination for a license issued pursuant to this chapter shall make application to the board ~~at least fifteen days before the examination, on a form provided by the board. The application shall be accompanied by the examination fee and such documents and affidavits as are necessary to show the eligibility of the candidate to take the examination. All applications shall be~~ in accordance with the rules of ~~the department and~~ the board ~~and shall be signed by the applicant~~. The board may require that a recent photograph of the applicant be attached to the application.

2. Applicants who fail to pass an examination shall be allowed to retake the examination at a future scheduled time.

3. The board shall adopt rules relating to all of the following:

a. The qualifications required for applicants seeking to take examinations, which qualifications shall include a requirement that an applicant who is a contractor shall be required to provide the contractor's state contractor registration number.

b. The denial of applicants seeking to take examinations.

Sec. 8. Section 105.9, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Commencing July 2009 and every biennium thereafter, the board shall review its revenue, including amounts generated from license fees set pursuant to this chapter, and its expenses for purposes of reevaluating its fee structures. The board shall establish a reduced rate for combined licenses.

Sec. 9. Section 105.10, subsection 1, Code 2009, is amended to read as follows:

1. Except as provided in section 105.11, a person shall not operate as a contractor or install or repair plumbing, HVAC, refrigeration, or hydronic systems without obtaining a license issued by the board, or install or repair medical gas piping systems without obtaining a valid certification approved by the board.

Sec. 10. Section 105.10, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 4. The board shall adopt rules to allow a grace period for a contractor to operate a business described in subsection 2 without employing a licensed master.

NEW SUBSECTION. 5. The board shall by rule provide for the issuance of a license for installers of geothermal heat pump systems that shall require certification pursuant to industry accredited installer certification standards recognized by the United States department of energy.

Sec. 11. Section 105.11, subsection 3, Code 2009, is amended to read as follows:

3. Prohibit an owner of property from performing work on the owner's principal residence, if such residence is an existing dwelling rather than new construction and is not larger than a single-family dwelling, or farm property, excluding commercial or industrial installations or installations in public use buildings or facilities, or require such owner to be licensed under this chapter. In order to qualify for inapplicability pursuant to this subsection, a residence shall qualify for the homestead tax exemption. ~~The provisions of this chapter shall also not be construed to prohibit an owner or operator of a health care facility licensed pursuant to chapter 135C, assisted living center licensed pursuant to chapter 231C, hospital licensed pursuant to chapter 135B, adult day care center licensed pursuant to chapter 231D, or a retirement facility certified pursuant to chapter 523D from performing work on the facility or require such owner or operator to be licensed under this chapter.~~

Sec. 12. Section 105.11, subsection 9, Code 2009, is amended to read as follows:

9. Apply to an employee of any unit of state or local government, including but not limited to cities, counties, or school corporations, performing ~~routine maintenance~~ work on a mechanical system or plumbing system, which serves a ~~state-owned~~ government-owned or government-leased facility while acting within the scope of the ~~state~~ government employee's employment.

Sec. 13. Section 105.11, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 11. Prohibit an owner or operator of a health care facility licensed pursuant to chapter 135C, assisted living center licensed pursuant to chapter 231C, hospital licensed pursuant to chapter 135B, adult day care center licensed pursuant to chapter 231D, or a retirement facility certified pursuant to chapter 523D from performing work on the facility or requiring such owner or operator to be licensed under this chapter; except for projects that exceed the dollar amount specified as the competitive bid threshold in section 26.3.

NEW SUBSECTION. 12. Apply to a person who performs the laying of pipe that originates or connects to pipe in the public right-of-way or property that is intended to become public right-of-way, even if such pipe extends under the property and up to the building. However,

the person shall not make any interior pipe connections within a building under this exemption. This exemption does not restrict local jurisdictions from requiring licensure under this chapter if required by local ordinance, resolution, or by bidding specification.

NEW SUBSECTION. 13. Prohibit a rental property owner or employee of such an owner from performing routine maintenance on the rental property.

Sec. 14. Section 105.12, Code 2009, is amended to read as follows:

105.12 FORM OF LICENSE.

1. A contracting, plumbing, HVAC, refrigeration, or hydronic license shall be in the form of a certificate under the seal of the department, signed by the director of public health, and shall be issued in the name of the board. The license number ~~of the book and page of the registry containing the entry of the license in the office of the department~~ shall be noted on the face of the license.

2. In addition to the certificate, the ~~department~~ board shall provide each licensee with a wallet-sized licensing identification card.

Sec. 15. Section 105.14, Code 2009, is amended to read as follows:

105.14 DISPLAY OF ~~MASTER~~ CONTRACTOR LICENSE.

A person holding a ~~master~~ contractor license under this chapter shall keep the current license certificate publicly displayed in the primary place in which the person practices.

Sec. 16. Section 105.15, Code 2009, is amended to read as follows:

105.15 REGISTRY OF LICENSES.

The name, location, ~~and number of years of practice~~ license number, and date of issuance of the license of ~~the~~ each person to whom ~~the~~ a license has been issued~~, the number of the certificate, and the date of registration thereof~~ shall be entered in a registry kept in the office of the department to be known as the plumbing, HVAC, refrigeration, or hydronic registry. The registry may be electronic and shall be open to public inspection; however, the licensee's home address ~~of the licensee~~, home telephone number, and other personal information as determined by rule shall be confidential.

Sec. 17. Section 105.16, Code 2009, is amended to read as follows:

105.16 CHANGE OF RESIDENCE.

If a person licensed to practice as a contractor or a plumbing, HVAC, refrigeration, or hydronic professional under this chapter changes ~~their~~ the person's residence or place of practice, the person shall so notify the ~~department~~ board.

Sec. 18. Section 105.17, subsection 1, Code 2009, is amended to read as follows:

1. The provisions of this chapter regarding the licensing of plumbing, HVAC, refrigeration, and hydronic professionals and contractors shall supersede and preempt all plumbing, HVAC, refrigeration, ~~or~~ hydronic, and contracting licensing provisions of all governmental subdivisions.

a. A governmental subdivision that issues licenses on July 1, 2008, shall continue to issue licenses until June 30, 2009. On July 1, 2009, all plumbing and mechanical licensing provisions promulgated by any governmental subdivision shall be null and void, except reciprocal licenses as provided in section 105.21, and of no further force and effect.

b. On and after July 1, 2008, a governmental subdivision shall not prohibit a contractor or a plumbing, HVAC, refrigeration, or hydronic professional licensed pursuant to this chapter from performing services for which that person is licensed pursuant to this chapter or enforce any plumbing and mechanical licensing provisions promulgated by the governmental subdivision against a person licensed pursuant to this chapter.

Sec. 19. Section 105.18, Code 2009, is amended to read as follows:

105.18 QUALIFICATIONS AND TYPES OF LICENSES ISSUED.

1. GENERAL QUALIFICATIONS. The board shall adopt, by rule, general qualifications for licensure. The board may consider the past felony record of an applicant only if the felony

conviction relates ~~directly~~ to the practice of the profession for which the applicant requests to be licensed. ~~Character references~~ References may be required as part of the licensing process~~, but shall not be obtained from licensed members of the plumbing or mechanical profession~~.

2. PLUMBING, HVAC, REFRIGERATION, AND HYDRONIC LICENSES AND CONTRACTOR LICENSES. The board shall issue separate licenses for plumbing, HVAC, refrigeration, and hydronic professionals and for contractors as follows:

a. Apprentice license. In order to be licensed by the ~~department~~ board as an apprentice, a person shall do all of the following:

(1) File an application, which application shall establish that the person meets the minimum requirements adopted by the board.

(2) Certify that the person will work under the supervision of a licensed journeyperson or master in the applicable discipline.

(3) Be enrolled in an applicable apprentice program which is registered with the United States department of labor office of apprenticeship.

b. Journeyperson license. In order to be licensed by the ~~department~~ board as a journeyperson in the applicable discipline, a person shall do all of the following:

(1) File an application and pay application fees as established by the board, which application shall establish that the person meets the minimum educational and experience requirements adopted by the board.

(2) Pass the state journeyperson licensing examination in the applicable discipline.

(3) Provide the board with evidence of having completed at least four years of practical experience as an apprentice. Commencing January 1, 2010, the four years of practical experience required by this subparagraph must be an apprenticeship training program registered by the ~~bureau of apprenticeship and training of the~~ United States department of labor office of apprenticeship.

A person may simultaneously hold an active journeyperson license and an inactive master license.

c. Master license. In order to be licensed by the ~~department~~ board as a master, a person shall do all of the following:

(1) File an application and pay application fees as established by the board, which application shall establish that the person meets the minimum educational and experience requirements adopted by the board.

(2) Pass the state master licensing examination for the applicable discipline.

(3) Provide evidence to the ~~examining~~ board that the person has previously been a licensed journeyperson or master in the applicable discipline ~~or satisfies all requirements for licensure as a journeyperson in the applicable discipline~~.

~~(4) Provide evidence of public liability insurance pursuant to section 105.19.~~

d. Contractor license. In order to be licensed by the board as a contractor, a person shall do all of the following:

(1) File an application and pay application fees as established by the board, which application shall provide the person's state contractor registration number and establish that the person meets the minimum requirements adopted by the board.

(2) Maintain a permanent place of business.

(3) Hold a master license or employ at least one person holding a master license under this chapter.

3. COMBINED LICENSES, RESTRICTED LICENSES.

a. The ~~department~~ board may issue single or combined licenses to persons who qualify as a contractor, master, journeyperson, or apprentice under any of the disciplines.

b. Special, restricted license. The board may by rule provide for the issuance of special plumbing and mechanical professional licenses authorizing the licensee to engage in a limited class or classes of plumbing or mechanical professional work, which class or classes shall be specified on the license. Each licensee shall have experience, acceptable to the board, in each such limited class for which the person is licensed. The board shall designate each special, restricted license to be a sublicense of either a plumbing, HVAC, refrigeration, or hydronic li-

cense. An individual holding a master or journeyperson, plumbing, HVAC, refrigeration, or hydronic license shall not be required to obtain any special, restricted license which is a sublicense of the license that the individual holds. Special plumbing and mechanical professional licenses shall be issued to employees of a rate-regulated gas or electric public utility who conduct the repair of appliances. "Repair of appliances" means the repair or replacement of mechanical connections between the appliance shutoff valve and the appliance and repair of or replacement of parts to the appliance. Such special, restricted license shall require certification pursuant to industry-accredited certification standards.

c. The board shall establish a special, restricted license fee at a reduced rate, consistent with any other special, restricted license fees.

4. WAIVER. Notwithstanding section 17A.9A, the board shall through December 31, 2009, waive the written examination requirements ~~set forth in this section~~ and prior experience requirements in subsection 2, paragraph "b", subparagraph (3), and subsection 2, paragraph "c", subparagraph (3), for a journeyperson or master license if the applicant meets either of the following requirements:

a. The applicant meets both of the following requirements:

(1) The applicant has previously passed a written examination which the board deems to be substantially similar to the licensing examination otherwise required by the board to obtain the applicable license.

(2) The applicant has completed at least eight classroom hours of continuing education in courses or seminars approved by the board within the two-year period immediately preceding the date of the applicant's license application.

b. The applicant can demonstrate to the satisfaction of the board that the applicant has five or more years of experience prior to July 1, 2008, in the plumbing, HVAC, refrigeration, or hydronic business, as applicable, which experience is of a nature that the board deems to be sufficient to demonstrate continuous professional competency consistent with that expected of an individual who passes the applicable licensing examination which the applicant would otherwise be required to pass.

Sec. 20. Section 105.19, subsections 1 and 3, Code 2009, are amended to read as follows:

1. An applicant for a ~~master~~ contractor license or renewal of an active ~~master~~ contractor license shall provide evidence of a public liability insurance policy and surety bond in an amount determined sufficient by the board by rule.

3. The insurance and surety bond shall be written by an entity licensed to do business in this state and each licensed ~~master~~ contractor shall maintain on file with the ~~department~~ board a certificate evidencing the insurance providing that the insurance or surety bond shall not be canceled without the entity first giving fifteen days written notice to the ~~department~~ board.

Sec. 21. Section 105.20, Code 2009, is amended to read as follows:

105.20 RENEWAL AND REINSTATEMENT OF LICENSES — FEES AND PENALTIES — CONTINUING EDUCATION.

1. ~~A license issued pursuant to this chapter shall be issued for a term of two years.~~ Licenses issued by the board shall expire in intervals as determined by the board.

2. A license issued under this chapter may be renewed as provided by rule adopted by the board upon application by the licensee, without examination. Applications for renewal shall be made ~~in writing~~ to the ~~department~~ board, accompanied by the required renewal licensing fee, at least thirty days prior to the expiration date of the license.

~~3. A renewal license shall be displayed in connection with the original license.~~

~~4.~~ 3. The ~~department~~ board shall notify each licensee by mail at least sixty days prior to the expiration of a license.

~~5.~~ 4. Failure to renew a license within a reasonable time after the expiration of the license shall not invalidate the license, but a reasonable penalty may be assessed as adopted by rule, in addition to the license renewal fee, to allow reinstatement of the license.

~~6. A licensee who allows a license to lapse for a period of one month or less may reinstate~~

~~and renew the license without examination upon the recommendation of the board and upon payment of the applicable renewal and reinstatement fees.~~

~~7.~~ 5. The board shall, by rule, establish a reinstatement process for a licensee who allows a license to lapse ~~for a period greater than one month~~, including reasonable penalties.

~~8.~~ 6. The board shall establish continuing education requirements pursuant to section 272C.2. The basic continuing education requirement for renewal of a license shall be the completion, during the immediately preceding license term, of the number of classroom hours of instruction required by the board in courses or seminars which have been approved by the board. The board shall require at least eight classroom hours of instruction during each ~~two-year~~ licensing term.

Sec. 22. Section 105.21, Code 2009, is amended to read as follows:

105.21 RECIPROCAL LICENSES.

The board may license without examination a nonresident applicant who is licensed under plumbing, HVAC, refrigeration, or hydronic professional licensing statutes of another state having similar licensing requirements as those set forth in this chapter and the rules adopted under this chapter if the other state grants the same reciprocal licensing privileges to residents of Iowa who have obtained Iowa plumbing or mechanical professional licenses under this chapter. The ~~department and the~~ board shall adopt the necessary rules, not inconsistent with the law, for carrying out the reciprocal relations with other states which are authorized by this chapter.

Sec. 23. Section 105.22, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A license to practice as a contractor or as a plumbing, HVAC, refrigeration, or hydronic professional may be revoked or suspended, or an application for licensure may be denied pursuant to procedures established pursuant to chapter 272C by the board, or the licensee may be otherwise disciplined in accordance with that chapter, when the licensee commits any of the following acts or offenses:

Sec. 24. Section 105.23, Code 2009, is amended to read as follows:

105.23 JURISDICTION OF REVOCATION AND SUSPENSION PROCEEDINGS.

The board shall have exclusive jurisdiction of all proceedings to revoke or suspend a license issued pursuant to this chapter. The board may initiate proceedings under this chapter or chapter 272C, following procedures set out in section 272C.6, either on its own motion or on the complaint of any person. ~~Before scheduling a hearing, the board may request the department to conduct an investigation into the charges to be addressed at the board hearing. The department shall report its findings to the board.~~ The board, in connection with a proceeding under this chapter, may issue subpoenas to compel attendance and testimony of witnesses and the disclosure of evidence, and may request the attorney general to bring an action to enforce the subpoena.

Sec. 25. Section 105.25, subsections 1, 3, and 4, Code 2009, are amended to read as follows:

1. Only a person who is duly licensed pursuant to this chapter may advertise the fact that the person is licensed as a contractor or as a plumbing, HVAC, refrigeration, or hydronic professional by the state of Iowa.

3. A person who fraudulently claims to be a licensed contractor or a licensed plumbing, HVAC, refrigeration, or hydronic professional pursuant to this chapter, either in writing, cards, signs, circulars, advertisements, or other communications, is guilty of a simple misdemeanor.

4. A person who fraudulently lists a contractor or a master plumbing, HVAC, refrigeration, or hydronic license number in connection with that person's advertising or falsely displays a contractor or a master plumbing, HVAC, refrigeration, or hydronic professional license number is guilty of a simple misdemeanor. In order to be entitled to use a license number of a mas-

ter plumbing, HVAC, refrigeration, or hydronic professional, the master plumbing, HVAC, refrigeration, or hydronic professional must be employed by the person in whose name the business of designing, installing, or repairing plumbing or mechanical systems is being conducted.

Sec. 26. Section 105.27, subsection 1, Code 2009, is amended to read as follows:

1. In addition to any other penalties provided for in this chapter, the board may, by order, impose a civil penalty, not to exceed five thousand dollars per offense, upon a person violating any provision of this chapter. Each day of a continued violation constitutes a separate offense, except that offenses resulting from the same or common facts or circumstances shall be considered a single offense. Before issuing an order under this section, the board shall provide the person written notice and the opportunity to request a hearing on the record. The hearing must be requested within thirty days of the issuance of the notice.

Sec. 27. Section 105.28, Code 2009, is amended to read as follows:

105.28 ENFORCEMENT.

The ~~department~~ board shall enforce the provisions of this chapter ~~and for that purpose may request the department of inspections and appeals to make necessary investigations~~. Every licensee and member of the board shall furnish the ~~department or the department of inspections and appeals~~ board such evidence as the licensee or member may have relative to any alleged violation which is being investigated.

Sec. 28. Section 105.29, Code 2009, is amended to read as follows:

105.29 REPORT OF VIOLATORS.

Every licensee and every member of the board shall report to the ~~department~~ board the name of every person who is practicing as a contractor or as a plumber or mechanical professional without a license issued pursuant to this chapter pursuant to the knowledge or reasonable belief of the person making the report. The opening of an office or place of business for the purpose of providing any services for which a license is required by this chapter, the announcing to the public in any way the intention to provide any such service, the use of any professional designation, or the use of any sign, card, circular, device, vehicle, or advertisement, as a provider of any such services shall be prima facie evidence of engaging in the practice of a contractor or a plumber or mechanical professional.

Sec. 29. Section 105.30, Code 2009, is amended to read as follows:

105.30 ATTORNEY GENERAL.

Upon request of the ~~department~~ board, the attorney general shall institute in the name of the state the proper proceedings against any person charged by the department with violating any provision of this chapter.

Sec. 30. Section 135.11, subsection 5, Code 2009, is amended by striking the subsection.

Sec. 31. Section 272C.1, subsection 6, paragraph ae, Code 2009, is amended to read as follows:

ae. The plumbing and mechanical systems ~~examining~~ board, created pursuant to chapter 105.

Sec. 32. Sections 105.6, 105.7, and 105.8, Code 2009, are repealed.

Sec. 33. STUDY OF STATEWIDE INSPECTION PROGRAM IMPLEMENTATION. The plumbing and mechanical systems board, in conjunction with the electrical examining board and city and county building officials, shall conduct a study to determine the most appropriate and feasible manner to implement a statewide inspection program for work performed by the respective licensees of both boards. By January 1, 2011, the boards shall submit a recommendation to the general assembly for the implementation of a statewide inspection program.

Sec. 34. APPLICABILITY — PRIOR ACTIONS VOID. Sections 105.22 through 105.30, Code 2009, as amended by this Act, shall be applicable only on and after July 1, 2009, and any actions taken under those sections prior to July 1, 2009, shall be void.

Approved May 26, 2009

CHAPTER 152

CERTIFIED RETIREMENT COMMUNITIES

S.F. 291

AN ACT providing for the recognition and promotion of certified retirement communities.

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

Section 1. NEW SECTION. 231.24 CERTIFIED RETIREMENT COMMUNITIES.

1. PROGRAM PURPOSE.

a. The department shall establish a certified retirement communities program to recognize communities in the state that have made themselves attractive destinations for retirees.

b. The purposes of the program shall be to encourage retirees to make their home in Iowa, to help communities promote and market themselves as retirement destinations for retirees, to assist the economic development of rural communities by encouraging retirees to live, work, and volunteer there, and to encourage tourism in Iowa by enhancing the marketing of the state to retirees everywhere.

2. PROGRAM FUND.

a. A certified retirement communities fund is created in the general fund of the state under the control of the department consisting of fees collected from applicants to the certified retirement communities program.

b. Moneys in the fund are appropriated to the department for purposes of administering the certified retirement communities program.

c. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

3. ELIGIBILITY. A community in the state is eligible to be named a certified retirement community. For purposes of this section, "community" includes but is not limited to a city, county, region, neighborhood, or district. For purposes of this section, a community can, but need not, be coterminous with a political subdivision of the state or with a particular geographic boundary. In an application for recognition as a certified retirement community, the applicant shall clearly articulate how the applicant defines community for purposes of seeking certification.

The department is encouraged to collaborate with the Iowa cooperative extension service in agriculture and home economics at Iowa state university of science and technology in the development of an outreach program to assist communities seeking certification.

4. APPLICATIONS. Each community seeking certification shall meet the following requirements:

a. The community shall submit an application to the department containing basic demographic and statistical information including crime statistics, tax-related information, recreational opportunities, housing prices and availability, health care and emergency medical service availability, and other factors deemed relevant by the department.

b. The community shall demonstrate the support and active involvement of the local governing body, churches, clubs, businesses, media outlets, or other entities with an interest in the future of the community.

c. The community shall submit with the application a plan describing the community's long-term care facility and service capabilities and the community's strategy for marketing the community to retirees. The plan shall include a target market, a list of competing communities, an analysis of the community's strengths, weaknesses, opportunities, and dangers, and the steps the community will employ to achieve the goals of the plan.

d. The department may determine and collect a reasonable application fee for the program.

5. APPLICATION REVIEW.

a. The department shall accept and review applications for certification and determine which communities qualify for certification.

b. In determining which communities qualify, the department shall develop a set of criteria for evaluating and scoring the applicants and comparing each applicant against the other applicants. The criteria developed by the department shall include all of the following:

(1) The competitiveness of the tax burden on residents in the community.

(2) Housing availability and cost.

(3) Climatic factors.

(4) Personal and community safety.

(5) Work, volunteer, and community service opportunities.

(6) Health care and emergency medical services available to residents of the community.

(7) Public transportation and transportation infrastructure.

(8) Educational quality and opportunities.

(9) Recreational and leisure opportunities.

(10) The availability of cultural and performing arts, sporting events, festivals, and other activities.

(11) The availability of services and facilities necessary to assist retirees as they age.

6. RECOGNITION AND ASSISTANCE. If the department determines that a community qualifies for certification, the department shall issue to the community a certificate recognizing the status of the community as an attractive destination for retirees.

7. EXPIRATION AND RECERTIFICATION.

a. A community's certification expires on the fifth anniversary of the date of initial certification.

b. To be recertified, a community must submit a new application as described in subsection 4 and include a report on the success or failure of the community's past efforts to market itself to retirees.

8. RULES. The department shall adopt rules for the administration of this section.

9. PROGRAM ADMINISTRATION DEFERRAL. If in the fiscal year beginning July 1, 2009, the department of elder affairs' appropriations or authorized full-time-equivalent positions are reduced, the department may defer the implementation of the certified retirement communities program until such time as the department has the resources to administer the program.

Approved May 26, 2009

CHAPTER 153

FAMILY IN NEED OF ASSISTANCE AND
EMANCIPATION OF A MINOR PROCEEDINGS

S.F. 366

AN ACT relating to the emancipation of a minor and family in need of assistance proceedings.

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

Section 1. Section 232.125, subsection 2, Code 2009, is amended to read as follows:

2. Such a petition may be filed by the child's parent, guardian or custodian, ~~or~~ by the child, or on the court's own motion as provided in section 232C.2. The judge, county attorney, or juvenile court officer may authorize such parent, guardian, custodian, or child to file a petition with the clerk of the court without the payment of a filing fee.

Sec. 2. Section 232.127, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 11. If after hearing pursuant to this section, the court finds, by clear and convincing evidence, that no remedy is available that would result in strengthening or maintaining the familial relationship, the court may order the minor emancipated pursuant to section 232C.3, subsection 4.

Sec. 3. NEW SECTION. 232C.1 EMANCIPATION PETITION — HEARING.

1. A minor who desires to become emancipated may file a petition for an order of emancipation in juvenile court if all of the following apply:

a. The minor is sixteen years of age or older.

b. The minor is a resident of this state.

c. The minor is not in the care, custody, or control of the state.

2. A petition filed pursuant to this section shall contain the following:

a. The petitioner's name, mailing address, and date of birth.

b. The name, mailing address[1] of the petitioner's parents or legal guardian.

c. Specific facts to support the petition including but not limited to the following:

(1) The minor has demonstrated financial self-sufficiency, including proof of employment or other means of support, which does not include assistance or subsidies from a federal, state, or local governmental agency.

(2) The minor has demonstrated an ability to manage the personal affairs of the minor.

(3) The minor has demonstrated an ability and commitment to obtain and maintain education, vocational training, or employment.

(4) Any other information considered necessary to support the petition.

d. Any one of the following:

(1) Documentation that the minor has been living on the minor's own for at least three consecutive months.

(2) A statement explaining the reasons the minor believes the home of the minor's parents or legal guardian is not a healthy or safe environment.

(3) A notarized statement that contains written consent to emancipation by the minor's parents or legal guardian.

3. The court shall hold a hearing on the petition within ninety days of the filing of the petition. Notice of the hearing, with a copy of the petition attached, shall be served by personal service on the minor's parent or legal guardian at least thirty days prior to the hearing date. Any other parties shall be notified as provided by the rules of civil procedure for service of an original notice.

4. The minor may participate in the court proceedings on the minor's own behalf, or may be represented by the minor's own counsel, or the court may appoint a guardian ad litem on behalf of the minor.

[1] According to enrolled Act; the phrase "name and mailing address" probably intended

Sec. 4. NEW SECTION. 232C.2 STAY — MEDIATION — REFERRAL TO FAMILY IN NEED OF ASSISTANCE.

1. Prior to an emancipation hearing held pursuant to section 232C.1, the court, on its own motion, may stay the proceedings, and refer the parties to mediation, or request that the department of human services investigate any allegations of child abuse or neglect contained in the petition, and order that a written report be prepared and filed by the department.

2. If a minor's parent or guardian objects to the petition filed pursuant to section 232C.1, the juvenile court shall stay the proceedings and refer the parties to mediation unless the juvenile court finds that mediation would not be in the best interests of the minor.

3. If an agreement is reached through mediation, the parties shall file the signed agreement with the juvenile court.

4. Notwithstanding subsections 1 through 3, the juvenile court, on its own motion, may discontinue emancipation proceedings pursuant to this chapter and interpret the petition as a petition to initiate family in need of assistance proceedings and consider the petition under sections 232.122 through 232.127.

Sec. 5. NEW SECTION. 232C.3 DETERMINATION OF EMANCIPATION — BEST INTERESTS OF THE MINOR.

1. The juvenile court shall determine emancipation based on the best interests of the minor and shall consider all relevant factors including the following:

a. The potential risks and consequences of emancipation and whether the minor understands the risks and consequences of emancipation.

b. The ability of the minor to be financially self-sufficient.

c. The education level of the minor and success achieved in school.

d. The criminal record of the minor.

e. The desires of the minor.

f. The recommendations of the parents or guardian of the minor.

2. The minor has the burden of proving by clear and convincing evidence that the requirements for ordering emancipation under this section have been met.

3. The juvenile court shall carefully consider the best interests of the minor and after hearing and consideration of the factors enumerated in this section, the juvenile court may order the minor emancipated or deny the petition for emancipation.

4. If after referral of a petition for the initiation of family in need of assistance proceedings pursuant to section 232C.2, the juvenile court finds, by clear and convincing evidence, that no remedy is available that would result in strengthening or maintaining the familial relationship under the family in need of assistance proceedings pursuant to sections 232.122 through 232.127, the juvenile court may order the minor emancipated as provided in this section.

Sec. 6. NEW SECTION. 232C.4 EFFECT OF EMANCIPATION ORDER.

1. An emancipation order shall have the same effect as a child reaching the age of majority with respect to but not limited to the following:

a. The ability to sue or be sued in the child's own name.

b. The right to enter into a binding contract.

c. The right to establish a legal residence.

d. The right to incur debts.

e. The right to consent to medical, dental, or psychiatric care.

2. An emancipation order shall have the same effect as the child reaching the age of majority and the parents are exempt from the following:

a. Future child support obligations for the emancipated child.

b. An obligation to provide medical support for the emancipated child, unless deemed necessary by the court.

c. A right to the income or property of the emancipated child.

d. A responsibility for the debts of the emancipated child.

3. An emancipated minor shall remain subject to voting restrictions under chapter 48A,

gambling restrictions under chapter 99B, 99D, 99F, 99G, or 725, alcohol restrictions under chapter 123, compulsory attendance requirements under chapter 299, and cigarette tobacco restrictions under chapter 453A.

4. An emancipated child shall not be considered an adult for prosecution except as provided in section 232.8.

5. Notwithstanding sections 232.147 through 232.151, the emancipation order shall be released by the juvenile court subject to rules prescribed by the supreme court.

6. A parent who is absolved of child support obligations pursuant to an emancipation order shall notify the child support recovery unit of the department of human services of the emancipation.

Approved May 26, 2009

CHAPTER 154

DISPOSAL OF DEAD ANIMAL BODIES

S.F. 405

AN ACT providing for the disposal of dead animal bodies by persons, including individuals practicing veterinary medicine, and making penalties applicable.

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

Section 1. Section 167.3, Code 2009, is amended to read as follows:

167.3 "DISPOSING" DEFINED.

1. ~~Any~~ A person who ~~shall receive~~ receives from any other person the body of any dead animal for the purpose of obtaining the hide, skin, or grease from such animal, in any way whatsoever, or any part thereof, shall be deemed to be engaged in the business of disposing of the bodies of dead animals, and must be the operator or employee of a licensed disposal plant.

2. A disposal plant does not include an operation where the body of a dead animal is cremated, so long as the operation does not use the body of a dead animal for any other purpose described in subsection 1.

Sec. 2. Section 167.18, Code 2009, is amended to read as follows:

167.18 DUTY TO DISPOSE OF DEAD BODIES.

1. A person who has been caring for or who owns an animal that has died shall not allow the carcass to lie about the person's premises. The carcass shall be disposed of within ~~twenty-four hours~~ a reasonable time after death by composting, cooking, burying, or burning, as provided in this chapter, or by disposing of it, within the allowed time, to a person licensed to dispose of it.

2. Subsection 1 does not apply to a veterinarian, issued a valid license or a valid temporary permit by the Iowa board of veterinary medicine as provided in chapter 169, who contains a dead animal's carcass in a manner that prevents an outbreak of disease.

Approved May 26, 2009

CHAPTER 155

REGULATION OF ANIMAL FEEDING OPERATIONS

S.F. 432

AN ACT regulating animal feeding operations, making penalties applicable, and providing for penalties and effective dates.

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

DIVISION I
APPLICATION OF MANURE ON SNOW COVERED GROUND AND FROZEN GROUND

Section 1. Section 459.102, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 28A. "Frozen ground" means soil that is impenetrable due to frozen soil moisture but does not include soil that is only frozen to a depth of two inches or less.

NEW SUBSECTION. 31A. "Liquid manure" means manure that meets all of the following requirements:

a. It flows perceptibly under pressure.

b. It is capable of being transported through a mechanical pumping device designated to move a liquid.

c. Its constituent molecules flow freely among themselves and show the tendency to separate under stress.

NEW SUBSECTION. 44A. "Snow covered ground" means soil covered by one inch or more of snow or soil covered by one-half inch or more of ice.

NEW SUBSECTION. 45A. "Surface water drain tile intake" means an opening to a drain tile which allows surface water to enter the drain tile without filtration through the soil profile.

Sec. 2. Section 459.312, subsection 10, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. A description of land identified for the application of liquid manure due to an emergency if allowed pursuant to section 459.313A. The owner must identify the land in the original manure management plan or in the next updated manure management plan required to be submitted to the department following the application.

Sec. 3. NEW SECTION. 459.313A APPLICATION OF MANURE ON LAND — SNOW COVERED GROUND AND FROZEN GROUND.

A person may apply manure originating from an animal feeding operation on snow covered ground or frozen ground, except to the extent otherwise provided by applicable requirements in this section, this chapter, or the national pollutant discharge elimination system pursuant to the federal Water Pollution Control Act, 33 U.S.C. ch. 26, as amended, and 40 C.F.R. pts. 122 and 412.

1. During the period beginning December 21 and ending April 1, the person may apply liquid manure originating from a manure storage structure, that is part of a confinement feeding operation, on snow covered ground only when there is an emergency. During the period beginning February 1 and ending April 1, the person may apply liquid manure originating from a manure storage structure, that is part of a confinement feeding operation, on frozen ground only when there is an emergency. An emergency occurs only when there is an immediate need to comply with section 459.311, subsection 1, due to unforeseen circumstances affecting the storage of the liquid manure. The unforeseen circumstances must be beyond the control of the owner of the confinement feeding operation, including but not limited to natural disaster,

unusual weather conditions, or equipment or structural failure. A person who is authorized to apply liquid manure on snow covered ground or frozen ground when there is an emergency shall comply with all of the following:

a. The person must contact the department by telephone prior to the application.

b. The person must apply the liquid manure on land identified for such application in a manure management plan submitted by the owner of the confinement feeding operation to the department as provided in section 459.312. The owner of the confinement feeding operation must identify the land in the manure management plan prior to the application. The owner must identify the land in the original manure management plan or in the next updated manure management plan required to be submitted to the department following the application.

c. The liquid manure must be applied on a field with a phosphorus index rating of two or less.

d. Any surface water drain tile intake that is on land in the owner's manure management plan and located down gradient of the application must be temporarily blocked beginning not later than the time that the liquid manure is first applied and ending not earlier than two weeks after the completion of the application.

2. The authorization to apply liquid manure in subsection 1 does not apply to any of the following:

a. An immediate need to comply with section 459.311, subsection 1, caused by the improper design or management of the manure storage structure, including but not limited to a failure to properly account for the volume of the manure to be stored.

b. Liquid manure originating from a manure storage structure constructed or expanded on or after the effective date of this Act, if the manure storage structure has a capacity to store manure for less than one hundred eighty days.

3. Subsections 1 and 2 do not apply to any of the following:

a. The application of liquid manure originating from a small animal feeding operation.

b. The application of liquid manure and injection into the soil or incorporation within the soil on the same date.

Sec. 4. NEW SECTION. 459.313B APPLICATION OF LIQUID MANURE ON SNOW COVERED GROUND OR FROZEN GROUND — ANNUAL REPORT.

1. On or before February 15 of each year, the director of the department, or the department's designee, shall appear before and present a report to the standing committees of the senate and house of representatives having jurisdiction over agriculture and environmental protection. The report shall include all instances in which persons have applied liquid manure originating from a manure storage structure, that is part of a confinement feeding operation, on snow covered ground or frozen ground because of an emergency as provided in section 459.313A. The report shall include an assessment of the application's impact on water quality, including the success of actions taken to prevent or remediate such impact.

2. This section is repealed on July 1, 2014.

DIVISION II
DRY BEDDED CONFINEMENT FEEDING OPERATIONS
SUBCHAPTER I
GENERAL PROVISIONS

Sec. 5. NEW SECTION. 459B.101 TITLE.

This chapter shall be known and may be cited as the "Animal Agriculture Compliance Act for Dry Bedded Confinement Feeding Operations".

Sec. 6. NEW SECTION. 459B.102 DEFINITIONS.

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

1. "Alluvial aquifer area" means an area underlaid by sand or gravel aquifers situated beneath floodplains along stream valleys and includes alluvial deposits associated with stream terraces and benches, contiguous wind-blown sand deposits, and glacial outwash deposits.

2. "Animal" means cattle or swine.

3. "Animal unit" means the same as defined in section 459.102.

4. "Animal unit capacity" means the maximum number of animal units which the owner or operator confines in a dry bedded confinement feeding operation at any one time.

5. "Bedding" means crop, vegetation, or forage residue or similar materials placed in a dry bedded confinement building for the care of animals.

6. "Commercial enterprise" means the same as defined in section 459.102.

7. "Confinement feeding operation" means the same as defined in section 459.102.

8. "Department" means the department of natural resources.

9. "Designated area" means the same as defined in section 459A.102.

10. "Designated wetland" means the same as defined in section 459.102.

11. "Dry bedded confinement feeding operation" means a confinement feeding operation in which animals are confined to areas which are totally roofed and in which all manure is stored as dry bedded manure.

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

13. "Dry bedded manure" means manure from animals that meets all of the following requirements:

a. The manure does not flow perceptibly under pressure.

b. The manure is not capable of being transported through a mechanical pumping device designed to move a liquid.

c. The manure contains bedding.

14. "Dry bedded manure confinement feeding operation building" or "building" means a building used in conjunction with a confinement feeding operation to house animals and in which any manure from the animals is stored as dry bedded manure.

15. "Dry bedded manure storage structure" means a covered or uncovered structure, other than a building, used to store dry bedded manure originating from a confinement feeding operation.

16. "Educational institution" means the same as defined in section 459.102.

17. "Grassed waterway" means the same as defined in section 459A.102.

18. "High-quality water resource" means the same as defined in section 459.102.

19. "Karst terrain" means the same as defined in section 459.102.

20. "Major water source" means the same as defined in section 459.102.

21. "Manure" means the same as defined in section 459.102.

22. "One hundred year floodplain" means the same as defined in section 459.102.

23. "Public use area" means the same as defined in section 459.102.

24. "Stockpile" means to store dry bedded manure outside of a dry bedded manure confinement feeding operation building or a dry bedded manure storage structure.

25. "Water source" means the same as defined in section 459.102.

Sec. 7. NEW SECTION. 459B.103 SPECIAL TERMS.

For purposes of this chapter, all of the following shall apply:

1. Two or more dry bedded confinement feeding operations under common ownership or common management are deemed to be a single dry bedded confinement feeding operation if they are adjacent or utilize a common area or system for dry bedded manure disposal.

2. For purposes of determining whether two or more dry bedded confinement feeding operations are adjacent, all of the following shall apply:

a. At least one dry bedded confinement feeding operation structure must be constructed on or after March 21, 1996.

b. A dry bedded confinement feeding operation structure which is part of one dry bedded confinement feeding operation is separated by less than one thousand two hundred fifty feet from a dry bedded confinement feeding operation structure which is part of the other dry bedded confinement feeding operation.

3. a. For purposes of determining whether two or more dry bedded confinement feeding

operations are under common ownership, a person must hold an interest in each of the dry bedded confinement feeding operations as any of the following:

(1) A sole proprietor.

(2) A joint tenant or tenant in common.

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

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

4. For purposes of determining whether two or more dry bedded confinement feeding operations are under common management, a person must have significant control of the management of the day-to-day operations of each of the dry bedded confinement feeding operations. Common management does not include control over a contract livestock facility by a contractor, as defined in section 202.1.

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

Sec. 8. NEW SECTION. 459B.104 GENERAL AUTHORITY — COMMISSION AND DEPARTMENT — PURPOSE — COMPLIANCE.

1. The environmental protection commission shall establish by rule adopted pursuant to chapter 17A, requirements relating to the construction, including expansion, or operation of dry bedded confinement feeding operations, including related dry bedded manure confinement feeding operation buildings and stockpiles.

2. Any provision referring generally to compliance with the requirements of this chapter as applied to dry bedded confinement feeding operations also includes compliance with requirements in rules adopted by the environmental protection commission pursuant to this section, orders issued by the department as authorized under this chapter, and the terms and conditions applicable to manure management plans required under this chapter.

3. The purpose of this chapter is to provide requirements relating to the construction, including the expansion, and operation of dry bedded confinement feeding operations, and the control of dry bedded manure which shall be construed to supplement applicable provisions of chapter 459. If there is a conflict between the provisions of this chapter and chapter 459, the provisions of this chapter shall prevail.

SUBCHAPTER II
DRY BEDDED MANURE STRUCTURES —
CONSTRUCTION REQUIREMENTS

Sec. 9. NEW SECTION. 459B.201 CONSTRUCTION DESIGN STANDARDS.

A person constructing a dry bedded confinement feeding operation structure on karst terrain or in an alluvial aquifer area shall comply with all of the following:

1. The person must construct the dry bedded confinement feeding operation structure at a location where there is a vertical separation distance of at least five feet between the bottom of the floor of the dry bedded confinement feeding operation structure and the underlying limestone, dolomite, or other soluble rock in karst terrain or the underlying sand and gravel aquifer in an alluvial aquifer area.

2. The person must construct the dry bedded confinement feeding operation structure with a floor consisting of reinforced concrete at least five inches thick.

Sec. 10. NEW SECTION. 459B.202 DISTANCE REQUIREMENTS.

1. Except as provided in subsection 3, the following shall apply:

a. A dry bedded confinement feeding operation structure shall not be constructed closer

than five hundred feet away from the surface intake of an agricultural drainage well. A dry bedded confinement feeding operation structure shall not be constructed closer than one thousand feet from a wellhead, cistern of an agricultural drainage well, or known sinkhole.

b. A dry bedded confinement feeding operation structure shall not be constructed if the dry bedded confinement feeding operation structure as constructed is closer than any of the following:

(1) Two hundred feet away from a water source other than a major water source.

(2) One thousand feet away from a major water source.

(3) Two thousand five hundred feet away from a designated wetland.

c. (1) A water source, other than a major water source, shall not be constructed, expanded, or diverted, if the water source as constructed, expanded, or diverted is closer than two hundred feet away from a dry bedded confinement feeding operation structure.

(2) A major water source shall not be constructed, expanded, or diverted, if the major water source as constructed, expanded, or diverted is closer than one thousand feet from a dry bedded confinement feeding operation structure.

(3) A designated wetland shall not be established, if the designated wetland is closer than two thousand five hundred feet away from a dry bedded confinement feeding operation structure.

2. A dry bedded confinement feeding operation structure shall not be constructed on land that is part of a one hundred year floodplain.

3. A separation distance required in subsection 1 shall not apply to any of the following:

a. A location or object and a farm pond or privately owned lake, as defined in section 462A.2.

b. A dry bedded confinement feeding operation structure constructed with a secondary containment barrier. The department shall adopt rules providing for the construction and use of a secondary containment barrier.

SUBCHAPTER III
DRY BEDDED MANURE CONTROL

Sec. 11. NEW SECTION. 459B.301 STOCKPILING — AIR QUALITY.

A person may stockpile dry bedded manure, subject to this section.

1. Except as provided in subsection 2, a person shall not stockpile dry bedded manure within one thousand two hundred fifty feet from a residence not owned by the titleholder of the land, a commercial enterprise, a bona fide religious institution, an educational institution, or a public use area.

2. A person may stockpile dry bedded manure within a separation distance required between the stockpiled dry bedded manure and an object or location for which separation is required under subsection 1, if any of the following apply:

a. The titleholder of the land benefiting from the separation distance requirement executes a written waiver with the titleholder of the land where the dry bedded manure is stockpiled.

b. The stockpiled dry bedded manure originates from a small animal feeding operation.

Sec. 12. NEW SECTION. 459B.305 DRY BEDDED MANURE CONTROL — WATER QUALITY.

A dry bedded confinement feeding operation shall retain all dry bedded manure produced by the operation between periods of dry bedded manure application. For purposes of this section, dry bedded manure may be retained by stockpiling as provided in this chapter. A dry bedded confinement feeding operation shall not discharge dry bedded manure directly into water of the state or into a tile line that discharges directly into water of the state.

Sec. 13. NEW SECTION. 459B.306 STOCKPILING — NPDES REQUIREMENTS — WATER QUALITY.

A person stockpiling dry bedded manure shall comply with applicable requirements of the national pollutant discharge elimination system pursuant to the federal Water Pollution Control Act, 33 U.S.C. ch. 26, as amended, and 40 C.F.R. pts. 122 and 412.

Sec. 14. NEW SECTION. 459B.307 STOCKPILING — STATE REQUIREMENTS — WATER QUALITY.

A person may stockpile dry bedded manure, subject to all of the following:

1. a. The person shall not stockpile the dry bedded manure within the following distances to a designated area unless the dry manure is maintained in a manner that will not allow precipitation-induced runoff to drain from the dry bedded manure to the designated area:

(1) Four hundred feet from a designated area other than a high-quality water resource.

(2) Eight hundred feet from a high-quality water resource.

b. The person shall not stockpile dry bedded manure within two hundred feet from a terrace tile inlet or surface tile inlet unless the dry bedded manure is maintained in a manner that will not allow precipitation-induced runoff to drain from the dry bedded manure to the terrace tile inlet or surface tile inlet.

c. The person shall not stockpile dry bedded manure in a grassed waterway, where water pools on the soil surface, or in any location where surface water will enter the stockpiled dry bedded manure.

d. The person shall not stockpile dry bedded manure on land having a slope of more than three percent unless methods, structures, or practices are implemented to contain the stockpiled dry bedded manure, including but not limited to using hay bales, silt fences, temporary earthen berms, or other effective measures, and to prevent or diminish precipitation-induced runoff from the stockpiled dry bedded manure.

e. The person shall not stockpile dry bedded manure on karst terrain or in an alluvial aquifer area unless the person complies with all of the following:

(1) The person must stockpile the dry bedded manure at a location where there is a vertical separation distance of at least five feet between the bottom of the stockpiled dry manure and the underlying limestone, dolomite, or other soluble rock in karst terrain or the underlying sand and gravel aquifer in an alluvial aquifer area.

(2) The dry bedded manure must be stockpiled on reinforced concrete at least five inches thick.

2. The person shall remove the stockpiled dry bedded manure and apply it in accordance with the provisions of chapter 459, including but not limited to section 459.311, within six months after the dry bedded manure is stockpiled.

Sec. 15. NEW SECTION. 459B.308 MANURE MANAGEMENT PLAN FOR A DRY BEDDED CONFINEMENT OPERATION.

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

SUBCHAPTER IV
ENFORCEMENT

Sec. 16. NEW SECTION. 459B.401 GENERAL.

The department and the attorney general shall enforce the provisions of this chapter in the same manner as provided in chapter 459, subchapter VI.

Sec. 17. NEW SECTION. 459B.402 VIOLATIONS — CIVIL PENALTY.

A person who violates section 459B.301, shall be subject to the same penalty as provided in section 459.602 and a person who violates any other provision of this chapter shall be subject to the same penalty as provided in section 459.603. Any civil penalty collected shall be deposited in the animal agriculture compliance fund created in section 459.401.

Sec. 18. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION III
CONFORMING CHANGES

Sec. 19. Section 455A.4, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. Provide overall supervision, direction, and coordination of functions to be administered by the administrators under chapters 321G, 321I, 455B, 455C, 456, 456A, 456B, 457A, 458A, 459, 459A, 459B, 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B, 483A, 484A, and 484B.

Sec. 20. Section 455B.103, subsection 4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

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

Sec. 21. Section 455B.103A, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

If a permit is required pursuant to this chapter, or chapter 459, ~~or chapter~~ 459A, or 459B for storm water discharge or an air contaminant source and a facility to be permitted is representative of a class of facilities which could be described and conditioned by a single permit, the director may issue, modify, deny, or revoke a general permit for all of the following conditions:

Sec. 22. Section 455B.105, subsections 3, 6, and 8, Code 2009, are amended to read as follows:

3. Adopt, modify, or repeal rules necessary to implement this chapter, chapter 459, ~~and~~ chapter 459A, and chapter 459B, and the rules deemed necessary for the effective administration of the department. When the commission proposes or adopts rules to implement a specific federal environmental program and the rules impose requirements more restrictive than the federal program being implemented requires, the commission shall identify in its notice of intended action or adopted rule preamble each rule that is more restrictive than the federal program requires and shall state the reasons for proposing or adopting the more restrictive requirement. In addition, the commission shall include with its reasoning a financial impact statement detailing the general impact upon the affected parties. It is the intent of the general assembly that the commission exercise strict oversight of the operations of the department. The rules shall include departmental policy relating to the disclosure of information on a violation or alleged violation of the rules, standards, permits or orders issued by the department and keeping of confidential information obtained by the department in the administration and enforcement of this chapter, chapter 459, ~~and~~ chapter 459A, and chapter 459B. Rules adopted by the executive committee before January 1, 1981, shall remain effective until modified or rescinded by action of the commission.

6. Approve all contracts and agreements under this chapter, chapter 459, ~~and~~ chapter 459A, and chapter 459B between the department and other public or private persons or agencies.

8. Hold public hearings, except when the evidence to be received is confidential pursuant to this chapter, chapter 22, chapter 459, ~~or~~ chapter 459A, or chapter 459B, necessary to carry out its powers and duties. The commission may issue subpoenas requiring the attendance of witnesses and the production of evidence pertinent to the hearings. A subpoena shall be issued and enforced in the same manner as provided in civil actions.

Sec. 23. Section 455B.105, subsection 11, paragraph a, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Adopt, by rule, procedures and forms necessary to implement the provisions of this chapter~~,~~

~~chapter~~ and chapters 459, ~~and chapter~~ 459A, and 459B relating to permits, conditional permits, and general permits. The commission may also adopt, by rule, a schedule of fees for permit and conditional permit applications and a schedule of fees which may be periodically assessed for administration of permits and conditional permits. In determining the fee schedules, the commission shall consider:

Sec. 24. Section 455B.109, subsection 5, paragraph b, Code 2009, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) Civil penalties assessed by the department and interest on the civil penalties, arising out of violations involving dry bedded confinement feeding operations under chapter 459B, shall be deposited in the animal agriculture compliance fund as created in section 459.401.

Sec. 25. Section 455B.111, subsection 1, paragraphs a and b, Code 2009, are amended to read as follows:

a. A person, including the state of Iowa, for violating any provision of this chapter; chapter 459, subchapters I, II, III, IV, and VI; chapter 459A; chapter 459B; or a rule adopted pursuant to this chapter; chapter 459, subchapters I, II, III, IV, and VI; ~~or~~ chapter 459A; or chapter 459B.

b. The director, the commission, or any official or employee of the department where there is an alleged failure to perform any act or duty under this chapter; chapter 459, subchapters I, II, III, IV, and VI; chapter 459A; chapter 459B; or a rule adopted pursuant to this chapter; chapter 459, subchapters I, II, III, IV, and VI; ~~or~~ chapter 459A~~,~~; or chapter 459B, which is not a discretionary act or duty.

Sec. 26. Section 455B.111, subsection 5, Code 2009, is amended to read as follows:

5. This section does not restrict any right under statutory or common law of a person or class of person to seek enforcement of provisions of this chapter; chapter 459, subchapters I, II, III, IV, and VI; chapter 459A; chapter 459B; or a rule adopted pursuant to this chapter; chapter 459, subchapters I, II, III, IV, and VI; or chapter 459A~~,~~; chapter 459B; or seek other relief permitted under the law.

Sec. 27. Section 455B.112, Code 2009, is amended to read as follows:

455B.112 ACTIONS BY ATTORNEY GENERAL.

In addition to the duty to commence legal proceedings at the request of the director or commission under this chapter; chapter 459, subchapters I, II, III, IV, and VI; ~~or~~ chapter 459A~~,~~; or chapter 459B, the attorney general may institute civil or criminal proceedings, including an action for injunction, to enforce the provisions of this chapter; chapter 459, subchapters I, II, III, IV, and VI; ~~or~~ chapter 459A; or chapter 459B, including orders or permits issued or rules adopted under this chapter; chapter 459, subchapters I, II, III, IV, and VI; ~~or~~ chapter 459A; or chapter 459B.

Sec. 28. Section 455B.174, subsection 1, Code 2009, is amended to read as follows:

1. Conduct investigations of alleged water pollution or of alleged violations of this part of this division, ~~or~~ chapter 459, subchapter III, chapter 459A, chapter 459B, or any rule adopted or any permit issued pursuant thereto upon written request of any state agency, political subdivision, local board of health, twenty-five residents of the state, as directed by the department, or as may be necessary to accomplish the purposes of this part of this division, ~~or~~ chapter 459, subchapter III, chapter 459A, or chapter 459B.

Sec. 29. Section 455B.175, unnumbered paragraph 1, Code 2009, is amended to read as follows:

If there is substantial evidence that any person has violated or is violating any provision of this part of this division, chapter 459, subchapter III, ~~or~~ chapter 459A, or chapter 459B, or of any rule or standard established or permit issued pursuant thereto; then:

Sec. 30. Section 455B.182, Code 2009, is amended to read as follows:

455B.182 FAILURE CONSTITUTES CONTEMPT.

Failure to obey any order issued by the department with reference to a violation of this part of this division; chapter 459, subchapter III; ~~or~~ chapter 459A; chapter 459B; or any rule promulgated or permit issued pursuant thereto shall constitute prima facie evidence of contempt. In such event the department may certify to the district court of the county in which such alleged disobedience occurred the fact of such failure. The district court after notice, as prescribed by the court, to the parties in interest shall then proceed to hear the matter and if it finds that the order was lawful and reasonable it shall order the party to comply with the order. If the person fails to comply with the court order, that person shall be guilty of contempt and shall be fined not to exceed five hundred dollars for each day that the person fails to comply with the court order. The penalties provided in this section shall be considered as additional to any penalty which may be imposed under the law relative to nuisances or any other statute relating to the pollution of any waters of the state or related to public water supply systems and a conviction under this section shall not be a bar to prosecution under any other penal statute.

Sec. 31. Section 455B.185, Code 2009, is amended to read as follows:

455B.185 DATA FROM DEPARTMENTS.

The commission and the director may request and receive from any department, division, board, bureau, commission, public body, or agency of the state, or of any political subdivision thereof, or from any organization, incorporated or unincorporated, which has for its object the control or use of any of the water resources of the state, such assistance and data as will enable the commission or the director to properly carry out their activities and effectuate the purposes of this part 1 of division III; chapter 459, subchapter III; ~~or~~ chapter 459A; or chapter 459B. The department shall reimburse such agencies for special expense resulting from expenditures not normally a part of the operating expenses of any such agency.

Sec. 32. Section 459.102, subsections 5 and 35, Code 2009, are amended to read as follows:

5. "Animal feeding operation structure" means a confinement building, manure storage structure, dry bedded confinement feeding operation structure as defined in section 459B.102, or egg washwater storage structure.

35. "Manure storage structure" means a formed manure storage structure or an unformed manure storage structure.

a. A manure storage structure includes a dry bedded manure storage structure as defined in section 459B.102.

b. A manure storage structure does not include an egg washwater storage structure.

Sec. 33. Section 459.401, subsection 2, paragraph a, subparagraph (5), Code 2009, is amended to read as follows:

(5) The collection of civil penalties assessed by the department and interest on civil penalties, arising out of violations involving animal feeding operations as provided in sections 459.602, 459.603, ~~and~~ 459A.502, and 459B.402.

Sec. 34. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 26, 2009

CHAPTER 156

INSPECTION AND ASSESSMENT OF HEALTH CARE FACILITIES AND ASSISTED LIVING PROGRAMS

S.F. 433

AN ACT relating to the classification and assessment of violations in health care facilities and assisted living programs and providing penalties.

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

Section 1. NEW SECTION. 135C.16A INSPECTORS — CONFLICTS OF INTEREST.

1. Any of the following circumstances disqualifies an inspector from inspecting a particular health care facility under this chapter:

a. The inspector currently works or, within the past two years, has worked as an employee or employment agency staff at the health care facility, or as an officer, consultant, or agent for the health care facility to be inspected.

b. The inspector has any financial interest or any ownership interest in the facility. For purposes of this paragraph, indirect ownership, such as through a broad-based mutual fund, does not constitute financial or ownership interest.

c. The inspector has an immediate family member who has a relationship with the facility as described in paragraph "a" or "b".

d. The inspector has an immediate family member who currently resides in the facility.

2. For purposes of this section, "immediate family member" means the same as set forth in 42 C.F.R. § 488.301, and includes a husband or wife; natural or adoptive parent, child, or sibling; stepparent, stepchild, or stepsibling; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; or grandparent or grandchild.

Sec. 2. NEW SECTION. 135C.35 TRAINING OF INSPECTORS.

1. Subject to the availability of funding, all nursing facility inspectors shall receive twelve hours of annual continuing education in gerontology, wound care, dementia, falls, or a combination of these subjects.

2. An inspector shall not be personally liable for financing the training required under subsection 1.

3. The department shall consult with the collective bargaining representative of the inspector in regard to the training required under this section.

Sec. 3. Section 135C.36, subsection 2, Code 2009, is amended to read as follows:

2. A Class II violation is one which has a direct or immediate relationship to the health, safety or security of residents of a health care facility, but which presents no imminent danger nor substantial probability of death or physical harm to them. A physical condition or one or more practices within a facility, including either physical abuse of any resident or failure to treat any resident with consideration, respect and full recognition of the resident's dignity and individuality, in violation of a specific rule adopted by the department, may constitute a Class II violation. A violation of section 135C.14, subsection 8, or section 135C.31 and rules adopted under those sections shall be at least a Class II violation and may be a Class I violation. A Class II violation shall be corrected within a stated period of time determined by the department and specified in the citation issued under section 135C.40. The stated period of time specified in the citation may subsequently be modified by the department for good cause shown. A licensee is subject to a penalty of not less than one hundred nor more than five hundred dollars for each Class II violation for which the licensee's facility is cited, however the director may, upon written request of the facility, waive the penalty if the violation is corrected within the time specified in the citation. The department shall adopt rules in accordance with chapter 17A establishing criteria for the granting or denial of a waiver request.

Sec. 4. Section 135C.36, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 4. Any state penalty, including a fine or citation, issued as a result of the federal survey and certification process shall be dismissed if the corresponding federal deficiency or citation is dismissed or removed.

NEW SUBSECTION. 5. If a facility self-identifies a deficient practice prior to the on-site visit inspection, there has been no complaint filed with the department related to that specific deficient practice, and the facility corrects such practice prior to an inspection, no citation shall be issued or fine assessed pursuant to subsection 2 or 3 except for those penalties arising pursuant to section 135C.33; 481 IAC § 57.12(2)(d), 57.12(3), 57.15(5), 57.25(1), 57.39, 58.11(3), 58.14(5), 58.19(2)(a), 58.19(2)(h), 58.28(1)(a), 58.43, 62.9(5), 62.15(1)(a), 62.19(2)(c), 62.19(7), 62.23(23) – (25), 63.11(2)(d), 63.11(3), 63.23(1)(a), 63.37, 64.4(9), 64.33, 64.34, 65.9(5), 65.15, or 65.25(3) – (5), or the successor to any of such rules; or 42 C.F.R. § 483.420(d), 483.460(c)(4), or 483.470(j), or the successor to any of such federal regulations.

Sec. 5. Section 135C.40, subsection 1, Code 2009, is amended to read as follows:

1. If the director determines, based on the findings of an inspection or investigation of a health care facility, that the facility is in violation of this chapter or rules adopted under this chapter, the director within five working days after making the determination, may issue a written citation to the facility. The citation shall be served upon the facility personally, by electronic mail, or by certified mail, except that a citation for a Class III violation may be sent by ordinary mail. Each citation shall specifically describe the nature of the violation, identifying the Code section or subsection or the rule or standard violated, and the classification of the violation under section 135C.36. Where appropriate, the citation shall also state the period of time allowed for correction of the violation, which shall in each case be the shortest period of time the department deems feasible. Failure to correct a violation within the time specified, unless the licensee shows that the failure was due to circumstances beyond the licensee's control, shall subject the facility to a further penalty of fifty dollars for each day that the violation continues after the time specified for correction.

a. If a facility licensed under this chapter is subject to or will be subject to denial of payment including payment for Medicare or medical assistance under chapter 249A, or denial of payment for all new admissions pursuant to 42 C.F.R. § 488.417, and submits a plan of correction relating to a statement of deficiencies or a response to a citation issued under rules adopted by the department and the department elects to conduct an on-site revisit inspection, the department shall commence the revisit inspection within the shortest time feasible of the date that the plan of correction is received, or the date specified within the plan of correction alleging compliance, whichever is later.

b. If the department recommends the issuance of federal remedies pursuant to 42 C.F.R. § 488.406(a)(2) or (a)(3), relating to an inspection conducted by the department, the department shall issue the statement of deficiencies within twenty-four hours of the date that the centers for Medicare and Medicaid services of the United States department of health and human services was notified of the recommendation for the imposition of remedies.

c. The facility shall be provided an exit interview at the conclusion of an inspection and the facility representative shall be informed of all issues and areas of concern related to the deficient practices. The department may conduct the exit interview either in person or by telephone, and a second exit interview shall be provided if any additional issues or areas of concern are identified. The facility shall be provided two working days from the date of the exit interview to submit additional or rebuttal information to the department.

Sec. 6. NEW SECTION. 135C.40A ISSUANCE OF FINAL FINDINGS.

The department shall issue the final findings of an inspection or investigation of a health care facility within ten working days after completion of the on-site inspection or investigation. The final findings shall be served upon the facility personally, by electronic mail, or by certified mail.

Sec. 7. Section 135C.41, subsection 2, Code 2009, is amended to read as follows:

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

Sec. 8. Section 135C.43, subsection 1, Code 2009, is amended to read as follows:

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

Sec. 9. NEW SECTION. 135C.43A REDUCTION OF PENALTY AMOUNT.

If a facility has been assessed a penalty, does not request a formal hearing pursuant to section 135C.43 or withdraws its request for a formal hearing within thirty days of the date that the penalty was assessed, and the penalty is paid within thirty days of the receipt of notice or service, the amount of the penalty shall be reduced by thirty-five percent. The citation which includes the civil penalty shall include a statement to this effect.

Sec. 10. NEW SECTION. 135C.44A DOUBLE FINES FOR INTENTIONAL VIOLATIONS.

The penalties authorized by section 135C.36 shall be doubled for each Class I violation when the violation is due to an intentional act by the facility in violation of a provision of this chapter or a rule of the department.

Sec. 11. Section 231C.2, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 10A. "Significant change" means a major decline or improvement in the tenant's status which does not normally resolve itself without further interventions by staff or by implementing standard disease-related clinical interventions that have an impact on the tenant's mental, physical, or functional health status.

NEW SUBSECTION. 10B. "Substantial compliance" means a level of compliance with this chapter and rules adopted pursuant to this chapter such that any identified insufficiencies pose no greater risk to tenant health or safety than the potential for causing minimal harm. "Substantial compliance" constitutes compliance with the rules of this chapter.

Sec. 12. Section 231C.3, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. Standards for tenant evaluation or assessment, and service plans, which may vary in accordance with the nature of the services provided or the status of the tenant. When a tenant needs personal care or health-related care, the service plan shall be updated within thirty days of occupancy and as needed with significant change, but not less than annually.

Sec. 13. NEW SECTION. 231C.3A MONITORING — CONFLICTS OF INTEREST.

1. Any of the following circumstances disqualifies a monitor from inspecting a particular assisted living program under this chapter:

a. The monitor currently works or, within the past two years, has worked as an employee or employment agency staff at the program, or as an officer, consultant, or agent for the program to be monitored.

b. The monitor has any financial interest or any ownership interest in the program. For purposes of this paragraph, indirect ownership, such as through a broad-based mutual fund, does not constitute financial or ownership interest.

c. The monitor has an immediate family member who has a relationship with the program as described in paragraph "a" or "b".

d. The monitor has an immediate family member who currently resides in the program.

2. For purposes of this section, "immediate family member" means a husband or wife; natural or adoptive parent, child, or sibling; stepparent, stepchild, or stepsibling; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; or grandparent or grandchild.

Sec. 14. Section 231C.10, subsection 1, paragraph f, Code 2009, is amended by striking the paragraph and inserting in lieu thereof the following:

f. Failure to protect tenants from dependent adult abuse as defined in section 235E.1.

Sec. 15. Section 231C.10, subsection 2, Code 2009, is amended to read as follows:

2. The department may as an alternative to denial, suspension, or revocation conditionally issue or continue a certificate dependent upon the performance by the assisted living program of reasonable conditions within a reasonable period of time as set by the department so as to permit the program to commence or continue the operation of the program pending ~~full~~ substantial compliance with this chapter or the rules adopted pursuant to this chapter. If the assisted living program does not make diligent efforts to comply with the conditions prescribed, the department may, under the proceedings prescribed by this chapter, suspend or revoke the certificate. An assisted living program shall not be operated on a conditional certificate for more than one year.

Sec. 16. Section 231C.12, Code 2009, is amended to read as follows:

231C.12 DEPARTMENT NOTIFIED OF CASUALTIES.

The department shall be notified ~~within twenty-four hours~~ no later than the next working day, by the most expeditious means available, of any accident causing ~~substantial~~ major injury or death, and any substantial fire or natural or other disaster occurring at or near an assisted living program.

Sec. 17. Section 231C.14, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. If a program assessed a penalty does not request a formal hearing pursuant to chapter 17A or withdraws its request for a formal hearing within thirty days of the date the penalty was assessed, the penalty shall be reduced by thirty-five percent, if the penalty is paid within thirty days of the issuance of a demand letter issued by the department. The demand letter, which includes the civil penalty, shall include a statement to this effect.

Sec. 18. NEW SECTION. 231C.20 LIMITATION ON PENALTIES.

The department shall not impose duplicate civil penalties for the same set of facts and circumstances. All monitoring revisits by the department shall review the program prospectively from the date of the plan of correction to determine compliance.

Approved May 26, 2009

CHAPTER 157

LAND SURVEYORS — ENTRY UPON PROPERTY

S.F. 435

AN ACT relating to the entry upon land by a surveyor for land survey purposes.

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

Section 1. NEW SECTION. 354.4A ENTRY UPON LAND FOR SURVEY PURPOSES.

1. a. A land surveyor may enter public or private land or water in the state only to occupy, locate, relocate, install, or replace survey monuments, to locate boundaries, rights-of-way, and easements, to determine geodetic positions, and to make surveys and maps and may carry with them their customary equipment and vehicles. A surveyor may not enter buildings or other structures located on the land. Entry under the right granted in this section shall not constitute trespass, and land surveyors shall not be liable to arrest or a civil action by reason of the entry.

b. For purposes of this section, "land surveyor" means a land surveyor licensed pursuant to chapter 542B or a person under the direct supervision of a licensed land surveyor.

c. Vehicular access to perform surveys under this section is limited to established roads and trails, unless approval for other vehicular access is granted by the landowner.

2. A vehicle used for or during entry pursuant to this section shall be identified on the exterior by a legible sign listing the name, address, and telephone number of the land surveyor or the firm employing the land surveyor.

3. Land surveyors shall announce and identify themselves and their intentions before entering upon private property. A land surveyor shall provide written notice to the landowner, or the person who occupies the land as a tenant or lessee, not less than seven days prior to the entry. The notice shall be sent by ordinary mail, postmarked not less than seven days prior to the entry, or delivered personally. A mailing is deemed sufficient if the surveyor mails the required notice to the address of the landowner as contained in the property tax records. For civil liability purposes receipt of this notice shall not be considered consent. This notice is not required for a survey along previously surveyed boundaries within a platted subdivision accepted or recorded by the federal government or an official plat as defined in section 354.2, subsection 12.

3A. The written notice of the pending survey shall contain all of the following:

a. The identity of the party for whom the survey is being performed and the purpose for which the survey will be performed.

b. The employer of the surveyor.

c. The identity of the surveyor.

d. The dates the land will be entered, the time, location, and timetable for such entry, the estimated completion date, and the estimated number of entries that will be required.

4. This section shall not be construed as giving authority to land surveyors to destroy, injure, or damage anything on the lands of another without the written permission of the landowner, and this section shall not be construed as removing civil liability for such destruction, injury, or damage.

5. A land surveyor who enters on private land must comply with all biosecurity and restricted-access protocols established by the owner or occupant of the private land.

A landowner or occupant shall owe the same duty to a land surveyor entering land without the consent of the landowner or occupant as the landowner or occupant would owe to a trespasser on that land.

Approved May 26, 2009

CHAPTER 158

PUBLIC UNDERGRADUATE TUITION AND FEES —
VETERANS, MILITARY PERSONNEL,
AND FAMILIES — RESIDENCY

S.F. 451

AN ACT relating to the definition of resident for purposes of undergraduate tuition and fees for qualified veterans, and certain military persons, and their spouses and dependent children at Iowa's public universities and community colleges.

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

Section 1. Section 260C.14, subsection 14, Code 2009, is amended to read as follows:

14. a. In its discretion, adopt rules relating to the classification of students enrolled in the community college who are residents of Iowa's sister states as residents or nonresidents for tuition and fee purposes.

b. (1) Adopt rules to classify as residents for purposes of tuition and mandatory fees, qualified veterans and qualified military persons and their spouses and dependent children who are domiciled in this state while enrolled in a community college. A spouse or dependent child of a military person or veteran shall not be deemed a resident under this paragraph "b" unless the qualified military person or qualified veteran meets the requirements of subparagraph (2), subparagraph division (b) or (c), as appropriate.

(2) For purposes of this paragraph "b", unless the context otherwise requires:

(a) "Dependent child" means a student who was claimed by a qualified military person or qualified veteran as a dependent on the qualified military person's or qualified veteran's internal revenue service tax filing for the previous tax year.

(b) "Qualified military person" means a person on active duty in the military service of the United States who is stationed at Rock Island arsenal. If the qualified military person is transferred, deployed, or restationed while the person's spouse or child is enrolled in the community college, the spouse or child shall continue to be classified as a resident until the close of the fiscal year in which the spouse or child is enrolled.

(c) "Qualified veteran" means a person who meets the following requirements:

(i) Is eligible for benefits, or has exhausted the benefits, under the federal Post-9/11 Veterans Educational Assistance Act of 2008.

(ii) Is domiciled in this state.

Sec. 2. Section 262.9, subsection 16, Code 2009, is amended to read as follows:

16. a. In its discretion, adopt rules relating to the classification of students enrolled in institutions of higher education under the board who are residents of Iowa's sister states as residents or nonresidents for fee purposes.

b. (1) Adopt rules to classify as residents for purposes of undergraduate tuition and mandatory fees, qualified veterans and qualified military persons and their spouses and dependent children who are domiciled in this state while enrolled in an institution of higher education under the board. A spouse or dependent child of a military person or veteran shall not be deemed a resident under this paragraph "b" unless the qualified military person or qualified veteran meets the requirements of subparagraph (2), subparagraph division (b) or (c), as appropriate.

(2) For purposes of this paragraph "b", unless the context otherwise requires:

(a) "Dependent child" means a student who was claimed by a qualified military person or qualified veteran as a dependent on the qualified military person's or qualified veteran's internal revenue service tax filing for the previous tax year.

(b) "Qualified military person" means a person on active duty in the military service of the United States who is stationed at Rock Island arsenal. If the qualified military person is trans-

ferred, deployed, or restationed while the person's spouse or child is enrolled in an institution of higher education under the control of the board, the spouse or child shall continue to be classified as a resident until the close of the fiscal year in which the spouse or child is enrolled.

(c) "Qualified veteran" means a person who meets the following requirements:

(i) Is eligible for benefits, or has exhausted the benefits, under the federal Post-9/11 Veterans Educational Assistance Act of 2008.

(ii) Is domiciled in this state.

Approved May 26, 2009

CHAPTER 159

IDENTITY THEFT PROTECTION, RECORDED COUNTY DOCUMENTS, AND COUNTY RECORDER FEES

S.F. 465

AN ACT relating to identity theft protection by requiring reporting and by making changes to the duties of county recorders, the fees collected by the county recorders, and the county land record information system.

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

Section 1. Section 331.601A, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 0A. "Batch basis" means the delivery of an accumulation of electronic documents or records recorded or maintained by the county recorder.

NEW SUBSECTION. 1A. "Electronic document" means a document or instrument that is received, processed, disseminated, or maintained in an electronic format. The submission of an electronic document through the county land record information system electronic submission service shall be equivalent to delivery of a document through the United States postal service or by personal delivery at designated offices in each county. Persons who submit electronic documents for recording are responsible for ensuring that the electronic documents comply with all requirements for recording.

Sec. 2. Section 331.603, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. a. The governing board of the county land record information system shall not enter into an agreement to provide access to electronic documents or records on a batch basis. The county recorder may collect reasonable fees for access to electronic documents and records pursuant to an agreement. The fees shall not exceed the actual cost of providing access to the electronic documents and records. "Actual cost" means only those expenses directly attributable to providing access to electronic documents and records. "Actual cost" shall not include costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office of the county recorder or the county land record information system.

b. Electronic documents and records made available under this subsection shall not include personally identifiable information and shall be subjected to a redaction process prior to the transfer of the electronic documents or records to another person pursuant to an agreement under paragraph "a".

Sec. 3. Section 331.604, subsection 3, Code 2009, as amended by 2009 Iowa Acts, Senate File 288,[1] section 6, is amended to read as follows:

3. a. ~~The~~ Each county shall participate in the county land record information system and shall comply with the policies and procedures established by the governing board of the county land record information system.

b. (1) For the period beginning July 1, 2004, and ending June 30, 2009, the county recorder shall also collect a fee of one dollar for each recorded transaction, regardless of the number of pages, for which a fee is paid pursuant to subsection 1 to be used for the purpose set forth in paragraph ~~"c"~~ "d".

(2) For the period beginning July 1, 2009, and ending June 30, 2011, the recorder shall also collect a fee of three dollars for each recorded transaction, regardless of the number of pages, for which a fee is paid pursuant to subsection 1 to be used for the following purposes:

(a) Maintaining the statewide internet website and the county land record information system.

(b) Integrating information contained in documents and records maintained by the recorder and other land record information from other sources with the county land record information system.

(c) Implementing and maintaining a process for redacting personally identifiable information contained in electronic documents that are displayed for public access through an internet website or that are transferred to another person.

(3) Beginning July 1, 2011, the recorder shall also collect a fee of one dollar for each recorded transaction, regardless of the number of pages, for which a fee is paid pursuant to subsection 1 to be used for the purposes in subparagraph (2) and for the following purposes:

(a) Establishing and implementing standards for recording, processing, and archiving electronic documents and records.

(b) Expanding access to records by encouraging electronic indexing and scanning of documents and instruments recorded in prior years.

(4) Notwithstanding subparagraph (2), the fee collected by the recorder under this subsection for recording a plat of survey is one dollar, regardless of the number of pages. For purposes of this subparagraph, "plat of survey" means the same as defined in section 355.1, subsection 9.

(5) Fees collected in excess of the amount needed for the purposes specified in this subsection shall be used by the county land record information system to reduce or eliminate service fees for electronic submission of documents and instruments.

~~b.~~ c. The county treasurer, on behalf of the recorder, shall establish and maintain a county recorder's electronic transaction fund into which all moneys collected pursuant to paragraph ~~"a"~~ "b" shall be deposited. Interest earned on moneys deposited in this fund shall be computed based on the average monthly balance in the fund and shall be credited to the county recorder's electronic transaction fund.

~~c.~~ d. The local government electronic transaction fund is established in the office of the treasurer of state under the control of the treasurer of state. Moneys deposited into the fund are not subject to section 8.33. Notwithstanding section 12C.7, interest or earnings on moneys in the local government electronic transaction fund shall be credited to the fund. Moneys in the local government electronic transaction fund are not subject to transfer, appropriation, or reversion to any other fund, or any other use except as provided in this ~~paragraph "c"~~ subsection. On a monthly basis, the county treasurer shall pay ~~each fee collected pursuant to paragraph "a"~~ the fees deposited into the county recorder's electronic transaction fund to the treasurer of state for deposit into the local government electronic transaction fund. Moneys credited to the local government electronic transaction fund are appropriated to the treasurer of state for the payment of claims approved by the governing board of the county land record information system. ~~Expenditures~~ Except as otherwise provided in this subsection, expenditures from the fund shall be for the purpose of planning and implementing electronic recording and electronic transactions in each county, ~~and~~ developing county and statewide internet

[1] Chapter 27 herein

websites to provide electronic access to records and information, and to pay the ongoing costs of integrating and maintaining the statewide internet website.

~~d.~~ e. The recorder shall make available any information required by the county auditor or auditor of state concerning the fees collected under this subsection for the purposes of determining the amount of fees collected and the uses for which such fees are expended.

Sec. 4. Section 331.605B, subsection 2, Code 2009, is amended to read as follows:

2. A recorder or the governing board of the county land record information system shall collect only statutorily authorized fees for land records management. A recorder or the governing board of the county land record information system shall not collect a fee for viewing, accessing, or printing documents in the county land record information system unless specifically authorized by statute. However, a recorder or the governing board of the county land record information system may collect actual third-party fees associated with accepting and processing statutorily authorized fees, including credit card fees, treasury management fees, and other transaction fees required to enable electronic payment. For the purposes of this subsection, the term "third-party" does not include the county land record information system, the Iowa state association of counties, or any of the association's affiliates.

Sec. 5. Section 331.606, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The recorder shall permanently archive an unaltered version of each recorded document or instrument. A document or instrument may be archived in its original format, as an electronic document, or in another format suitable for preserving information in the document or instrument. A person may view and copy an original or unaltered document or instrument in the office of the recorder.

Sec. 6. Section 331.606A, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. "Redact" or "redaction" means the process of permanently removing all or a portion of personally identifiable information from documents.

Sec. 7. Section 331.606A, subsection 2, Code 2009, is amended to read as follows:

2. INCLUSION OF PERSONALLY IDENTIFIABLE INFORMATION. The preparer of a document shall not include an individual's personally identifiable information in a document that is prepared and presented for recording in the office of the recorder. This subsection shall not apply to documents that were executed by an individual prior to July 1, 2007. ~~Unless provided otherwise by law, all documents described by this section are subject to inspection and copying by the public.~~

Sec. 8. Section 331.606A, subsection 3, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

3. REDACTION FROM ELECTRONIC DOCUMENTS. Personally identifiable information that is contained in electronic documents that are displayed for public access on a website, or which are transferred to any person, shall be redacted prior to displaying or transferring the documents. Each recorder that displays electronic documents and the county land record information system that displays electronic documents on behalf of a county shall implement a system for redacting personally identifiable information. The recorder and the governing board of the county land record information system shall establish a procedure by which individuals may request that personally identifiable information contained in an electronic document displayed on a website be redacted, at no fee to the requesting individual. The requirements of this subsection shall be fully implemented not later than December 31, 2011.

Sec. 9. Section 331.606A, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. DISSEMINATION OF DOCUMENTS. Persons who have contracted with a county recorder or the governing board of the county land record information system to redact personally identifiable information from electronic documents pursuant to

subsection 3 shall not sell, transfer, or otherwise disseminate the electronic documents in an unaltered or redacted form, except as provided for in the contract.

Sec. 10. Section 331.606A, subsection 5, Code 2009, is amended to read as follows:

5. APPLICABILITY.

a. ~~This section~~ Subsection 2 shall not apply to a preparer of a state or federal tax lien or release, a military separation or discharge record, or a death certificate that is prepared for recording in the office of county recorder.

b. Subsection 3 shall not apply to a military separation or discharge record, a birth record, a death certificate, or marriage certificate unless such record or certificate is incorporated within another document or instrument that is recorded and displayed for public access on a website.

c. If a military separation or discharge record or a death certificate is recorded in the office of the county recorder, the military separation or discharge record or the death certificate shall not be ~~accessible through the internet~~ displayed for public access on an internet website, public access terminal or other medium, or be transferred to any person.

Sec. 11. Section 331.606A, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6. LIMITATION OF LIABILITY. The county land record information system is a unit of local government for purposes of chapter 670, relating to tort liability of governmental subdivisions. However, persons who have contracted with the governing board of the county land record information system to carry out the duties of the board are not employees for purposes of chapter 670, relating to tort liability of governmental subdivisions.

Sec. 12. Section 331.606B, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Each document or instrument presented for recording shall meet the requirements of section 331.606A, subsection 2.

Sec. 13. REPORT TO THE GENERAL ASSEMBLY. On or before January 1, 2012, the governing board of the county land record information system shall submit a report to the general assembly. The report shall include a summary of the actions taken by the county recorders and the county land record information system relating to the redaction of personally identifiable information, a detailed financial accounting of the county land record information system, a detailed summary of expenditures made from the local government electronic transaction fund, and an analysis and recommendation regarding the continuance or discontinuance of the fee collected under section 331.604, subsection 3.

Sec. 14. Section 598.21, subsection 2, Code 2009, as amended by 2009 Iowa Acts, Senate File 288,[2] section 36, is amended to read as follows:

2. DUTIES OF COUNTY RECORDER. The county recorder shall record each quitclaim deed or change of title and shall collect the ~~fees~~ fee specified in section 331.507, subsection 2, paragraph "a", and the ~~fee~~ fees specified in section 331.604.[3]

Sec. 15. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.

Approved May 26, 2009

[2] Chapter 27 herein

[3] See also chapter 179, §44 herein

CHAPTER 160

NURSING FACILITIES — QUALITY ASSURANCE ASSESSMENTS
AND PROVIDER REIMBURSEMENTS

S.F. 476

AN ACT relating to a quality assurance assessment program, nursing facility reimbursements, and providing monetary penalties, contingencies, and effective dates.

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

DIVISION I
QUALITY ASSURANCE ASSESSMENT PROGRAM

Section 1. NEW SECTION. 249L.1 TITLE. This chapter shall be known and may be cited as the "Quality Assurance Assessment Program".

Sec. 2. NEW SECTION. 249L.2 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Department" means the department of human services.
2. "Direct care worker" means an employee of a nursing facility who holds a nursing assistant certification, is employed for the purpose of nursing assistance, and provides direct care to residents, regardless of the employee's job title.
3. "Gross revenue" means all revenue reported by the nursing facility for patient care, room, board and services, but does not include contractual adjustments, bad debt, Medicare revenue, or revenue derived from sources other than nursing facility operations including but not limited to nonoperating revenue and other operating revenue.
4. "Medically indigent individual" means an individual eligible for coverage under the medical assistance program who is a resident of a Medicaid-certified nursing facility.
5. "Nonoperating revenue" means income from activities not relating directly to the day-to-day operations of a nursing facility such as gains on the disposal of a facility's assets, dividends, and interest from security investments, gifts, grants, and endowments.
6. "Nursing facility" means a licensed nursing facility as defined in section 135C.1 that is a freestanding facility or a nursing facility operated by a hospital licensed pursuant to chapter 135B, but does not include a distinct-part skilled nursing unit or a swing-bed unit operated by a hospital, or a nursing facility owned by the state or federal government or other governmental unit.
7. "Other operating revenue" means income from nonpatient care services to patients and from sales to and activities for persons other than patients which may include but are not limited to such activities as providing personal laundry service for patients, providing meals to persons other than patients, gift shop sales, or vending machine commissions.
8. "Patient day" means a calendar day of care provided to an individual resident of a nursing facility that is not reimbursed under Medicare, including the date of admission but not including the date of discharge, unless the dates of admission and discharge occur on the same day, in which case the resulting number of patient days is one patient day.
9. "Uniform tax requirement waiver" means a waiver of the uniform tax requirement for permissible health care-related taxes as provided in 42 C.F.R. § 433.68(e)(2)(i) and (ii).

Sec. 3. NEW SECTION. 249L.3 QUALITY ASSURANCE ASSESSMENT — IMPOSED — COLLECTION — DEPOSIT — DOCUMENTATION — CIVIL ACTIONS.

1. a. A nursing facility in this state shall be assessed a quality assurance assessment for each patient day for the preceding quarter.

b. The quality assurance assessment shall be implemented as a broad-based health care-related tax as defined in 42 U.S.C. § 1396b(w)(3)(B).

c. The quality assurance assessment shall be imposed uniformly upon all nursing facilities, unless otherwise provided in this chapter.

d. The aggregate quality assurance assessments imposed under this chapter shall not exceed the lower of three percent of the aggregate non-Medicare revenues of a nursing facility or the maximum amount that may be assessed pursuant to the indirect guarantee threshold as established pursuant to 42 C.F.R. § 433.68(f)(3)(i), and shall be stated on a per patient day basis.

2. The quality assurance assessment shall be paid by each nursing facility to the department on a quarterly basis after the nursing facility's medical assistance payment rates are adjusted to include funds appropriated from the quality assurance trust fund for that purpose. The department shall prepare and distribute a form upon which nursing facilities shall calculate and report the quality assurance assessment. A nursing facility shall submit the completed form with the assessment amount no later than thirty days following the end of each calendar quarter.

3. A nursing facility shall retain and preserve for a period of three years such books and records as may be necessary to determine the amount of the quality assurance assessment for which the nursing facility is liable under this chapter. The department may inspect and copy the books and records of a nursing facility for the purpose of auditing the calculation of the quality assurance assessment. All information obtained by the department under this subsection is confidential and does not constitute a public record.

4. The department shall collect the quality assurance assessment imposed and shall deposit all revenues collected in the quality assurance trust fund created in section 249L.4.

5. If the department determines that a nursing facility has underpaid or overpaid the quality assurance assessment, the department shall notify the nursing facility of the amount of the unpaid quality assurance assessment or refund due. Such payment or refund shall be due or refunded within thirty days of the issuance of the notice.

6. a. A nursing facility that fails to pay the quality assurance assessment within the time frame specified in this section shall pay, in addition to the outstanding quality assurance assessment, a penalty of one and five-tenths percent of the quality assurance assessment amount owed for each month or portion of each month that the payment is overdue. However, if the department determines that good cause is shown for failure to comply with payment of the quality assurance assessment, the department shall waive the penalty or a portion of the penalty.

b. If a quality assurance assessment has not been received by the department by the last day of the month in which the payment is due, the department shall withhold an amount equal to the quality assurance assessment and penalty owed from any payment due such nursing facility under the medical assistance program.

c. The quality assurance assessment imposed under this chapter constitutes a debt due the state and may be collected by civil action, including but not limited to the filing of tax liens, and any other method provided for by law.

d. Any penalty collected pursuant to this subsection shall be credited to the quality assurance trust fund.

7. If federal financial participation to match the quality assurance assessments made under this section becomes unavailable under federal law, the department shall terminate the imposition of the assessments beginning on the date the federal statutory, regulatory, or interpretive change takes effect.

Sec. 4. NEW SECTION. 249L.4 QUALITY ASSURANCE TRUST FUND — LIMITATIONS OF USE — REIMBURSEMENT ADJUSTMENTS TO NURSING FACILITIES.

1. A quality assurance trust fund is created in the state treasury under the authority of the department. Moneys received through the collection of the nursing facility quality assurance assessment imposed under this chapter and any other moneys specified for deposit in the trust fund shall be deposited in the trust fund.

2. Moneys in the trust fund shall be used, subject to their appropriation by the general as-

sembly, by the department only for reimbursement of services for which federal financial participation under the medical assistance program is available to match state funds. Any moneys appropriated from the trust fund for reimbursement of nursing facilities, in addition to the quality assurance assessment pass through and the quality assurance assessment rate add-on which shall be used as specified in subsection 5, paragraph "b", shall be used in a manner such that no less than thirty-five percent of the amount received by a nursing facility is used for increases in compensation and costs of employment for direct care workers, and no less than sixty percent of the total is used to increase compensation and costs of employment for all nursing facility staff. For the purposes of use of such funds, "direct care worker", "nursing facility staff", "increases in compensation", and "costs of employment" mean as defined or specified in this chapter.

3. The trust fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys in the trust fund shall not be considered revenue of the state, but rather shall be funds of the quality assurance assessment program. The moneys deposited in the trust fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except to provide for the purposes of this chapter. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the trust fund shall be credited to the trust fund.

4. The department shall adopt rules pursuant to chapter 17A to administer the trust fund and reimbursements made from the trust fund.

5. a. The determination of medical assistance reimbursements to nursing facilities shall continue to be calculated in accordance with the modified price-based case-mix reimbursement system as specified in 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph "c". In addition, moneys that are appropriated from the trust fund for reimbursements to nursing facilities that serve the medically indigent shall be used to provide the following nursing facility reimbursement rate adjustment increases within the parameters specified:

(1) A quality assurance assessment pass-through. This rate add-on shall account for the cost incurred by the nursing facility in paying the quality assurance assessment, but only with respect to the pro rata portion of the assessment that correlates with the patient days in the nursing facility that are attributable to medically indigent residents.

(2) A quality assurance assessment rate add-on. This rate add-on shall be calculated on a per-patient-day basis for medically indigent residents. The amount paid to a nursing facility as a quality assurance assessment rate add-on shall be ten dollars per patient day.

(3) Nursing facility payments for rebasing pursuant to 2001 Iowa Acts, chapter 192, section 4, subsection 3, paragraph "a", subparagraph (2).

b. (1) It is the intent of the general assembly that priority in expenditure of rate adjustment increases provided to nursing facilities through the quality assurance assessment be related to the compensation and costs of employment for nursing facility staff.

(2) If the sum of the quality assurance assessment pass-through and the quality assurance assessment rate add-on is greater than the total cost incurred by a nursing facility in payment of the quality assurance assessment, no less than thirty-five percent of the difference shall be used to increase compensation and costs of employment for direct care workers and no less than sixty percent of the difference shall be used to increase compensation and costs of employment for all nursing facility staff.

(3) For the purposes of determining what constitutes increases in compensation and costs of employment the following shall apply:

(a) Increases in compensation shall include but are not limited to starting hourly wages, average hourly wages paid, and total wages including both productive and nonproductive wages, and as specified by rule of the department.

(b) Increases in total costs of employment shall include but are not limited to costs of benefit programs with specific reporting for group health plans, group retirement plans, leave benefit plans, employee assistance programs, payroll taxes, workers' compensation, training, education, career development programs, tuition reimbursement, transportation, and child care, and as specified by rule of the department.

(c) Direct care workers and nursing facility staff do not include nursing facility administrators, administrative staff, or home office staff.

(4) Each nursing facility shall submit to the department, information in a form as specified by the department and developed in cooperation with representatives of the Iowa caregivers association, the Iowa health care association, the Iowa association of homes and services for the aging, and the AARP Iowa chapter, that demonstrates compliance by the nursing facility with the requirements for use of the rate adjustment increases and other reimbursements provided to nursing facilities through the quality assurance assessment.

6. The department shall report annually to the general assembly regarding the use of moneys deposited in the trust fund and appropriated to the department.

Sec. 5. EFFECTIVE AND IMPLEMENTATION DATES. This division of this Act takes effect upon enactment. However, actual implementation of this division of this Act shall be in accordance with the following:

1. If the department in consultation with the governor determines that the requests relating to waivers and the medical assistance state plan amendment as described in division II of this Act would adversely affect the existing IowaCare waiver, and the department does not submit such requests to the United States department of health and human services, this division of this Act shall not be implemented.

2. If the department in consultation with the governor determines that the requests relating to waivers and the medical assistance state plan amendment as described in division II of this Act would not adversely affect the existing IowaCare waiver, and does submit such requests to the United States department of health and human services, this division of this Act shall only be implemented if the department receives approval of the requests relating to the waivers and medical assistance state plan amendment as specified in division II of this Act, and in accordance with the provisions specified in division II of this Act.

DIVISION II
DIRECTIVES TO DEPARTMENT OF HUMAN SERVICES AND CONTINGENCIES

Sec. 6. DEFINITIONS. As used in this division of this Act, "department", "nursing facility", "patient day", and "uniform tax requirement waiver" mean as defined in section 249L.2, as enacted in this Act.

Sec. 7. DIRECTIVES TO DEPARTMENT OF HUMAN SERVICES. No later than June 30, 2009, unless the department in consultation with the governor determines that such requests will adversely affect the existing IowaCare waiver, the department shall request approval of all of the following from the United States department of health and human services:

1. An amendment to the terms and conditions of the IowaCare waiver to eliminate the provision in which the state agrees to refrain from imposing any provider tax during the pendency of the demonstration waiver for IowaCare.

2. A uniform tax requirement waiver to allow the state to impose varying levels of taxation on providers based on specified criteria. It is the intent of the general assembly that the uniform tax requirement waiver sought by the department be structured to minimize the negative fiscal impact on nursing facilities.

3. A medical assistance state plan amendment to revise the state nursing facility reimbursement methodology to, in part, allow the medical assistance program to reimburse nursing facilities for the medical assistance portion of the provider tax paid by the nursing facilities.

Sec. 8. CONTINGENCY PROVISIONS. The quality assurance assessment created in this Act shall accrue beginning on the first day of the calendar quarter following the date of approval of the state plan amendment. However, accrued quality assurance assessments shall not be collected prior to completion of both of the following:

1. The approval of the waivers and the medical assistance state plan amendment by the centers for Medicare and Medicaid services of the United States department of health and human services.

2. An appropriation by the general assembly to implement the nursing facility provider reimbursements as provided in this Act.

Sec. 9. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 26, 2009

CHAPTER 161

VOLUNTEER SERVICE PROGRAMS

S.F. 482

AN ACT relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the community programs account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing effective dates.

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

Section 1. NEW SECTION. 15H.5 IOWA SUMMER YOUTH CORPS.

1. For the purposes of this section, "service-learning" means a teaching and learning strategy that integrates meaningful community service with instruction and reflection to enrich the learning experience, teach civic responsibility, and strengthen communities.

2. The Iowa summer youth corps program is established to provide meaningful summer enrichment programming to Iowa youth. The program shall be administered by the Iowa commission on volunteer service using a competitive grant process to implement projects in accordance with program requirements. The commission shall adopt administrative rules for the program, including but not limited to incentives, grant criteria, and grantee selection processes. A percentage of the grants shall be designated by the commission to address the needs of city enterprise zones that meet the distress criteria outlined in section 15E.194.

3. The program shall provide grants for projects that utilize a service-learning approach during the summer months to enhance student achievement and summer learning retention, teach meaningful job skills to Iowa youth, engage Iowa youth in their communities, provide positive youth development experiences, and address the needs of youth from families with low income. The service-learning approach shall be integrated into the program using science, technology, engineering, mathematics, social studies, civic literacy, or other appropriate curricula identified by the department of education.

4. The program shall involve the youth participating in the program in service-learning activities with one or more of the following focuses:

a. Energy conservation in the youth's community, including conducting educational outreach on energy conservation and working to improve energy efficiency in low-income housing and public spaces.

b. Emergency and disaster preparedness.

c. Improving access to and obtaining the benefits from providing computers and other

emerging technologies in underserved and other appropriate areas of counties and cities, including but not limited to low-income communities, senior centers and communities, schools, libraries, and other public settings.

d. Mentoring of middle school youth while involving all participants in service-learning to address unmet human, educational, environmental, public safety, or emergency disaster preparedness needs in the participants' community.

e. Establishing or implementing summer of service projects during the summer months. Budgeting for a summer of service project shall include the cost of recruitment, training, and placement of service-learning coordinators. A summer of service project shall comply with all of the following requirements:

(1) Youth participating in a project will be enrolled in grades six through twelve in the school year which begins immediately following the end of a project.

(2) The focus of each project shall be community-based service-learning activities that address unmet human, educational, environmental, emergency and disaster preparedness, and public service needs. Environmental needs addressed may include energy conservation, water quality, and land stewardship.

(3) The activities for each project shall be intensive, structured, supervised, and designed to produce identifiable improvements to the community. The activities may include the extension of school year service-learning programs into the summer months.

f. Performing community improvement projects, which may include but are not limited to a green corps program activity under section 15H.6 or other youth training program.

5. a. Funding for the Iowa summer youth corps program and the Iowa green corps program established pursuant to section 15H.6 shall be obtained from private sector, and local, state, and federal government sources, or from other available funds credited to the community programs account, which shall be created within the department of economic development under the authority of the commission. Moneys available in the account for a fiscal year are appropriated to the commission to be used for the programs.

b. The commission shall manage the program in a manner to maximize the leveraging of federal, local, and private funding opportunities that increase or amplify program impact and service-learning opportunities. The commission shall also encourage collaboration with, and utilization of, other national, local, and nonprofit programs engaged in community service or addressing the needs of youth from families with low income.

c. The commission shall give priority consideration to approving those projects that target communities that have disproportionately high rates of juvenile crime or low rates of high school graduation or that have been designated as city enterprise zones that meet the distress criteria outlined in section 15E.194.

d. The commission shall include progress information concerning implementation of the program in the quarterly reports made to the governor and the general assembly in accordance with section 15H.2.

6. a. Notwithstanding any contrary provision of chapter 8A, subchapter IV, or chapter 96, a person participating in the Iowa summer youth corps program shall be exempt from merit system requirements and shall not be eligible to receive unemployment compensation benefits.

b. If a stipend is provided to a youth participating in the program, the youth shall be age fourteen through eighteen.

c. A youth participating in a summer of service project that either has an education award or no compensation shall comply with the grade level requirements specified for summer of service project participation.

d. A project that uses funding for an AmeriCorps young adult component within the project design shall limit participation in the component to young persons who are age sixteen through twenty-four at the time of enrollment in the project.

Sec. 2. NEW SECTION. 15H.6 IOWA GREEN CORPS PROGRAM.

1. The Iowa commission on volunteer service, in collaboration with the department of natu-

ral resources, the department of workforce development, the office of energy independence, and the utilities board of the department of commerce shall establish an Iowa green corps program. The commission shall work with the collaborating agencies and nonprofit agencies in developing a strategy for attracting additional financial resources for the program from other sources which may include but are not limited to utilities, private sector, and local, state, and federal government funding sources. The financial resources received shall be credited to the community programs account created pursuant to section 15H.5.

2. The program shall utilize AmeriCorps or Iowa summer youth corps program volunteers to provide capacity building activities, training, and implementation of major transformative projects in communities. The project selection shall emphasize energy efficiency, historic preservation, neighborhood development, and storm water reduction and management.

3. The capacity building activities shall be targeted in communities that are already working with existing community improvement programs, including but not limited to the Iowa great places program established under section 303.3C, the green streets and main street Iowa programs administered by the department of economic development, and disaster remediation activities by communities located within an area declared to be a disaster area in a declaration issued by the president of the United States or the governor.

Sec. 3. Section 422.7, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 23. Subtract, to the extent included, the amount of federal Segal AmeriCorps education award payments.

Sec. 4. EFFECTIVE DATES — APPLICABILITY.

1. Except as provided in subsection 2, this Act, being deemed of immediate importance, takes effect upon enactment.

2. The provision of this Act amending section 422.7 takes effect January 1, 2010, and is applicable on or after that date.

Approved May 26, 2009

CHAPTER 162

LOCAL GOVERNMENT BOARDS, COMMISSIONS, COMMITTEES, AND COUNCILS — GENDER BALANCE

H.F. 243

AN ACT providing for gender balance on local boards, commissions, committees, and councils, and including an applicability provision.

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

Section 1. Section 69.16A, Code 2009, is amended to read as follows:

69.16A GENDER BALANCE.

1. All appointive boards, commissions, committees, and councils of the state established by the Code, if not otherwise provided by law, shall be gender balanced. No person shall be appointed or reappointed to any board, commission, committee, or council established by the Code if that appointment or reappointment would cause the number of members of the board, commission, committee, or council of one gender to be greater than one-half the membership of the board, commission, committee, or council plus one if the board, commission, committee, or council is composed of an odd number of members. If the board, commission, committee,

or council is composed of an even number of members, not more than one-half of the membership shall be of one gender. If there are multiple appointing authorities for a board, commission, committee, or council, they shall consult each other to avoid a violation of this section. ~~This section shall not prohibit an individual from completing a term being served on June 30, 1987.~~

2. All appointive boards, commissions, committees, and councils of a political subdivision of the state that are established by the Code, if not otherwise provided by law, shall be gender balanced as provided by subsection 1 unless the political subdivision has made a good faith effort to appoint a qualified person to fill a vacancy on a board, commission, committee, or council in compliance with subsection 1 for a period of three months but has been unable to make a compliant appointment. In complying with the requirements of this subsection, political subdivisions shall utilize a fair and unbiased method of selecting the best qualified applicants. This subsection shall not prohibit an individual whose term expires prior to January 1, 2012, from being reappointed even though the reappointment continues an inequity in gender balance.

Sec. 2. APPLICABILITY. This Act is applicable to appointive boards, commissions, committees, and councils of a political subdivision of the state on and after January 1, 2012.

Approved May 26, 2009

CHAPTER 163

ASSISTIVE OR SERVICE ANIMALS

H.F. 488

AN ACT relating to assistive or service animals including provisions relating to persons controlling the assistive animal and including the maintenance of service animals as an eligible service reimbursable under the home and community-based services waivers.

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

Section 1. Section 216C.11, subsection 2, Code 2009, is amended to read as follows:

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

Sec. 2. SERVICE ANIMALS — ELIGIBLE SERVICE UNDER MEDICAL ASSISTANCE HOME AND COMMUNITY-BASED SERVICES WAIVERS.

1. The department of human services shall submit an amendment to the centers for Medicare and Medicaid services of the United States department of health and human services to add the maintenance of a service animal as an eligible service reimbursable under the medical assistance home and community-based services waivers.

2. For the purposes of this section:

a. "Maintenance of a service animal" means the provision of ancillary care for a service animal if specifically related to the health and maintenance of the service animal.

b. "Service animal" means an animal professionally trained and certified by a recognized certification entity to assist a person with a disability in meeting specific personal care needs or engaging in daily activities.

3. If the amendment is approved, the department shall adopt rules pursuant to chapter 17A to implement this section. The rules shall provide all of the following:

a. Reimbursement of the costs of maintenance of a service animal may be subject to prior authorization.

b. Reimbursement of the costs of maintenance of a service animal shall be limited to no more than five hundred dollars per year for an individual waiver recipient.

c. The process for receiving reimbursement for the maintenance of a service animal.

Approved May 26, 2009

CHAPTER 164

VETERAN — DEFINITION AND RELATED CHANGES

H.F. 503

†**AN ACT** concerning the definition of veteran and providing an effective date.

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

Section 1. Section 35.1, subsection 2, Code 2009, is amended to read as follows:

2. "Veteran" means any of the following:

a. ~~"Veteran" means a~~ A resident of this state who served in the armed forces of the United States at any time during the following dates and who was discharged under honorable conditions:

(1) World War I from April 6, 1917, through November 11, 1918.

(2) Occupation of Germany from November 12, 1918, through July 11, 1923.

(3) American expeditionary forces in Siberia from November 12, 1918, through April 30, 1920.

(4) Second Haitian suppression of insurrections from 1919 through 1920.

(5) Second Nicaragua campaign with marines or navy in Nicaragua or on combatant ships from 1926 through 1933.

(6) Yangtze service with navy and marines in Shanghai or in the Yangtze valley from 1926 through 1927 and 1930 through 1932.

(7) China service with navy and marines from 1937 through 1939.

(8) World War II from December 7, 1941, through December 31, 1946.

(9) Korean Conflict from June 25, 1950, through January 31, 1955.

(10) Vietnam Conflict from February 28, 1961, through May 7, 1975.

(11) Lebanon or Grenada service from August 24, 1982, through July 31, 1984.

(12) Panama service from December 20, 1989, through January 31, 1990.

(13) Persian Gulf Conflict from August 2, 1990, through the date the president or the Congress of the United States declares a cessation of hostilities. However, if the United States Congress enacts a date different from August 2, 1990, as the beginning of the Persian Gulf Conflict for purposes of determining whether a veteran is entitled to receive military benefits as a veteran of the Persian Gulf Conflict, that date shall be substituted for August 2, 1990.

b. ~~"Veteran" includes the following persons:~~

(1) Former members of the reserve forces of the United States who served at least twenty

† Estimate of additional local revenue expenditures required by state mandate on file with the Secretary of State

years in the reserve forces and who were discharged under honorable conditions. However, a member of the reserve forces of the United States who completed a minimum aggregate of ninety days of active federal service, other than training, and was discharged under honorable conditions, or was retired under Title X of the United States Code shall be included as a veteran.

(2) Former members of the Iowa national guard who served at least twenty years in the Iowa national guard and who were discharged under honorable conditions. However, a member of the Iowa national guard who was activated for federal duty, other than training, for a minimum aggregate of ninety days, and was discharged under honorable conditions or was retired under Title X of the United States Code shall be included as a veteran.

(3) Former members of the active, oceangoing merchant marines who served during World War II at any time between December 7, 1941, and December 31, 1946, both dates inclusive, who were discharged under honorable conditions.

(4) Former members of the women's air force service pilots and other persons who have been conferred veterans status based on their civilian duties during World War II in accordance with federal Pub. L. No. 95-202, 38 U.S.C. § 106.

(5) Former members of the armed forces of the United States if any portion of their term of enlistment would have occurred ~~within~~ during the time period ~~specified in paragraph "a", subparagraph (9)~~ of the Korean Conflict from June 25, 1950, through January 31, 1955, but who instead opted to serve five years in the reserve forces of the United States, as allowed by federal law, and who were discharged under honorable conditions.

(6) Members of the reserve forces of the United States who have served at least twenty years in the reserve forces and who continue to serve in the reserve forces.

(7) Members of the Iowa national guard who have served at least twenty years in the Iowa national guard and who continue to serve in the Iowa national guard.

c. A resident of this state who served on active federal service, other than training, in the armed forces of the United States and who was discharged under honorable conditions.

Sec. 2. Section 35A.13, subsection 1, Code 2009, is amended by striking the subsection.

Sec. 3. Section 426A.11, subsection 2, Code 2009, is amended to read as follows:

2. The property, not to exceed one thousand eight hundred fifty-two dollars in taxable value of an honorably separated, retired, furloughed to a reserve, placed on inactive status, or discharged veteran, as defined in section 35.1, subsection 2, paragraph "a" or "b".

Sec. 4. Section 426A.12, Code 2009, is amended to read as follows:

426A.12 EXEMPTIONS TO RELATIVES.

1. In case any person in the foregoing classifications does not claim the exemption from taxation, it shall be allowed in the name of the person to the same extent on the property of any one of the following persons in the order named:

~~1.~~ a. The spouse, or surviving spouse remaining unmarried, of a veteran, as defined in this chapter or in section 35.1, subsection 2, paragraph "a" or "b", where they are living together or were living together at the time of the death of the veteran.

~~2.~~ b. The parent whose spouse is deceased and who remains unmarried, of a veteran, as defined in this chapter or in section 35.1, subsection 2, paragraph "a" or "b", whether living or deceased, where the parent is, or was at the time of death of the veteran, dependent on the veteran for support.

~~3.~~ c. The minor child, or children owning property as tenants in common, of a deceased veteran, as defined in this chapter or in section 35.1, subsection 2, paragraph "a" or "b".

2. No more than one tax exemption shall be allowed under this section or section 426A.11 in the name of a veteran, as defined in this chapter or in section 35.1, subsection 2, paragraph "a" or "b".

Sec. 5. Section 523I.304, subsection 7, Code 2009, is amended to read as follows:

7. A cemetery owned and controlled by a governmental subdivision shall adopt and enforce

a rule allowing any veteran who is a landowner or who lives within the governmental subdivision to purchase an interment space and to be interred within the cemetery. For the purposes of this section, "veteran" means the same as defined in section 35.1 ~~or a resident of this state who served in the armed forces of the United States, completed a minimum aggregate of ninety days of active federal service, and was discharged under honorable conditions~~.

Sec. 6. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.

Sec. 7. EFFECTIVE DATE. This Act takes effect July 1, 2010.

Approved May 26, 2009

CHAPTER 165

PUBLIC SAFETY — COMMUNICATIONS
AND EMERGENCY SERVICES

H.F. 671

AN ACT relating to public safety by providing volunteer emergency services providers protection from employment termination, providing for the membership of the public safety communications interoperability board, providing for modifications in the boundaries of emergency response districts, and including effective and retroactive applicability date provisions.

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

Section 1. Section 80.28, subsection 2, paragraph b, unnumbered paragraph 1, Code 2009, as amended by 2009 Iowa Acts, Senate File 108,[1] section 1, is amended to read as follows:

~~The following members, to be appointed by the governor from nominees submitted by volunteer and professional organizations associated with the following~~ The governor shall solicit and consider recommendations from professional or volunteer organizations in appointing the following members:

Sec. 2. NEW SECTION. 100B.14 VOLUNTEER JOB PROTECTION.

1. This section shall be known as the "Volunteer Emergency Services Providers Job Protection Act".

2. For the purposes of this section, "volunteer emergency services provider" means a volunteer fire fighter as defined in section 85.61, a reserve peace officer as defined in section 80D.1A, an emergency medical care provider as defined in section 147A.1, or other personnel having voluntary emergency service duties and who are not paid full-time by the entity for which the services are performed in the local service area, in a mutual aid agreement area, or in a governor-declared state of disaster emergency area.

3. A public or private employer shall not terminate the employment of an employee for joining a volunteer emergency services unit or organization, including but not limited to any municipal, rural, or subscription fire department.

4. If an employee has provided the employee's public or private employer with written notification that the employee is a volunteer emergency services provider, the employer shall not terminate the employment of a volunteer emergency services provider who, because the em-

[1] Chapter 14 herein

ployee was fulfilling the employee's duties as a volunteer emergency services provider, is absent from or late to work.

5. An employer may deduct from an employee's regular pay an amount of regular pay for the time that an employee who is a volunteer emergency services provider is absent from work while performing duties as a volunteer emergency services provider.

6. An employer may request that an employee who is a volunteer emergency services provider and who is absent from or late to work while responding to an emergency provide the employer with a written statement from the supervisor or acting supervisor of the volunteer emergency services unit or organization stating that the employee responded to an emergency and stating the date and time of the emergency.

7. An employee who is a volunteer emergency services provider and who may be absent from or late to work while performing duties as a volunteer emergency services provider shall notify the employer as soon as possible that the employee may be absent or late.

8. An employer shall determine whether an employee may leave work to respond to an emergency as part of the employee's volunteer emergency services provider duties.

9. An employee whose employment is terminated in violation of this section may bring a civil action against the employer. The employee may seek reinstatement to the employee's former position, payment of back wages, reinstatement of fringe benefits, and, where seniority rights are granted, reinstatement of seniority rights. If the employee prevails in such an action, the employee shall be entitled to an award of reasonable attorney fees and the costs of the action. An employee must commence such an action within one year after the date of termination of the employee's employment.

Sec. 3. Section 357J.4, Code 2009, is amended to read as follows:

357J.4 DISTRICT — BOUNDARY CHANGES.

1. The boundary lines of a district may include any incorporated or unincorporated areas within a county.

2. The boundary lines of a district shall not be changed after the district is established except as provided in this subsection.

a. The boundary lines of a district shall be changed and shall become effective immediately upon approval of all of the following:

(1) The commission.

(2) The board of township trustees of the area proposed to be included or excluded from the district.

(3) The district fire chief.

(4) The assistant fire chief who is responsible for delivery of fire protection service and emergency medical service within the area proposed to be excluded from the district, if applicable.

(5) The fire chief of a fire department in the area proposed to be included in the district, if applicable.

b. The boundary lines of a district shall be changed to exclude a city or the unincorporated areas of a township if the commission receives a written request from the governing body of the city or the board of township trustees, as applicable, requesting exclusion from the district. However, a boundary change under this paragraph shall become effective no earlier than eighteen months following receipt of the written request.

Sec. 4. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. The section of this Act amending section 80.28, being deemed of immediate importance, takes effect upon enactment and applies retroactively to March 19, 2009. The section of this Act amending section 357J.4, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2008.

Approved May 26, 2009

CHAPTER 166

MORTGAGE FORECLOSURE AND
INSTALLMENT CONTRACT PROTECTIONS
FOR NATIONAL GUARD AND ARMED FORCES MEMBERS

H.F. 706

AN ACT relating to and publicizing mortgage foreclosure and real estate obligation protections for members of the national guard, and the reserve or regular component of the armed forces of the United States in active duty service, and providing a penalty.

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

Section 1. Section 29A.102, subsection 3, Code 2009, is amended to read as follows:

3. A person who knowingly repossesses property which is the subject of this section, other than as provided in subsection 1, commits a ~~simple~~ serious misdemeanor.

Sec. 2. Section 29A.103, subsection 4, Code 2009, is amended to read as follows:

4. A person who knowingly forecloses on property that is the subject of this section, other than as provided in subsection 1, commits a ~~simple~~ serious misdemeanor.

Sec. 3. NEW SECTION. 654.17B MILITARY FORECLOSURE PROTECTION — NOTICE.

1. Except as provided under chapter 29A, or the federal Servicemembers Civil Relief Act of 2003, 50 U.S.C. app. 532 and 533, a creditor shall not initiate a proceeding to enforce an obligation payable under its terms in installments under a contract for the purchase of real estate, or secured by a mortgage or other instrument in the nature of a mortgage upon real estate, against a borrower, or a borrower's dependents, who is a member of the national guard or a member of the reserve or regular component of the armed forces of the United States in active duty service. Enforcement of an obligation shall not be permitted under the following circumstances:

a. The borrower is a member of the national guard and has been afforded protection under the Iowa national guard civil relief provisions contained in chapter 29A, subchapter VI. A creditor who enforces an obligation in violation of chapter 29A, subchapter VI, is subject to applicable penalty provisions contained in sections 29A.102 and 29A.103.

b. The borrower is a member of the reserve or regular component of the armed forces of the United States in active duty service and has been afforded protection under the federal Servicemembers Civil Relief Act of 2003, 50 U.S.C. app 532 and 533. A creditor who enforces an obligation in violation of the federal Act is subject to applicable penalty provisions contained in the federal Act.

2. The department of veterans affairs and the department of commerce shall coordinate to develop a procedure to inform or notify members of the national guard, reserve, or regular component of the armed forces of the United States, and financial institutions as defined in section 12C.1, of the protections referenced in subsection 1. The notification procedure shall include, at a minimum, posting the information on an official internet site maintained by each department.

Approved May 26, 2009

CHAPTER 167

CONSUMER FRAUD — PRIVATE RIGHT OF ACTION

H.F. 712

AN ACT relating to a private right of action for certain consumer fraud violations and including an applicability provision.

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

Section 1. NEW SECTION. 714H.1 TITLE.

This chapter shall be known and may be cited as the "Private Right of Action for Consumer Frauds Act".

Sec. 2. NEW SECTION. 714H.2 DEFINITIONS.

1. "Actual damages" means all compensatory damages proximately caused by the prohibited practice or act that are reasonably ascertainable in amount. "Actual damages" does not include damages for bodily injury, pain and suffering, mental distress, or loss of consortium, loss of life, or loss of enjoyment of life.
2. "Advertisement" means the same as defined in section 714.16.
3. "Consumer" means a natural person or the person's legal representative.
4. "Consumer merchandise" means merchandise offered for sale or lease, or sold or leased, primarily for personal, family, or household purposes.
5. "Deception" means an act or practice that is likely to mislead a substantial number of consumers as to a material fact or facts.
6. "Merchandise" means the same as defined in section 714.16.
7. "Person" means the same as defined in section 714.16.
8. "Sale" means any sale or offer for sale of consumer merchandise for cash or credit.
9. "Unfair practice" means the same as defined in section 714.16.

Sec. 3. NEW SECTION. 714H.3 PROHIBITED PRACTICES AND ACTS.

1. A person shall not engage in a practice or act the person knows or reasonably should know is an unfair practice, deception, fraud, false pretense, or false promise, or the misrepresentation, concealment, suppression, or omission of a material fact, with the intent that others rely upon the unfair practice, deception, fraud, false pretense, false promise, misrepresentation, concealment, suppression, or omission in connection with the advertisement, sale, or lease of consumer merchandise, or the solicitation of contributions for charitable purposes. For the purposes of this chapter, a claimant alleging an unfair practice, deception, fraud, false pretense, false promise, or misrepresentation must prove that the prohibited practice related to a material fact or facts. "Solicitations of contributions for charitable purposes" does not include solicitations made on behalf of a political organization as defined in section 13C.1, solicitations made on behalf of a religious organization as defined in section 13C.1, solicitations made on behalf of a state, regionally, or nationally accredited college or university, or solicitations made on behalf of a nonprofit foundation benefiting a state, regionally, or nationally accredited college or university subject to section 509(a)(1) or 509(a)(3) of the Internal Revenue Code of 1986.
2. A person shall not engage in any practice or act that is in violation of any of the following:
   a. Section 321.69.
   b. Chapter 516D.
   c. Section 516E.5, 516E.9, or 516E.10.
   d. Chapter 555A.
   e. Section 714.16, subsection 2, paragraphs "b" through "n".
   f. Chapter 714A.

Sec. 4. NEW SECTION. 714H.4 EXCLUSIONS.

1. This chapter shall not apply to any of the following:

a. Merchandise offered or provided by any of the following persons, including business entities organized under Title XII by those persons and the officers, directors, employees, and agents of those persons or business entities, pursuant to a profession or business for which they are licensed or registered:

(1) Insurance companies subject to Title XIII.

(2) Attorneys licensed to practice law in this state.

(3) Financial institutions which includes any bank incorporated under the provisions of any state or federal law, any savings and loan association or savings bank incorporated under the provisions of any state or federal law, and any credit union organized under the provisions of any state or federal law, and any affiliate or subsidiary of a bank, savings and loan association, savings bank, or credit union.

(4) Persons or facilities licensed, certified, or registered under chapters 135B, 135C, 135J, 148, 148A, 148B, 148C, 149, 151, 152, 152A, 152B, 153, 154, 154B, 154C, 154D, 155A, 156, 169, 522B, 542, 542B, 543B, 544A, or 544B.

b. Advertising by a retailer for a product, other than a drug or other product claiming to have a health-related benefit or use, if the advertising is prepared by a supplier, unless the retailer participated in the preparation of the advertisement or knew or should have known that the advertisement was deceptive, false, or misleading.

c. In connection with an advertisement that violates this chapter, the newspaper, magazine, publication, or other print media in which the advertisement appears, including the publisher of the newspaper, magazine, publication, or other print media in which the advertisement appears, or the radio station, television station, or other electronic media which disseminates the advertisement, including an employee, agent, or representative of the publisher, newspaper, magazine, publication or other print media, or the radio station, television station, or other electronic media.

d. The provision of local exchange carrier telephone service pursuant to a certificate issued under section 476.29.

e. Public utilities as defined in section 476.1 that furnish gas by a piped distribution system or electricity to the public for compensation.

f. Any advertisement that complies with the statutes, rules, and regulations of the federal trade commission.

g. Conduct that is required or permitted by the orders or rules of, or a statute administered by, a federal, state, or local governmental agency.

h. An affirmative act that violates this chapter but is specifically required by other applicable law, to the extent that the actor could not reasonably avoid a violation of this chapter.

i. In any action relating to a charitable solicitation, an individual who has engaged in the charitable solicitation as an unpaid, uncompensated volunteer and who does not receive monetary gain of any sort from engaging in the solicitation.

j. The provision of cable television service or video service pursuant to a franchise under section 364.2 or 477A.2.

k. A corporation holding one or more industrial loan licenses pursuant to chapter 536A and employing fewer than sixty full-time employees or a corporation holding one or more regulated loan licenses pursuant to chapter 536 and employing fewer than sixty full-time employees. For purposes of this paragraph, "corporation" means the same as defined in section 536A.2.

2. "Material fact" as used in this chapter does not include repairs of damage to, adjustments on, or replacements of parts with new parts of otherwise new merchandise if the repairs, adjustments, or replacements are made to achieve compliance with factory specifications and are made before sale of the merchandise at retail and the actual cost of any labor and parts charged to or performed by a retailer for any such repairs, adjustments, and parts does not exceed three hundred dollars or ten percent of the actual cost to a retailer including freight of the merchandise, whichever is less, provided that the seller posts in a conspicuous place notice that repairs, adjustments, or replacements will be disclosed upon request. The exclusion pro-

vided in this subsection does not apply to the concealment, suppression, or omission of a material fact if the purchaser requests disclosure of any repair, adjustment, or replacement.

Sec. 5. NEW SECTION. 714H.5 PRIVATE RIGHT OF ACTION.

1. A consumer who suffers an ascertainable loss of money or property as the result of a prohibited practice or act in violation of this chapter may bring an action at law to recover actual damages. The court may order such equitable relief as it deems necessary to protect the public from further violations, including temporary and permanent injunctive relief.

2. If the court finds that a person has violated this chapter and the consumer is awarded actual damages, the court shall award to the consumer the costs of the action and to the consumer's attorney reasonable fees. Reasonable attorney fees shall be determined by the value of the time reasonably expended by the attorney including but not limited to consideration of the following factors:

a. The time and labor required.

b. The novelty and difficulty of the issues in the case.

c. The skills required to perform the legal services properly.

d. The preclusion of other employment by the attorney due to the attorney's acceptance of the case.

e. The customary fee.

f. Whether the fee is fixed or contingent.

g. The time limitations imposed by the client or the circumstances of the case.

h. The amount of money involved in the case and the results obtained.

i. The experience, reputation, and ability of the attorney.

j. The undesirability of the case.

k. The nature and length of the professional relationship between the attorney and the client.

l. Attorney fee awards in similar cases.

3. In order to recover damages, a claim under this section shall be proved by a preponderance of the evidence.

4. If the finder of fact finds by a preponderance of clear, convincing, and satisfactory evidence that a prohibited practice or act in violation of this chapter constitutes willful and wanton disregard for the rights or safety of another, in addition to an award of actual damages, statutory damages up to three times the amount of actual damages may be awarded to a prevailing consumer.

5. An action pursuant to this chapter must be brought within two years of the occurrence of the last event giving rise to the cause of action under this chapter or within two years of the discovery of the violation of this chapter by the person bringing the action, whichever is later.

6. This section shall not affect a consumer's right to seek relief under any other theory of law.

7. A person shall not be held liable in any action brought under this section for a violation of this chapter if the person shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid the error.

Sec. 6. NEW SECTION. 714H.6 ATTORNEY GENERAL NOTIFICATION.

1. A party filing a petition, counterclaim, cross-petition, or pleading, or any count thereof, in intervention alleging a violation under this chapter, within seven days following the date of filing such pleading, shall provide a copy to the attorney general and, within seven days following entry of any final judgment in the action, shall provide a copy of the judgment to the attorney general.

2. A party appealing to district court a small claims order or judgment involving an issue raised under this chapter, within seven days of providing notice of the appeal, shall notify the attorney general in writing and provide a copy of the pleading raising the issue and a copy of the small claims court order or judgment.

3. A party appealing an order or judgment involving an issue raised under this chapter, within seven days following the date such notice of appeal is filed with the court, shall notify the attorney general in writing and provide a copy of the pleading raising the issue and a copy of the court order or judgment being appealed.

4. Upon timely application to the court in which an action involving an issue raised under this chapter is pending, the attorney general may intervene as a party at any time or may be heard at any time. The attorney general's failure to intervene shall not preclude the attorney general from bringing a separate enforcement action.

5. All copies of pleadings, orders, judgments, and notices required by this section to be sent to the attorney general shall be sent by certified mail unless the attorney general has previously been provided such copies of pleadings, orders, judgments, or notices in the same action by certified mail, in which case subsequent mailings may be made by regular mail. Failure to provide the required mailings to the attorney general shall not be grounds for dismissal of an action under this chapter, but shall be grounds for a subsequent action by the attorney general to vacate or modify the judgment.

Sec. 7. NEW SECTION. 714H.7 CLASS ACTIONS.

A class action lawsuit alleging a violation of this chapter shall not be filed with a court unless it has been approved by the attorney general. The attorney general shall approve the filing of a class action lawsuit alleging a violation of this chapter unless the attorney general determines that the lawsuit is frivolous. This section shall not affect the requirements of any other law or of the Iowa rules of civil procedure relating to class action lawsuits.

Sec. 8. NEW SECTION. 714H.8 SEVERABILITY CLAUSE.

If any provision of this chapter or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Sec. 9. APPLICABILITY. This Act applies to causes of actions accruing on or after the effective date of this Act.

Approved May 26, 2009

CHAPTER 168

PUBLIC POSTSECONDARY EDUCATION
ARTICULATION INFORMATION AND AGREEMENTS

H.F. 815

AN ACT relating to articulation agreements between public postsecondary institutions and to the dissemination of articulation information.

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

Section 1. Section 256.9, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 61. Develop and implement a plan to provide, at least twice annually to all principals and guidance counselors employed by school districts and accredited nonpublic schools, notice describing how students can find and use the articulation information available on the website maintained by the state board of regents. The plan shall include suggested

methods for elementary and secondary schools and community colleges to effectively communicate information about the articulation website to the following:

a. To all elementary and secondary school students interested in or potentially interested in attending a community college or institution of higher education governed by the state board of regents.

b. To all community college students interested in or potentially interested in admission to a baccalaureate degree program offered by an institution of higher education governed by the state board of regents.

Sec. 2. Section 260C.14, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 23. Enter into a collective statewide articulation agreement with the state board of regents pursuant to section 262.9, subsection 32, which shall provide for the seamless transfer of academic credits from a completed associate of arts or associate of science degree program offered by a community college to a baccalaureate degree program offered by an institution of higher education governed by the state board of regents. The board shall also do the following:

a. Identify a transfer and articulation contact office or person, publicize transfer and articulation information and the contact office or person, and submit the contact information to the state board of regents, which shall publish the contact information on its articulation website.

b. Collaborate with the state board of regents to meet the requirements specified in section 262.9, subsection 32, including but not limited to developing a systematic process for expanding academic discipline and meetings between the community college faculty and faculty of the institutions of higher education governed by the state board of regents, developing criteria to prioritize core curriculum areas, promoting greater awareness of articulation-related activities, facilitating additional opportunities for individual institutions to pursue program articulation agreements for career and technical educational programs, and developing and implementing a process to examine a minimum of eight new associate of applied science degree programs for which articulation agreements would serve students' continued academic success in those degree programs.

Sec. 3. Section 262.9, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 32. In consultation with the state board for community colleges established pursuant to section 260C.3, establish and enter into a collective statewide articulation agreement with the community colleges established pursuant to chapter 260C, which shall provide for the seamless transfer of academic credits from a completed associate of arts or associate of science degree program offered by a community college to a baccalaureate degree program offered by an institution of higher education governed by the board. The board shall also do the following:

a. Require each of the institutions of higher education governed by the board to identify a transfer and articulation contact office or person, publicize transfer and articulation information and the contact office or person, and submit the contact information to the board for publication on its articulation website.

b. Develop, in collaboration with the boards of directors of the community colleges, a systematic process for expanding academic discipline and meetings between the community college faculty and faculty of the institutions of higher education governed by the board. The board shall conduct and jointly administer with the boards of directors of the community colleges four program and academic discipline meetings each academic year for the purpose of enhancing alignment between course content and expectations at the community colleges and institutions of higher education governed by the state board of regents.

c. Develop criteria to prioritize core curriculum areas and create or review transition guides for the core curriculum areas.

d. Include on its articulation website course equivalency and transition guides for each of the institutions of higher education governed by the board.

e. Jointly, with the boards of directors of the community colleges, select academic depart-

ments in which to articulate first-year and second-year courses through faculty-to-faculty meetings in accordance with paragraph "b". However, course-to-course equivalencies need not occur in an academic discipline when the board and the community colleges jointly determine that course content is incompatible.

f. Promote greater awareness of articulation-related activities, including the articulation website maintained by the board and articulation agreements in which the institutions participate.

g. Facilitate additional opportunities for individual institutions to pursue program articulation agreements for community college career and technical education programs and programs of study offered by the institutions of higher education governed by the board.

h. Develop and implement by January 1, 2012, a process to examine a minimum of eight new community college associate of applied science degree programs for which articulation agreements between the community colleges and the institutions of higher education governed by the board would serve students' continued academic success in those degree programs.

i. Prepare, jointly with the department of education and the liaison advisory committee on transfer students, and submit by January 1 annually to the general assembly, an update on the articulation efforts and activities implemented by the community colleges and the institutions of higher education governed by the board.

Approved May 26, 2009

CHAPTER 169

DISASTER ASSISTANCE —
APPROPRIATIONS, GRANTS, AND ADMINISTRATION

H.F. 64

AN ACT relating to disaster assistance by providing for jumpstart housing assistance, unmet needs disaster grants, a rebuild Iowa office, and community disaster grants, making appropriations, and providing effective and retroactive applicability dates.

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

DIVISION I
JUMPSTART HOUSING ASSISTANCE

Section 1. APPROPRIATION.

1. There is appropriated from the Iowa economic emergency fund created in section 8.55 to the Iowa finance authority for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the jumpstart housing assistance program:

. . . . . $ 24,000,000

2. The authority shall adopt rules for the jumpstart housing assistance program consistent with all of the following:

a. An eligible resident must have a family income equal to or less than one hundred fifty percent of the area median family income. An application for assistance must be submitted by September 1, 2009.

b. Forgivable loans awarded after the effective date of this division of this Act shall be awarded pursuant to the following priorities:

(1) First priority shall be given to eligible residents who have not received any moneys under the jumpstart housing assistance program prior to the effective date of this division of this Act.

(2) Second priority shall be given to eligible residents who have received less than twenty-four thousand nine hundred ninety-nine dollars under the jumpstart housing assistance program prior to the effective date of this division of this Act.

(3) Third priority shall be given to eligible residents who have received twenty-four thousand nine hundred ninety-nine dollars under the jumpstart housing assistance program prior to the effective date of this division of this Act and who continue to have unmet needs for down payment assistance, emergency housing repair or rehabilitation, interim mortgage assistance, or energy efficiency assistance. An eligible resident shall not receive more than an additional twenty-four thousand nine hundred ninety-nine dollars under this subparagraph.[1]

c. Except as provided in paragraph "b", subparagraph (3), an eligible resident who meets the area median family income requirement shall not receive more than twenty-four thousand nine hundred ninety-nine dollars under the program.

3. Notwithstanding section 8.33 and section 8.55, subsection 3, paragraph "a", moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 2. EMERGENCY RULES. The authority may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this division of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 3. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to September 1, 2008, and is applicable on and after that date.

DIVISION II
IOWA UNMET NEEDS DISASTER GRANT PROGRAM

Sec. 4. IOWA UNMET NEEDS DISASTER GRANT PROGRAM — APPROPRIATION.

1. There is appropriated from the Iowa economic emergency fund created in section 8.55 to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For providing individual disaster grants for unmet needs pursuant to the requirements in this section:

. . . . . $ 10,000,000[2]

2. From the moneys appropriated in this section, there is transferred to the department of human rights two hundred fifty thousand dollars for deposit in the individual development account state match fund created in section 541A.7. Notwithstanding other provisions to the contrary in section 541A.3, subsection 1, moneys appropriated to the individual development account state match fund under this subsection shall be used to provide the state match to account holders affected by a natural disaster occurring in 2008 for which the president of the United States declared a disaster area, and who have a household income that is equal to or less than three hundred percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

3. The department of human services shall establish and administer an Iowa unmet needs disaster grant program for purposes of reimbursing expenses for unmet needs for persons located in an area which was declared a disaster area by the president of the United States due to a disaster occurring after May 24, 2008, and before August 14, 2008.

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[1] See chapter 179, §174, 179 herein

[2] See chapter 179, §175, 179 herein

4. Determination of eligibility under the program and certification of unmet needs under the program shall be made by area long-term disaster committees and the disaster recovery case management program established by the rebuild Iowa office. An eligible participant shall receive reimbursement for expenses upon presenting a receipt for an eligible unmet need or shall receive a voucher through a voucher system administered jointly by the department of human services and the area long-term disaster committees. The voucher system shall ensure sufficient data collection to discourage and prevent fraud. A grant recipient shall not receive more than two thousand five hundred dollars per household. A grant recipient must have an income that is equal to or less than three hundred percent of the federal poverty level based on the number of people in the household of the recipient as defined by the most recently revised poverty income guidelines as published by the United States department of health and human services. Unmet needs disaster grants shall not supplant any other financial support, assistance, or grants provided by any other federal or state government, nonprofit agency, or faith-based agency.

5. Unmet need expenses eligible for reimbursement shall be limited to expenses associated with personal property, home repair, food assistance, mental health assistance, child care, and temporary housing.

6. An area long-term disaster committee shall be reimbursed for administrative expenses incurred in an amount not to exceed three percent of the grant moneys awarded for the area pursuant to an intergovernmental agreement to be established between the department of human services and the agency of record responsible for the long-term disaster committee in each area. The department of human services shall not be reimbursed for using moneys appropriated in this section for administrative costs associated with administering the Iowa unmet needs disaster grant program.[3]

7. Notwithstanding section 8.33 and section 8.55, subsection 3, paragraph "a", moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 5. EMERGENCY RULES. The department of human services may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this division of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 6. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. This division of this Act, being deemed of immediate importance, takes effect upon enactment, is retroactively applicable to May 24, 2008, and is applicable on and after that date.

DIVISION III
COMMUNITY DISASTER GRANTS

Sec. 7. COMMUNITY DISASTER GRANTS — APPROPRIATION.

1. There is appropriated from the Iowa economic emergency fund created in section 8.55 to the department of public defense for the homeland security and emergency management division for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For providing community disaster grants to cities and counties:

. . . . . $ 22,000,000

2. a. Using moneys appropriated under this section, the homeland security and emergency management division shall award grants to cities and counties based on their pro rata share of damage costs associated with presidential disaster declaration DR-1763-IA occurring after May 24, 2008, and before August 14, 2008, as calculated by obligated funds from the federal emergency management agency individual assistance program and small business administration disaster loan program as of the effective date of this division of this Act. Every city or county in a disaster area shall receive at least two thousand dollars.

[3] See chapter 179, §176, 179 herein

b. Moneys awarded pursuant to this section shall be used by the recipient for disaster-related costs not otherwise funded by federal or nonfederal sources and for any of the following purposes:

(1) Nonprofit organization assistance.

(2) Assistance for the public purchase of land and accompanying structures if financial assistance for such purchases is not available from the federal emergency management agency or when a nonfederal match is required for a grant involved in the public purchase of land and accompanying structures.

(3) Assistance for the repair, replacement, or upgrade of public infrastructure damaged by the disaster including measures to assist in the mitigation of future damage due to natural disasters.

(4) Assistance for increased costs associated with the revaluation and assessment of property due to a natural disaster occurring in 2008.

(5) Small business assistance.

(6) Assistance for the replacement or rehabilitation of housing.

3. Immediately following the effective date of this division of this Act, the homeland security and emergency management division shall notify each eligible recipient of the availability of funds and the associated application process.

4. By April 1, 2009, an eligible grant recipient under this section must submit a written application in the form as specified by the homeland security and emergency management division. The application shall contain information on the recipient's proposed uses of the moneys and any other information required by the homeland security and emergency management division.

5. After April 1, 2009, any funds allocated to an eligible grant recipient who does not complete and submit an application by April 1, 2009, shall be awarded on a pro rata basis as defined in subsection 2, paragraph "a".

6. By January 1, 2010, each grant recipient under this section shall submit a written report to the homeland security and emergency management division specifying the allocation and uses of moneys received pursuant to this section. By January 8, 2010, the division shall compile and forward copies of all reports received to the governor and the general assembly.

7. The department of public defense may request the auditor of state to perform any audits needed in the administration of this division of the Act and reimburse the auditor of state for the costs of the audits.

8. Notwithstanding section 8.33 and section 8.55, subsection 3, paragraph "a", moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 8. EMERGENCY RULES. The department of public defense may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this division of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 9. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV
REBUILD IOWA OFFICE

Sec. 10. REBUILD IOWA OFFICE.

1. A rebuild Iowa office is created for purposes of coordinating the state activities associated with the rebuilding efforts following the declaration of a disaster area by the president of the United States after May 24, 2008, and before June 30, 2011. The homeland security and emergency management division of the department of public defense shall provide administrative support to the rebuild Iowa office.

2. The rebuild Iowa office shall be administered by an executive director who shall be appointed by the governor and confirmed by the senate pursuant to section 2.32. The executive director shall annually compile a comprehensive budget which reflects all fiscal matters related to the operation of the office and each activity of the office in accordance with section 8.23.

3. The rebuild Iowa office shall do all of the following:

a. Enter into contracts.

b. Receive intradepartmental and interdepartmental transfers of moneys pursuant to section 8.39.

c. Perform all other lawful actions consistent with the purposes and duties of the office.

d. Establish and pursue short-term priorities for recovery and long-term plans for redevelopment.

e. Establish federal and state goals for the recovery and rebuilding efforts and coordinate such efforts among governmental entities to implement the goals.

f. Identify funding sources and innovative financing alternatives to adequately fund recovery and redevelopment.

g. Assist in establishing guidelines for the disbursing of federal moneys.

h. Establish goals, benchmarks, and objectives by which progress in disaster recovery and long-term reconstruction can be measured. Such goals, benchmarks, and objectives shall include, but not be limited to, all of the following:

(1) Measures on returning displaced residents to permanent homes.

(2) Progress on economic restoration in disaster areas such as opening or reopening of businesses, employment, and sales tax receipts.

(3) Progress on the public purchase of land and accompanying structures both with and without financial assistance from the federal emergency management agency.

(4) Progress on natural disaster forecasting, watershed management, and floodplain management.

(5) Measures on the expediency of obligation and distribution of federal and state moneys for disaster recovery.

i. Provide a means for members of the general public, the business community, nonprofit organizations, communities, and other stakeholders to have input regarding the recovery process.

j. Provide state and local government with guidance for long-term recovery and redevelopment after a disaster.

k. By January 10, April 10, July 10, and October 10 of each year, as applicable, submit a written report to the governor and the general assembly regarding the activities of the office during the previous three months. The report shall include an updated budgetary and financial analysis including full-time equivalent positions, and progress in obtaining goals, benchmarks, and objectives established pursuant to paragraph "h".

l. By January 1, 2011, submit a written report to the governor and the general assembly identifying for consideration transition issues for disaster recovery assistance due to the elimination of the office on June 30, 2011.

4. a. A coordinating council is established to facilitate communication between state agencies and the rebuild Iowa office. The rebuild Iowa office shall provide staffing for the council and the executive director of the rebuild Iowa office shall serve as the chairperson. The members of the council shall not receive a per diem and shall not be reimbursed for their actual and necessary expenses while in attendance at any meeting of the council and shall not be reimbursed for their expenses for going to and from a meeting. Legislative members of the commission shall not receive per diem or reimbursement for necessary travel and actual expenses pursuant to section 2.10 or 2.12.

b. The council shall consist of the director, or the director's designee, of all of the following:

(1) The department of economic development.

(2) The Iowa finance authority.

(3) The department of human services.

(4) The department of education.

(5) The department of cultural affairs.

(6) The college student aid commission.
(7) The department of public health.
(8) The department of workforce development.
(9) The department of public defense, homeland security and emergency management division.
(10) The board of regents.
(11) The department of transportation.
(12) The department of natural resources.
(13) The department of management.
(14) The department of elder affairs.
(15) The department of agriculture and land stewardship.
(16) The office of energy independence.
(17) The Iowa utilities board.
(18) One representative of the Iowa league of cities appointed by the league.
(19) One representative of the Iowa state association of counties appointed by the association.
(20) One representative of a council of governments appointed by the governor.
(21) Four members of the general assembly serving as ex officio, nonvoting members, one representative to be appointed by the speaker of the house of representatives, one representative to be appointed by the minority leader of the house of representatives, one senator to be appointed by the president of the senate after consultation with the majority leader of the senate, and one senator to be appointed by the minority leader of the senate.

c. The executive director of the rebuild Iowa office may request representation on the council from other state agencies.

5. All state agencies shall, to the greatest extent practicable, cooperate with and provide support to the rebuild Iowa office.

6. This section is repealed June 30, 2011.

Sec. 11. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. This division of this Act, being deemed of immediate importance, takes effect upon enactment, applies retroactively to June 27, 2008, and applies on and after that date.

Approved February 2, 2009

CHAPTER 170

APPROPRIATION REDUCTIONS,
TRANSFERS, AND SUPPLEMENTALS

H.F. 414

AN ACT relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions.

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

DIVISION I
JUMPSTART AND SMALL BUSINESS ASSISTANCE PROGRAMS

Section 1. NEW SECTION. 15E.361 SMALL BUSINESS DISASTER RECOVERY FINANCIAL ASSISTANCE PROGRAM.

1. The department shall establish and administer a small business disaster recovery finan-

cial assistance program. Under the program, the department shall provide grants to administrative entities for purposes of providing financial assistance to eligible businesses that sustained physical damage or economic loss due to a natural disaster occurring after May 24, 2008, and before August 14, 2008. Moneys shall be allocated to administrative entities on the basis of the percentage of disaster loans awarded by the United States small business administration to businesses located within a city's jurisdiction or a disaster recovery area as defined by the department.

2. An eligible business is a business that sustained physical damage or economic loss due to a natural disaster occurring after May 24, 2008, and before August 14, 2008, and has executed loan documents for a disaster loan from an eligible lender as defined by the department. Financial assistance shall be in the form of forgivable loans and reimbursement for acquisition of energy-efficient equipment. The maximum amount of a forgivable loan is twenty-five percent of the loan amount from the eligible lender up to a maximum of fifty thousand dollars. Up to an additional five thousand dollars of assistance shall be available for the reimbursement of energy-efficient purchases and installation.

3. As determined by the department, unused or unobligated moneys may be reclaimed and reallocated by the department to other administrative agencies.

4. For purposes of this section, "administrative entity" means cities identified by the department that administer local disaster recovery programs and councils of government.[1]

Sec. 2. Section 15F.204, subsection 8, paragraph a, subparagraph (5), Code 2009, is amended to read as follows:

(5) For the fiscal year beginning July 1, 2008, and ending June 30, 2009, the sum of twelve million dollars. Notwithstanding any provision to the contrary, of the amount appropriated in this subparagraph, one million nine hundred thousand dollars is transferred to the housing assistance fund to be used for the jumpstart housing assistance program established pursuant to section 16.191.

Sec. 3. Section 15G.111, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 9A. Each appropriation made in subsections 1 through 9 for the fiscal year beginning July 1, 2008, and ending June 30, 2009, is reduced by twenty percent. There is appropriated from the grow Iowa values fund created in section 15G.108 to the department of economic development for the fiscal year beginning July 1, 2008, and ending June 30, 2009, ten million dollars to be used for the small business disaster recovery financial assistance program established pursuant to section 15E.361.

Sec. 4. NEW SECTION. 16.191 JUMPSTART HOUSING ASSISTANCE PROGRAM.

1. The Iowa finance authority shall establish and administer a jumpstart housing assistance program. Under the program, the authority shall provide grants to local government participants for purposes of distributing the moneys to eligible residents for eligible purposes which relate to disaster-affected homes.

2. An eligible resident is a person residing in a disaster-affected home who is the owner of record of a right, title, or interest in the disaster-affected home and who has been approved by the federal emergency management agency for housing assistance. An eligible resident must have a family income equal to or less than one hundred fifty percent of the area median family income.

3. Eligible purposes include forgivable loans for down payment assistance, emergency housing repair or rehabilitation, and interim mortgage assistance. An eligible resident who receives a forgivable loan may also receive energy efficiency assistance which shall be added to the principal of the forgivable loan.

4. A local government participant may retain a portion of the grant moneys for administrative purposes as provided in a grant agreement between the authority and the local government participant.

[1] According to enrolled Act; the phrase "councils of governments" probably intended

5. Any money paid to a local government participant by an eligible resident shall be remitted to the authority for deposit in the housing assistance fund created in section 16.40.

6. As determined by the authority, unused or unobligated moneys may be reclaimed and reallocated by the authority to other local government participants.

7. As used in this section, unless the context otherwise requires:

a. "Disaster-affected home" means a primary residence that was destroyed or damaged due to a natural disaster occurring after May 24, 2008, and before August 14, 2008.

b. "Local government participant" means the cities of Ames, Cedar Falls, Cedar Rapids, Council Bluffs, Davenport, Des Moines, Dubuque, Iowa City, Waterloo, and West Des Moines; a council of governments whose territory includes at least one county that was declared a disaster area by the president of the United States after May 24, 2008, and before August 14, 2008; and any county that is not part of any council of governments and was declared a disaster area by the president of the United States after May 24, 2008, and before August 14, 2008.

Sec. 5. POWER FUND — HOUSING ASSISTANCE. Of the amount appropriated from the general fund of the state to the power fund pursuant to section 469.10, subsection 1, for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, is transferred to the Iowa finance authority to be used for the purposes designated:

To be credited to the housing assistance fund to be used for the jumpstart housing assistance program established pursuant to section 16.191, as enacted by this Act, notwithstanding contrary provisions of section 469.9 or any other provision of law:

. . . . . $ 2,500,000

Sec. 6. 2004 Iowa Acts, First Extraordinary Session, chapter 1002, section 2, subsection 1, paragraph d, is amended to read as follows:

d. (1) For deposit in the loan and credit guarantee fund created in section 15E.227:

. . . . . $ 5,728,402

(2) Of the amount appropriated in subparagraph (1), $1,785 shall be expended pursuant to contracts or approved projects or activities validated in this division of this Act.

(3) Notwithstanding any provision to the contrary, $1,900,000 of the amount appropriated in subparagraph (1) is transferred to the community attraction and tourism fund created in section 15F.204.

Sec. 7. 2008 Iowa Acts, chapter 1178, section 20, is amended to read as follows:

SEC. 20. RIVER ENHANCEMENT COMMUNITY ATTRACTION AND TOURISM FUND — APPROPRIATION. There is appropriated from any interest or earnings on moneys in the federal economic stimulus and jobs holding fund for deposit in the river enhancement community attraction and tourism fund created in section 15F.205 for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For financial assistance to applicants under section 15F.205:

. . . . . $ 2,000,000

Notwithstanding any provision to the contrary, all of the amount appropriated in this section is transferred to the housing assistance fund to be used for the jumpstart housing assistance program established pursuant to section 16.191, if enacted by the Eighty-third General Assembly, 2009 Session.[2]

Sec. 8. 2008 Iowa Acts, chapter 1179, section 1, subsection 1, paragraphs a and c, are amended to read as follows:

a. For routine maintenance of state buildings and facilities, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 3,000,000

[2] See this chapter, §4

Notwithstanding any provision to the contrary, $1,600,000 of the amount appropriated in this lettered paragraph is transferred to the Iowa finance authority to be credited to the housing assistance fund to be used for the jumpstart housing assistance program established pursuant to section 16.191, if enacted by the Eighty-third General Assembly, 2009 Session.[3]

c. To provide funding and related services for capitol complex property acquisition, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 1,000,000

Notwithstanding any provision to the contrary, the amount appropriated in this lettered paragraph is transferred to the Iowa finance authority to be credited to the housing assistance fund to be used for the jumpstart housing assistance program established pursuant to section 16.191, if enacted by the Eighty-third General Assembly, 2009 Session.[4]

Sec. 9. 2008 Iowa Acts, chapter 1179, section 1, subsection 5, paragraph e, is amended to read as follows:

e. For deposit into the river enhancement community attraction and tourism fund created in ~~2008 Iowa Acts, Senate File 2430, if enacted~~ section 15F.205:

. . . . . $ 10,000,000

Notwithstanding any provision to the contrary, all of the amount appropriated in this section is transferred to the housing assistance fund to be used for the jumpstart housing assistance program established pursuant to section 16.191, if enacted by the Eighty-third General Assembly, 2009 Session.[5]

Sec. 10. 2008 Iowa Acts, chapter 1179, section 1, subsection 9, paragraph a, is amended to read as follows:

a. For purposes of supporting a lowhead dam public hazard improvement program, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 1,000,000

The department shall award grants to dam owners including counties, cities, state agencies, cooperatives, and individuals, to support projects approved by the department.

The department shall require each dam owner applying for a project grant to submit a project plan for the expenditure of the moneys, and file a report with the department regarding the project, as required by the department.

The funds can be used for signs, posts, and related cabling, and the department shall only award money on a matching basis, pursuant to the dam owner contributing at least 20 cents for every 80 cents awarded by the department, in order to finance the project. For the remainder of the funds, including any balance of money not awarded for signs, posts, and related cabling, the department shall only award moneys to a dam owner on a matching basis. A dam owner shall contribute one dollar for each dollar awarded by the department in order to finance a project.

Notwithstanding any provision to the contrary, the department of natural resources shall defer implementation of the lowhead dam public hazard improvement program unless other funding is made available for the program. The amount appropriated in this lettered paragraph is transferred to the Iowa finance authority to be credited to the housing trust fund[6] to be used for the jumpstart housing assistance program established pursuant to section 16.191, if enacted by the Eighty-third General Assembly, 2009 Session.[7]

Sec. 11. EFFECTIVE DATE — APPLICABILITY.

1. This division of this Act, being deemed of immediate importance, takes effect upon enactment, and is retroactively applicable to July 1, 2008, for the fiscal year beginning on that date.

2. The appropriations and transfers made in this division of this Act apply in lieu of any transfers for the jumpstart housing assistance and small business assistance programs or from

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[3] See this chapter, §4

[4] See this chapter, §4

[5] See this chapter, §4

[6] According to enrolled Act; the phrase "housing assistance fund" probably intended

[7] See this chapter, §4

the loan and credit guarantee fund made by the executive branch, as reported by the department of management in the fiscal year beginning July 1, 2008.

3. Notwithstanding section 8.33, moneys appropriated or allocated in this division of this Act to the department of economic development for purposes of the small business disaster recovery and financial assistance program that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

DIVISION II
CAPITAL APPROPRIATION REVISIONS
REBUILD IOWA INFRASTRUCTURE FUND — APPROPRIATION REDUCTION

Sec. 12. 2004 Iowa Acts, chapter 1175, section 288, subsection 4, paragraph b, as amended by 2006 Iowa Acts, chapter 1179, section 29, is amended to read as follows:

b. For construction of a community-based correctional facility, including district offices, in Davenport:

FY 2004-2005	$	3,000,000
FY 2005-2006	$	~~3,750,000~~ 291,783
FY 2006-2007	$	0

NEW STATE OFFICE BUILDING — APPROPRIATIONS
ELIMINATED AND REDUCED

Sec. 13. 2006 Iowa Acts, chapter 1179, section 5, as amended by 2007 Iowa Acts, chapter 219, section 22, 2008 Iowa Acts, chapter 1176, section 6, and 2008 Iowa Acts, chapter 1179, section 29, is amended to read as follows:

SEC. 5. DEPARTMENT OF ADMINISTRATIVE SERVICES. There is appropriated from the rebuild Iowa infrastructure fund to the department of administrative services for the designated fiscal years, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For planning, design, and construction of a new state office building, including costs associated with furnishing the building:

FY 2007-2008	$	0
FY 2008-2009	$	0
FY 2009-2010	$	~~12,657,100~~ 0

~~The location, design, plans and specifications, and occupants of the building shall be determined jointly by the executive council and the department of administrative services in consultation with the capitol planning commission following an analysis of space needs to be completed no later than January 1, 2009. Recommendations for the design, plans and specifications, and occupants shall be presented to the general assembly and the governor for approval by the start of the 2009 legislative session.~~

~~Notwithstanding section 8.33, moneys appropriated in this section shall not revert at the close of the fiscal year for which they were appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2011, or until the project for which the appropriation was made is completed, whichever is earlier.~~

~~The design specifications of the new state office building shall include, at a minimum, energy efficiency specifications that exceed state building code requirements and have the potential for leadership in energy and environmental design silver certification from the United States green building council.~~

Effective December 9, 2008, the department shall cancel existing activities pertaining to the new state office building addressed by this section and shall defer further activities until specifically authorized by law.

Sec. 14. 2006 Iowa Acts, chapter 1179, section 16, subsection 1, paragraph b, as amended by 2007 Iowa Acts, chapter 219, section 23, is amended to read as follows:

b. For planning, design, and construction costs associated with the construction of a new approximately 350,000-gross-square-foot state office building:

. . . . . $ ~~37,585,000~~
661,102

(1) Of the amount appropriated in this lettered paragraph, up to $750,000 may be used by the department to provide an earnest deposit on the purchase of no more than ten acres of certain property adjacent to the capitol complex and generally located north of grand avenue and between east 12th and east 14th street, if such purchase is made; to provide for parking lot improvements necessary to facilitate an exchange of property consistent with the planned construction of the new state office building; and to provide for the demolition of a structure located on the property to be used for the construction of the new state office building or to provide for the sale by auction and relocation of such structure in an effort to reduce or eliminate the costs associated with the removal of such structure from the property. Any amount received from the sale of a structure as permitted under this lettered paragraph shall be retained by the department for the use specified for the moneys appropriated pursuant to this lettered paragraph.

(2) Upon the department's decision to purchase property as described in subparagraph (1), the department shall determine the feasibility of including all or a portion of any amount expended pursuant to subparagraph (1) in the financing mechanism to be used by the department to complete such purchase. The department shall provide a report to the department of management and the legislative services agency that includes the results of the department's determination.

Notwithstanding provisions of law to the contrary, the department is hereby authorized to honor and maintain existing leases located on property to be acquired by the department if such property is acquired, as long as such leased property is used for providing health care and pharmaceutical services to citizens in the community. Such leases may be maintained for a period deemed appropriate by the director of the department, but in no case shall such leases continue or be renewed for a period of more than ten years or if a lessee of the property ceases to occupy such property or provide such services.

REBUILD IOWA INFRASTRUCTURE FUND — APPROPRIATIONS ELIMINATED AND REDUCED

Sec. 15. 2007 Iowa Acts, chapter 219, section 1, subsection 1, paragraph j, is amended to read as follows:

j. For costs associated with the relocation of the vehicle dispatch fueling station:

. . . . . $ ~~350,000~~
839

Sec. 16. 2007 Iowa Acts, chapter 219, section 1, subsection 3, paragraph b, is amended to read as follows:

b. For capital improvement projects at correctional facilities:

. . . . . $ ~~5,495,000~~
2,697,624

Sec. 17. 2007 Iowa Acts, chapter 219, section 1, subsection 5, paragraph b, unnumbered paragraph 1, is amended to read as follows:

For accelerated career education program capital projects at community colleges that are authorized under chapter 260G and that meet the definition of "vertical infrastructure" in section 8.57, subsection 6, paragraph "c":

. . . . . $ ~~5,500,000~~
1,275,000

Sec. 18. 2007 Iowa Acts, chapter 219, section 1, subsection 12, paragraph b, is amended to read as follows:

b. For construction of a state emergency response training facility to be located in merged area XI:

..... $ ~~2,000,000~~
0

Sec. 19. 2007 Iowa Acts, chapter 219, section 1, subsection 14, paragraph b, is amended to read as follows:

b. For costs associated with the establishment of the Iowa institute for biomedical discovery at the state university of Iowa:

..... $ ~~10,000,000~~
9,450,000

Sec. 20. 2007 Iowa Acts, chapter 219, section 7, subsection 1 and subsection 2, unnumbered paragraph 1, are amended to read as follows:

1. For costs associated with the establishment of the Iowa institute for biomedical discovery at the state university of Iowa:

FY 2008-2009 ..... $ ~~10,000,000~~
0

FY 2009-2010 ..... $ 10,000,000

For planning, design, and construction costs associated with the construction of a new renewable fuels building at Iowa state university of science and technology:

FY 2008-2009 ..... $ ~~14,756,000~~
3,479,000

FY 2009-2010 ..... $ 11,597,000

Sec. 21. 2008 Iowa Acts, chapter 1179, section 1, subsection 5, paragraph a, is amended to read as follows:

a. For accelerated career education program capital projects at community colleges that are authorized under chapter 260G and that meet the definition of "vertical infrastructure" in section 8.57, subsection 6, paragraph "c":

..... $ ~~900,000~~
0

~~The moneys appropriated in this lettered paragraph shall be allocated equally among the community colleges in the state. If any portion of the equal allocation to a community college is not obligated or encumbered by April 1, 2009, the unobligated and unencumbered portions shall be made available by the department for use by other community colleges.~~

NEW STATE OFFICE BUILDING — APPROPRIATION ELIMINATED[8]

Sec. 22. 2008 Iowa Acts, chapter 1179, section 18, subsection 1, paragraph a, is amended to read as follows:

a. For the planning, design, and construction of a new state office building, including costs associated with the furnishing of the building:

..... $ ~~20,000,000~~
0

~~The location, design, plans and specifications, and occupants of the building shall be determined jointly by the executive council and the department of administrative services in consultation with the capitol planning commission following an analysis of space needs to be completed no later than January 1, 2009. Recommendations for design, plans and specifications, and occupants shall be presented to the general assembly and the governor for approval by the start of the 2009 legislative session.~~

Effective December 9, 2008, the department shall cancel existing activities pertaining to the

[8] According to enrolled Act; the heading "FY 2009 TAX-EXEMPT BOND PROCEEDS RESTRICTED CAPITAL FUNDS ACCOUNT" probably intended to precede this heading

new state office building addressed by this paragraph and shall defer further activities until specifically authorized by law.

FY 2009 TAX-EXEMPT BOND PROCEEDS
RESTRICTED CAPITAL FUNDS ACCOUNT — HONEY
CREEK APPROPRIATION ELIMINATED

Sec. 23. 2008 Iowa Acts, chapter 1179, section 18, subsection 5, paragraph c, is amended to read as follows:

~~c. For the construction of the cabins, activity building, picnic shelters, and other costs associated with the opening of the Honey creek premier destination park:~~

~~. . . . . $ 4,900,000~~

~~The department shall not obligate any funding under this appropriation without approval from the department of management. The department shall provide quarterly updates to the Honey creek premier destination park authority and the legislative services agency on the obligation and spending of this appropriation.~~

~~In light of this appropriation, the department shall not request additional appropriations for funding the construction of future additional amenities at the Honey creek destination park beyond the fiscal year ending June 30, 2009. In the event that the chairperson of the authority delivers a certificate to the governor, pursuant to section 463C.13, stating the amounts necessary to restore bond reserve funds, it is the general assembly's intent upon consideration of the governor's request to first seek refunding from the department's budget.~~

REBUILD IOWA INFRASTRUCTURE FUND — TRANSFER
TO GENERAL FUND

Sec. 24. TRANSFER TO GENERAL FUND. There is transferred from the rebuild Iowa infrastructure fund to the general fund of the state for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount:

. . . . . $ 37,000,000

REPLACEMENT APPROPRIATIONS

Sec. 25. ENDOWMENT FOR IOWA'S HEALTH RESTRICTED CAPITAL FUNDS ACCOUNT.

1. There is appropriated from the endowment for Iowa's health restricted capitals fund account to the following departments and agencies for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. DEPARTMENT OF CORRECTIONS

(1) For construction of a community-based correctional facility, including district offices, in Davenport:

. . . . . $ 3,458,217

(2) For capital improvement projects at correctional facilities:

. . . . . $ 2,797,376

b. DEPARTMENT OF ECONOMIC DEVELOPMENT

For accelerated career education program capital projects at community colleges that are authorized under chapter 260G:

. . . . . $ 5,125,000

c. DEPARTMENT OF NATURAL RESOURCES

For the construction of the cabins, activity building, picnic shelters, and other costs associated with the opening of the Honey creek premier destination park:

. . . . . $ 4,900,000

(1) The department shall not obligate any funding under this appropriation without approv-

al from the department of management. The department shall provide quarterly updates to the Honey creek premier destination park authority and the legislative services agency on the obligation and spending of this appropriation.

(2) In light of this appropriation, the department shall not request additional appropriations for funding the construction of future additional amenities at the Honey creek destination park beyond the fiscal year ending June 30, 2009. In the event that the chairperson of the authority delivers a certificate to the governor, pursuant to section 463C.13, stating the amounts necessary to restore bond reserve funds, it is the general assembly's intent upon consideration of the governor's request to first seek refunding from the department's budget.

d. DEPARTMENT OF PUBLIC SAFETY

For construction of a state emergency response training facility to be located in merged area XI:

. . . . . $ 2,000,000

e. BOARD OF REGENTS

(1) For costs associated with the establishment of the Iowa institute for biomedical discovery at the state university of Iowa:

. . . . . $ 10,550,000

(2) For planning, design, and construction costs associated with the construction of a new renewable fuels building at Iowa state university of science and technology:

. . . . . $ 11,277,000

Moneys appropriated in this subparagraph are contingent upon the state board of regents or Iowa state university of science and technology actively pursuing the hiring of new research teams to provide world-class expertise in the area of biorenewable fuels research.

2. Payment of moneys from the appropriations made in this section shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the tobacco settlement authority.

3. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this section shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

EFFECTIVE DATE — APPLICABILITY

Sec. 26. EFFECTIVE DATE — APPLICABILITY.

1. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

2. The sections of this division of this Act that address a new state office building are retroactively applicable to December 9, 2008.

DIVISION III
ADDITIONAL APPROPRIATION REDUCTIONS

Sec. 27. 2008 Iowa Acts, chapter 1182, section 1, subsection 1, is amended to read as follows:

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission; receipt and disbursement of child support payments; reimbursement of the audi-

tor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2008; and maintenance, equipment, and miscellaneous purposes:

. . . . . $ ~~144,745,322~~
140,959,432

Sec. 28. 2008 Iowa Acts, chapter 1191, section 3, is amended to read as follows:

SEC. 3. GENERAL ASSEMBLY. The appropriations made pursuant to section 2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2008, and ending June 30, 2009, are reduced by the following amount:

. . . . . $ ~~1,400,261~~
2,356,851

Sec. 29. GENERAL REDUCTIONS.

1. The amounts appropriated from the general fund of the state to executive branch agencies for operational purposes in enactments made for the fiscal year beginning July 1, 2008, and ending June 30, 2009, and standing limited and unlimited appropriations from the general fund of the state for the fiscal year beginning July 1, 2008, and ending June 30, 2009, are reduced by $25,606,746. For the purposes of this subsection, "operational purposes" means salary, support, administrative expenses, or other personnel-related costs. The appropriations made for the designated fiscal year to the following executive branch agencies are not subject to this section: department of commerce divisions of banking, credit union, and utilities, and the racing and gaming commission.

2. The reduction in appropriations made pursuant to subsection 1 shall be carried out by the governor in the manner specified in section 8.31, subsection 5. However, provided that the total amount of the reductions required by this section remains unchanged, the governor may approve the exercise of transfer authority under section 8.39 between operational appropriations as necessary to prudently adjust the reductions made to individual appropriations and the report required under this section shall constitute the notice and report otherwise required under section 8.39, subsections 3 and 4.

3. Upon implementation of the appropriations reductions specified in subsection 1, the department of management shall submit a report to the chairpersons and ranking members of the appropriations committees of each chamber of the general assembly and the legislative services agency specifying how the reductions were applied and if any transfers were authorized.

4. Moneys which become available as a result of the appropriations reductions made pursuant to this section shall be considered to have reverted to the general fund of the state on the effective date of this section.

Sec. 30. EFFECTIVE DATE — APPLICABILITY.

1. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

2. The appropriation reductions made pursuant to this division of this Act shall be applied after applying the reductions made pursuant to executive order number 10 issued December 22, 2008.

DIVISION IV
TRANSFERS

Sec. 31. INNOVATIONS FUND. There is transferred from the innovations fund created in section 8.63 for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Notwithstanding section 8.63, subsection 1, to be credited to the general fund of the state:

. . . . . $ 4,500,000

Sec. 32. LOCAL GOVERNMENT INNOVATION FUND. There is transferred from the local government innovation fund created in section 8.67 for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Notwithstanding section 8.67, subsection 1, to be credited to the general fund of the state:
..... $ 844,182

Sec. 33. IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND. There is transferred from the Iowa comprehensive petroleum underground storage tank fund created in section 455G.3 for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Notwithstanding section 455G.3, subsection 1, to be credited to the general fund of the state:
..... $ 5,655,818

Sec. 34. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION V
APPROPRIATION RESTORATIONS AND SUPPLEMENTS

Sec. 35. DEPARTMENT OF CORRECTIONS. After applying the reduction made pursuant to executive order number 10[9] issued December 22, 2008, to the appropriations made for the following designated purposes, there is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. For the operation of adult correctional institutions in 2008 Iowa Acts, chapter 1180, section 3, subsection 1, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility in 2008 Iowa Acts, chapter 1180, section 3, subsection 1, paragraph "a":
..... $ 684,867

b. For the operation of the Anamosa correctional facility in 2008 Iowa Acts, chapter 1180, section 3, subsection 1, paragraph "b":
..... $ 483,143

c. For the operation of the Oakdale correctional facility in 2008 Iowa Acts, chapter 1180, section 3, subsection 1, paragraph "c":
..... $ 906,708

d. For the operation of the Newton correctional facility in 2008 Iowa Acts, chapter 1180, section 3, subsection 1, paragraph "d":
..... $ 434,340

e. For the operation of the Mt. Pleasant correctional facility in 2008 Iowa Acts, chapter 1180, section 3, subsection 1, paragraph "e":
..... $ 419,962

f. For the operation of the Rockwell City correctional facility in 2008 Iowa Acts, chapter 1180, section 3, subsection 1, paragraph "f":
..... $ 144,923

g. For the operation of the Clarinda correctional facility in 2008 Iowa Acts, chapter 1180, section 3, subsection 1, paragraph "g":
..... $ 390,790

h. For the operation of the Mitchellville correctional facility in 2008 Iowa Acts, chapter 1180, section 3, subsection 1, paragraph "h":
..... $ 246,868

[9] Published in IAB, Vol. XXXII, No. 5, (8/26/09), p. 590-591

i. For the operation of the Fort Dodge correctional facility in 2008 Iowa Acts, chapter 1180, section 3, subsection 1, paragraph "i":
. . . . . $ 464,129
j. For reimbursement of counties for certain confinement costs in 2008 Iowa Acts, chapter 1180, section 3, subsection 1, paragraph "j":
. . . . . $ 14,520
k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts in 2008 Iowa Acts, chapter 1180, section 3, subsection 1, paragraph "k":
. . . . . $ 3,619
2. For department of corrections general administration in 2008 Iowa Acts, chapter 1180, section 4, to be allocated as follows:
a. For department of corrections general administration in 2008 Iowa Acts, chapter 1180, section 4, subsection 1, paragraph "a":
. . . . . $ 77,403
b. For educational programs for inmates at state penal institutions in 2008 Iowa Acts, chapter 1180, section 4, subsection 1, paragraph "b":
. . . . . $ 29,172
c. For development of the Iowa corrections offender network (ICON) data system in 2008 Iowa Acts, chapter 1180, section 4, subsection 1, paragraph "c":
. . . . . $ 6,416
d. For offender mental health and substance abuse treatment in 2008 Iowa Acts, chapter 1180, section 4, subsection 1, paragraph "d":
. . . . . $ 375
e. For viral hepatitis prevention and treatment in 2008 Iowa Acts, chapter 1180, section 4, subsection 1, paragraph "e":
. . . . . $ 2,820
3. For the judicial district departments of correctional services in 2008 Iowa Acts, chapter 1180, section 5, subsection 1, to be allocated as follows:
a. For the first judicial district department of correctional services in 2008 Iowa Acts, chapter 1180, section 5, subsection 1, paragraph "a":
. . . . . $ 203,607
b. For the second judicial district department of correctional services in 2008 Iowa Acts, chapter 1180, section 5, subsection 1, paragraph "b":
. . . . . $ 169,214
c. For third judicial district department of correctional services in 2008 Iowa Acts, chapter 1180, section 5, subsection 1, paragraph "c":
. . . . . $ 93,453
d. For the fourth judicial district department of correctional services in 2008 Iowa Acts, chapter 1180, section 5, subsection 1, paragraph "d":
. . . . . $ 85,788
e. For the fifth judicial district department of correctional services in 2008 Iowa Acts, chapter 1180, section 5, subsection 1, paragraph "e":
. . . . . $ 294,421
f. For the sixth judicial district department of correctional services in 2008 Iowa Acts, chapter 1180, section 5, subsection 1, paragraph "f":
. . . . . $ 218,496
g. For the seventh judicial district department of correctional services in 2008 Iowa Acts, chapter 1180, section 5, subsection 1, paragraph "g":
. . . . . $ 111,216
h. For the eighth judicial district department of correctional services in 2008 Iowa Acts, chapter 1180, section 5, subsection 1, paragraph "h":
. . . . . $ 108,830

Sec. 36. DEPARTMENT OF PUBLIC SAFETY. After applying the reduction made pursu-

ant to executive order number 10[10] issued December 22, 2008, to the appropriations made for the following designated purposes, there is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. For the department's administrative functions in 2008 Iowa Acts, chapter 1180, section 14, subsection 1:
. . . . . $ 68,484

2. For the division of criminal investigation in 2008 Iowa Acts, chapter 1180, section 14, subsection 2:
. . . . . $ 329,310

3. For the criminalistics laboratory fund created in section 691.9 in 2008 Iowa Acts, chapter 1180, section 14, subsection 3:
. . . . . $ 5,130

4. For the division of narcotics enforcement in 2008 Iowa Acts, chapter 1180, section 14, subsection 4, paragraph "a":
. . . . . $ 99,534

5. For the state fire marshal's office for fire protection services in 2008 Iowa Acts, chapter 1180, section 14, subsection 5:
. . . . . $ 62,186

6. For the division of state patrol in 2008 Iowa Acts, chapter 1180, section 14, subsection 6:
. . . . . $ 780,362

7. For costs associated with the training and equipment needs of volunteer fire fighters in 2008 Iowa Acts, chapter 1180, section 14, subsection 8:
. . . . . $ 10,504

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 37. DEPARTMENT OF COMMERCE. After applying the reduction made pursuant to executive order number 10[11] issued December 22, 2008, to the appropriations made for the following designated purposes, there is appropriated from the general fund of the state to the department of commerce for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. For the banking division, in 2008 Iowa Acts, chapter 1184, section 7, subsection 2, paragraph "a":
. . . . . $ 131,578

2. For the credit union division, in 2008 Iowa Acts, chapter 1184, section 7, subsection 3:
. . . . . $ 26,097

3. For the utilities division, in 2008 Iowa Acts, chapter 1184, section 7, subsection 5:
. . . . . $ 128,675

Sec. 38. RACING AND GAMING COMMISSION. After applying the reduction made pursuant to executive order number 10[12] issued December 22, 2008, to the appropriations made for the following designated purposes, there is appropriated from the general fund of the state to the racing and gaming commission for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. For racetrack regulation, in 2008 Iowa Acts, chapter 1184, section 13, subsection 1:
. . . . . $ 44,799

2. For excursion boat and gambling structure regulation, in 2008 Iowa Acts, chapter 1184, section 13, subsection 2:
. . . . . $ 53,856

[10] Published in IAB, Vol. XXXII, No. 5, (8/26/09), p. 590-591
[11] Published in IAB, Vol. XXXII, No. 5, (8/26/09), p. 590-591
[12] Published in IAB, Vol. XXXII, No. 5, (8/26/09), p. 590-591

Sec. 39. DEPARTMENT OF PUBLIC HEALTH — INFECTIOUS DISEASES. After applying the reduction made pursuant to executive order number 10[13] issued December 22, 2008, there is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to supplement the appropriation made for the following designated purpose:

For reducing the incidence and prevalence of communicable diseases in 2008 Iowa Acts, chapter 1187, section 2, subsection 7:

. . . . . $ 992,915

Sec. 40. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES SERVICES.

1. After applying the reduction made pursuant to executive order number 10[14] issued December 22, 2008, to the appropriations made for the following designated purposes, there is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

a. For the property tax relief fund appropriation made in section 426B.1, subsection 2:

. . . . . $ 1,326,000

All of the appropriation made in this lettered paragraph shall be distributed to counties as necessary to restore the amounts that would have been paid to counties in accordance with section 426B.2 for the fiscal year beginning July 1, 2008, but for the reduction applied to the property tax relief fund appropriation pursuant to executive order number 10.[15]

b. For the appropriation in 2008 Iowa Acts, chapter 1187, section 23, for distribution to counties for state case services for persons with mental illness, mental retardation, and developmental disabilities in accordance with section 331.440:

. . . . . $ 203,372

c. For the appropriation in 2008 Iowa Acts, chapter 1187, section 24, for distribution to counties for mental health and developmental disabilities community services in accordance with subsection 2 of this section:

. . . . . $ 272,318

d. For the appropriation in 2007 Iowa Acts, chapter 215, section 1, as amended by 2008 Iowa Acts, chapter 1187, section 58, for county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment for fiscal year 2008-2009:

. . . . . $ 811,220

2. a. The appropriations made in this section are not subject to transfer. The appropriations made in subsection 1, paragraphs "c" and "d", shall be distributed to counties to restore the amounts that would have been paid to counties for the fiscal year beginning July 1, 2008, in accordance with 2007 Iowa Acts, chapter 215, section 1, as amended by 2008 Iowa Acts, chapter 1187, section 59, but for the reduction applied to the appropriations referred to in such paragraphs pursuant to executive order number 10.[16]

b. The department of human services shall calculate the amount of moneys due to counties in accordance with this section. The department shall authorize the issuance of warrants payable to the county treasurer for the amounts due and the warrants shall be issued not more than fifteen calendar days from the effective date of this section of this Act.

Sec. 41. DEPARTMENT OF NATURAL RESOURCES. After applying the reduction made pursuant to executive order number 10[17] issued December 22, 2008, there is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to supplement the appropriation made for the following designated purposes:

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[13] Published in IAB, Vol. XXXII, No. 5, (8/26/09), p. 590-591
[14] Published in IAB, Vol. XXXII, No. 5, (8/26/09), p. 590-591
[15] Published in IAB, Vol. XXXII, No. 5, (8/26/09), p. 590-591
[16] Published in IAB, Vol. XXXII, No. 5, (8/26/09), p. 590-591
[17] Published in IAB, Vol. XXXII, No. 5, (8/26/09), p. 590-591

For supporting the department, as provided in this section, for administration, regulation, and programs, including for salaries, support, maintenance, and miscellaneous purposes in 2008 Iowa Acts, chapter 1189, section 17:

. . . . . $ 1,958,000

The appropriation made in this section is allocated to support the department's parks bureau for addressing flood damage to state parks and facilities and other extraordinary costs associated with the bureau's operations.

Sec. 42. DEPARTMENT OF WORKFORCE DEVELOPMENT. After applying the reduction made pursuant to executive order number 10[18] issued December 22, 2008, to the appropriations made for the following designated purposes, there is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. For the division of labor services in 2008 Iowa Acts, chapter 1190, section 16, subsection 1:

. . . . . $ 65,735

2. For the division of workers' compensation in 2008 Iowa Acts, chapter 1190, section 16, subsection 2:

. . . . . $ 44,152

3. For the operation of field offices, the workforce development board, and new Iowans centers in 2008 Iowa Acts, chapter 1190, section 16, subsection 3:

. . . . . $ 189,367

4. For conducting integrated basic education and skills training demonstration projects in 2008 Iowa Acts, chapter 1190, section 16, subsection 4:

. . . . . $ 7,500

5. For the development and administration of an offender reentry program in 2008 Iowa Acts, chapter 1190, section 16, subsection 5:

. . . . . $ 5,625

6. For purposes of administration of a security employee pilot project training program in 2008 Iowa Acts, chapter 1190, section 16, subsection 6:

. . . . . $ 225

Sec. 43. FISH AND GAME PROTECTION FUND. There is transferred from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To be credited to the state fish and game protection fund and used for addressing flood damage to public lands and facilities administered by the department of natural resources:

. . . . . $ 4,070,000

Sec. 44. COMMUNITY DEVELOPMENT BLOCK GRANT.

1. There is appropriated from the fund created by section 8.41 to the department of economic development for the federal fiscal year beginning October 1, 2007, and ending September 30, 2008, the following amount:

. . . . . $ 156,690,815

2. Funds appropriated in this section are community development block grant funds awarded to the state under Pub. L. No. 110-252, Supplemental Appropriations Act, 2008.

3. The department of economic development shall expend the funds appropriated in this section for disaster relief, long-term recovery, and restoration of infrastructure as provided in the federal law making the funds available and in conformance with chapter 17A. An amount not to exceed 3 percent of the funds appropriated in this section shall be used by the department for administrative expenses. From the funds set aside for administrative expenses, the department shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in this section.

[18] Published in IAB, Vol. XXXII, No. 5, (8/26/09), p. 590-591

Sec. 45. EFFECTIVE DATE.

1. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

2. The section of this division of this Act appropriating federal community development block grant funds is retroactively applicable to June 30, 2008.[19]

DIVISION VI
REPEAL OF FUNDS

Sec. 46. Section 8.68, Code 2009, is amended to read as follows:

8.68 FUTURE REPEAL OF COMMISSION AND FUND.

Sections 8.64 through 8.67 and this section are repealed effective ~~June 30, 2019~~ July 1, 2010.

Sec. 47. Section 8A.123, subsection 2, Code 2009, is amended to read as follows:

2. Internal service funds shall be administered by the department and shall consist of moneys collected by the department from billings issued in accordance with section 8A.125 and any other moneys obtained or accepted by the department, including but not limited to gifts, loans, donations, grants, and contributions, which are designated to support the activities of the individual internal service funds. ~~The director may obtain loans from the innovations fund created in section 8.63 for deposit in an internal service fund established pursuant to this section to provide seed and investment capital to enhance the delivery of services provided by the department.~~

Sec. 48. Sections 8.63 and 8.69, Code 2009, are repealed.

Sec. 49. INNOVATIONS FUND AND LOCAL GOVERNMENT INNOVATION FUND — TRANSFER.

1. Notwithstanding any provision of law to the contrary, the unencumbered or unobligated balances of the innovations fund created in section 8.63 at the close of the fiscal year beginning July 1, 2009, and any moneys to be credited to the fund in any succeeding fiscal year shall be transferred to the general fund of the state.

2. Notwithstanding any provision of law to the contrary, the unencumbered or unobligated balances of the local government innovation fund created in section 8.67 at the close of the fiscal year beginning July 1, 2009, and any moneys to be credited to the fund in any succeeding fiscal year shall be transferred to the general fund of the state.

3. This section takes effect July 1, 2009.

Sec. 50. EFFECTIVE DATE. Except as otherwise provided in this division of this Act, this division of this Act takes effect July 1, 2010.

DIVISION VII
OTHER PROVISIONS

Sec. 51. IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM — TEMPORARY LAYOFFS — AVERAGE COVERED WAGE RECALCULATION.

1. Notwithstanding any provision of chapter 97B to the contrary, a member of the Iowa public employees' retirement system who has an employer-mandated reduction in hours but remains on the employer's payroll, and who would receive a reduction in the member's three-year average covered wage as a result of the reduction in hours, may have the member's retirement allowance calculated based on the three-year average covered wage the member would have received, based on reasonable assumptions, if the member had not been subject to the employer-mandated reduction in hours, upon payment by the member of the applicable contribution amount. For purposes of this section, the applicable contribution amount is an amount equal to the employee and employer contributions that would have been paid to the

[19] See chapter 183, §72 herein

system based on the wages that the member would have received but for the employer-mandated reduction in hours and would have been included in the member's three-year average covered wage.

2. The payment of the applicable contribution amount under this section shall be treated as pick-up contributions in addition to amounts picked up under section 97B.11A. The member must notify the Iowa public employees' retirement system and the member's employer prior to the member terminating employment covered under the system so that the appropriate calculations can be made and the applicable contribution amount for the member can be deducted from the member's wages. The Iowa public employees' retirement system shall have no liability for a member's failure to notify the system and the member's employer in time to make such calculations and deduct the applicable contribution amount from the member's remaining wage payments.

3. This section shall apply to employer-mandated reductions in hours during the period of time beginning on or after January 1, 2009, and ending no later than June 30, 2010. The system is authorized to adopt such rules, including emergency rules, as it deems necessary or prudent to implement this section.

Sec. 52. USE OF REVERSIONS — FY 2009. Notwithstanding section 8.62, at the close of the fiscal year beginning July 1, 2008, any balance of an operational appropriation that remains unexpended or unencumbered shall not be encumbered or deposited in the cash reserve fund as provided in section 8.62, but shall instead revert to the general fund of the state at the close of the fiscal year as provided in section 8.33.

Sec. 53. USE OF REVERSIONS — FY 2010. Notwithstanding section 8.62, at the close of the fiscal year beginning July 1, 2009, any balance of an operational appropriation that remains unexpended or unencumbered shall not be encumbered or deposited in the cash reserve fund as provided in section 8.62, but shall instead revert to the general fund of the state at the close of the fiscal year as provided in section 8.33.

Sec. 54. JUDICIAL APPOINTMENT — DELAY.

1. Notwithstanding section 46.12, the chief justice may order the state commissioner of elections to delay, for up to one hundred eighty days for budgetary reasons, the sending of a notification to the proper judicial nominating commission that a vacancy in the supreme court, court of appeals, or district court has occurred or will occur.

2. Notwithstanding sections 602.6304, 602.7103B, and 633.20B, the chief justice may order any county magistrate appointing commission to delay, for up to one hundred eighty days for budgetary reasons, the certification of nominees to the chief judge of the judicial district for a district associate judgeship, associate juvenile judgeship, or associate probate judgeship.

3. Notwithstanding section 602.6403, subsection 3, the chief justice may order any county magistrate appointing commission to delay, for up to one hundred eighty days for budgetary reasons, the appointment of a magistrate to serve the remainder of an unexpired term.

4. The section is applicable for the period beginning on the effective date of this section and ending June 30, 2009.[20]

Sec. 55. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 16, 2009

[20] See chapter 179, §172, 173 herein

CHAPTER 171

ECONOMIC GROWTH AND EXPANSION AND
RESEARCH ACTIVITIES TAX CREDIT FUNDING

H.F. 817

AN ACT relating to the research activities tax credit for innovative renewable energy generation components and making an appropriation and providing applicability date provisions.

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

Section 1. Section 15.335, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

An eligible business may claim a corporate tax credit for increasing research activities in this state during the period the eligible business is participating in the program. For purposes of this section, "research activities" includes the development and deployment of innovative renewable energy generation components manufactured or assembled in this state. For purposes of this section, "innovative renewable energy generation components" does not include a component with more than two hundred megawatts of installed effective nameplate capacity. The tax credits for innovative renewable energy generation components shall not exceed ~~one~~ two million dollars.

Sec. 2. GROW IOWA VALUES FUND APPROPRIATION — TRANSFER.

1. In lieu of any standing appropriation in section 15G.111 from the grow Iowa values fund to the department of economic development, for the fiscal year beginning July 1, 2009, there is appropriated from the grow Iowa values fund to the department of economic development for purposes of administering financial assistance programs:

. . . . . $ 31,000,000[1]

2. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, one million dollars is transferred from the grow Iowa values fund to the general fund of the state.

Sec. 3. APPLICABILITY DATE. The section of this Act amending section 15.335 applies to projects approved on or after the effective date of the Act.

Approved April 23, 2009

CHAPTER 172

APPROPRIATIONS — JUDICIAL BRANCH

S.F. 472

AN ACT relating to and making appropriations to the judicial branch, and providing an effective date.

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

Section 1. JUDICIAL BRANCH.

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal

[1] See chapter 184, §6 herein

year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission; receipt and disbursement of child support payments; reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2009; and maintenance, equipment, and miscellaneous purposes:

. . . . . $ 149,184,957[1]

2. The judicial branch, except for purposes of internal processing, shall use the current state budget system, the state payroll system, and the Iowa finance and accounting system in administration of programs and payments for services, and shall not duplicate the state payroll, accounting, and budgeting systems.

3. The judicial branch shall submit monthly financial statements to the legislative services agency and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of administrative services. The monthly financial statements shall include a comparison of the dollars and percentage spent of budgeted versus actual revenues and expenditures on a cumulative basis for full-time equivalent positions and dollars.

4. The judicial branch shall focus efforts upon the collection of delinquent fines, penalties, court costs, fees, surcharges, or similar amounts.

5. It is the intent of the general assembly that the offices of the clerks of the district court operate in all 99 counties and be accessible to the public as much as is reasonably possible in order to address the relative needs of the citizens of each county.

6. In addition to the requirements for transfers under section 8.39, the judicial branch shall not change the appropriations from the amounts appropriated to the judicial branch in this Act, unless notice of the revisions is given prior to their effective date to the legislative services agency. The notice shall include information on the branch's rationale for making the changes and details concerning the workload and performance measures upon which the changes are based.

7. The judicial branch shall submit a semiannual update to the legislative services agency specifying the amounts of fines, surcharges, and court costs collected using the Iowa court information system since the last report. The judicial branch shall continue to facilitate the sharing of vital sentencing and other information with other state departments and governmental agencies involved in the criminal justice system through the Iowa court information system.

8. The judicial branch shall provide a report to the general assembly by January 1, 2010, concerning the amounts received and expended from the enhanced court collections fund created in section 602.1304 and the court technology and modernization fund created in section 602.8108, subsection 7, during the fiscal year beginning July 1, 2008, and ending June 30, 2009, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2009, and ending June 30, 2010. A copy of the report shall be provided to the legislative services agency.

9. The judicial branch is encouraged to purchase products from Iowa state industries, as defined in section 904.802, when purchases are required and the products are available from Iowa state industries. The judicial branch shall obtain bids from Iowa state industries for purchases of office furniture during the fiscal year beginning July 1, 2009, exceeding $5,000.

Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, if all parties in a case agree, a civil trial including a jury trial may take place in a county contiguous to the county with proper jurisdiction, even if the contiguous county is located in an adjacent judicial district or judicial election district. If the trial is moved pursuant to this section, court personnel shall treat

[1] See chapter 179, §66, 72 herein

the case as if a change of venue occurred. However, if a trial is moved to an adjacent judicial district or judicial election district, the judicial officers serving in the judicial district or judicial election district receiving the case shall preside over the case.

Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section 602.1509, a judicial officer may waive travel reimbursement for any travel outside the judicial officer's county of residence to conduct official judicial business.

Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT — LEGISLATIVE SERVICES AGENCY. All reports or copies of reports required to be provided by the judicial branch for fiscal year 2009-2010 to the legislative services agency shall be provided in an electronic format. The legislative services agency shall post the reports on its internet website and shall notify by electronic means all the members of the joint appropriations subcommittee on the justice system when a report is posted. Upon request, copies of the reports may be mailed to members of the joint appropriations subcommittee on the justice system.

Sec. 5. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding the annual salary rates for judicial officers established by 2008 Iowa Acts, chapter 1191, section 11, for the fiscal period beginning July 1, 2008, and ending June 30, 2010, the supreme court may by order place all judicial officers on unpaid leave status on any day employees of the judicial branch are placed on temporary layoff status. The biweekly pay of the judicial officers shall be reduced accordingly for the pay period in which the unpaid leave date occurred in the same manner as for noncontract employees of the judicial branch. Through the course of the fiscal period, the judicial branch may use an amount equal to the aggregate amount of salary reductions due to the judicial officer unpaid leave days for any purpose other than for judicial salaries.

Sec. 6. EFFECTIVE DATE. The sections of this Act permitting waiver of travel reimbursement and unpaid leave for judicial officers, being deemed of immediate importance, take effect upon enactment.

Approved May 4, 2009

CHAPTER 173

IOWA JOBS PROGRAM, BONDING, MISCELLANEOUS APPROPRIATIONS AND REDUCTIONS, AND OTHER MISCELLANEOUS CHANGES

S.F. 376

AN ACT creating an Iowa jobs program, an Iowa jobs board, and Iowa jobs fund, authorizing the issuance of bonds, including the issuance of tax-exempt bonds, making and revising appropriations, and providing an effective date.

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

DIVISION I
REVENUE BONDING — IOWA JOBS PROGRAM

Section 1. NEW SECTION. 12.87 GENERAL AND SPECIFIC BONDING POWERS — REVENUE BONDS — IOWA JOBS PROGRAM.

1. The treasurer of state is authorized to issue and sell bonds on behalf of the state to provide

funds for certain infrastructure projects and for purposes of the Iowa jobs program established in section 16.194. The treasurer of state shall have all of the powers which are necessary or convenient to issue, sell and secure bonds and carry out the treasurer of state's duties, and exercise the treasurer of state's authority under this section and sections 12.88 through 12.90. The treasurer of state may issue and sell bonds in such amounts as the treasurer of state determines to be necessary to provide sufficient funds for certain infrastructure projects and the revenue bonds capitals fund, the payment of interest on the bonds, the establishment of reserves to secure the bonds, the payment of costs of issuance of the bonds, the payment of other expenditures of the treasurer of state incident to and necessary or convenient to carry out the issuance and sale of the bonds, and the payment of all other expenditures of the treasurer of state necessary or convenient to administer the funds and to carry out the purposes for which the bonds are issued and sold. The treasurer of state may issue and sell bonds in one or more series on the terms and conditions the treasurer of state determines to be in the best interest of the state, in accordance with this section in such amounts as the treasurer of state determines to be necessary to fund the purposes for which such bonds are issued and sold. The treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than five hundred forty-five million dollars, excluding any bonds issued and sold to refund outstanding bonds issued under this section, as follows:

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

b. The treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than three hundred sixty million dollars for purposes of the Iowa jobs program established in section 16.194 and for watershed flood rebuilding and prevention projects, soil conservation projects, sewer infrastructure projects, for certain housing and public service shelter projects and public broadband and alternative energy projects, and for projects relating to bridge safety and the rehabilitation of deficient bridges.

2. Bonds issued and sold under this section are payable solely and only out of the moneys in the revenue bonds debt service fund and any bond reserve funds established pursuant to section 12.89, and only to the extent provided in the trust indenture, resolution, or other instrument authorizing their issuance. All moneys in the revenue bonds debt service fund and any bond reserve funds established pursuant to section 12.89 may be deposited with trustees or depositories in accordance with the terms of the trust indentures, resolutions, or other instruments authorizing the issuance of bonds and pledged by the treasurer of state to the payment thereof. Bonds issued and sold under this section shall contain a statement that the bonds are limited special obligations of the state and do not constitute a debt or indebtedness of the state or a pledge of the faith or credit of the state or a charge against the general credit or general fund of the state. The treasurer of state shall not pledge the credit or taxing power of this state or any political subdivision of this state or make bonds issued and sold pursuant to this section payable out of any moneys except those in the revenue bonds debt service fund and any bond reserve funds established pursuant to section 12.89.

3. The proceeds of bonds issued and sold by the treasurer of state and not required for immediate disbursement may be deposited with a trustee or depository as provided in the bond documents and invested or reinvested in any investment as directed by the treasurer of state and specified in the trust indenture, resolution, or other instrument pursuant to which the bonds are issued and sold without regard to any limitation otherwise provided by law.

4. The bonds, if issued and sold, shall be:

a. In a form, issued in denominations, executed in a manner, and payable over terms and with rights of redemption, and be subject to such other terms and conditions as prescribed in the trust indenture, resolution, or other instrument authorizing their issuance.

b. Negotiable instruments and investment securities under the laws of the state and sold at prices, at public or private sale, and in a manner, as prescribed by the treasurer of state. Chapters 73A, 74, 74A, and 75 do not apply to the sale or issuance of the bonds.

c. Subject to the terms, conditions, and covenants providing for the payment of the principal, redemption premiums, if any, interest, and other terms, conditions, covenants, and protective provisions safeguarding payment, not inconsistent with this section and as determined by the trust indenture, resolution, or other instrument authorizing their issuance.

5. The bonds are securities in which public officers and bodies of this state; political subdivisions of this state; insurance companies and associations and other persons carrying on an insurance business; banks, trust companies, savings associations, savings and loan associations, and investment companies; administrators, guardians, executors, trustees, and other fiduciaries; and other persons authorized to invest in bonds or other obligations of the state, may properly and legally invest funds, including capital, in their control or belonging to them.

6. Bonds must be authorized by a trust indenture, resolution, or other instrument of the treasurer of state.

7. The resolution, trust indenture, or any other instrument by which a pledge is created shall not be required to be recorded or filed under the Iowa uniform commercial code, chapter 554, to be valid, binding, or effective.

8. Any bonds issued and sold under the provisions of this section are declared to be issued and sold for an essential public and governmental purpose, and all bonds issued and sold under this section except as otherwise provided in any trust indentures, resolutions, or other instruments authorizing their issuance shall be exempt from taxation by the state of Iowa and the interest on the bonds shall be exempt from the state income tax and the state inheritance tax.

9. The treasurer of state may issue and sell bonds for the purpose of refunding any bonds issued and sold pursuant to this section then outstanding, including the payment of any redemption premiums thereon and any interest accrued or to accrue to the date of redemption of the outstanding bonds. Until the proceeds of bonds issued for the purpose of refunding outstanding bonds are applied to the purchase or retirement of outstanding bonds or the redemption of outstanding bonds, the proceeds may be placed in escrow and be invested and reinvested in accordance with the provisions of this section. The interest, income, and profits earned or realized on an investment may also be applied to the payment of the outstanding bonds to be refunded by purchase, retirement, or redemption. After the terms of the escrow have been fully satisfied and carried out, any balance of proceeds and interest earned or realized on the investments shall be returned to the treasurer of state for deposit in the revenue bonds debt service fund established in section 12.89. All refunding bonds shall be issued, sold and secured and subject to the provisions of this section in the same manner and to the same extent as other bonds issued and sold pursuant to this section.

10. Bonds issued and sold pursuant to this section are limited special obligations of the state and are not a debt or indebtedness of the state, nor of any political subdivision of the state, and do not constitute a pledge of the faith and credit of the state or a charge against the general credit or general fund of the state. The issuance and sale of any bonds pursuant to this section by the treasurer of state do not directly, indirectly, or contingently obligate the state or a political subdivision of the state to apply moneys from or to levy or pledge any form of taxation whatever to, or to continue the appropriation of the funds for, the payment of the bonds. Bonds issued and sold under this section are payable solely and only from moneys in the revenue bonds debt service fund and any reserve fund created in section 12.89 and only to the extent provided in the trust indenture, resolution, or other instrument authorizing their issuance.

11. The treasurer of state may enter into or obtain authorizing documents and other agreements and ancillary arrangements with respect to the bonds as the treasurer of state determines to be in the best interests of the state, including but not limited to trust indentures, resolutions, other instruments authorizing the issuance of the bonds, liquidity facilities, remarketing or dealer agreements, letter of credit agreements, insurance policies, guaranty agreements, reimbursement agreements, indexing agreements, or interest rate exchange agreements.

12. Neither the treasurer of state, the Iowa jobs board, nor any person acting on behalf of the treasurer of state or the Iowa jobs board while acting within the scope of their employment

or agency, is subject to personal liability resulting from carrying out the powers and duties conferred by this section and sections 12.88 through 12.90.

13. As used in this section and sections 12.88 through 12.90, the term "bonds" means bonds, notes, or other evidence of obligations.

Sec. 2. NEW SECTION. 12.88 REVENUE BONDS CAPITALS FUND.

1. A revenue bonds capitals fund is created and established as a separate and distinct fund in the state treasury. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund.

2. Revenue for the revenue bonds capitals fund shall include but is not limited to the following, which shall be deposited with the treasurer of state or the treasurer of state's designee as provided by any bond or security documents and credited to the fund:

a. The net proceeds of bonds issued pursuant to section 12.87 other than bonds issued for the purpose of refunding such bonds, and investment earnings on the net proceeds.

b. Interest attributable to investment of moneys in the fund or an account of the fund.

c. Moneys in the form of a devise, gift, bequest, donation, federal or other grant, reimbursement, repayment, judgment, transfer, payment, or appropriation from any source intended to be used for the purposes of the fund.

3. Moneys in the revenue bonds capitals fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

4. Annually, on or before January 15 of each year, a state agency that received an appropriation from the revenue bonds capitals fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

Sec. 3. NEW SECTION. 12.89 REVENUE BONDS DEBT SERVICE FUND AND BOND RESERVE FUNDS.

1. A revenue bonds debt service fund is created and established as a separate and distinct fund in the state treasury. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund. The moneys in such fund are appropriated and shall be used for the purpose of making all payments with respect to bonds issued and sold pursuant to section 12.87, including but not limited to the following:

a. Principal payments, interest payments, sinking fund payments, purchase price, redemption price, redemption premiums, and interest rate exchange payments.

b. Fees and expenses of trustees, paying agents, remarketing agents, financial advisors, underwriters, depositories, guarantors, bond insurers, liquidity or credit facility providers, interest rate indexing agents, and other professional services providers.

c. Costs and expenses of the treasurer of state incident to and necessary and convenient to carry out the issuance and sale of the bonds and the administration of the revenue bonds.

2. Moneys in the revenue bonds debt service fund shall include but are not limited to the following, which shall be deposited with the treasurer of state or the treasurer of state's designee as provided in any bond or security documents and credited to the fund:

a. The proceeds of bonds to the extent provided in the trust indenture, resolution, or other instrument authorizing their issuance and investment earnings on the proceeds.

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

c. Transfers from any bond reserve fund created pursuant to this section.

d. Interest attributable to investment of moneys in the fund or an account of the fund.

e. Any other moneys from any other sources which may be legally available to the treasurer of state for the purpose of the fund.

3. a. The treasurer of state may create and establish one or more special funds, to be known as bond reserve funds, to secure one or more issues of bonds issued and sold pursuant to section 12.87. The treasurer of state shall pay into each bond reserve fund any moneys appropriated and made available for the purpose of the fund, any proceeds of sale of bonds to the extent provided in the trust indenture, resolution, or other instrument authorizing their issuance, and any other moneys which may be legally available to the treasurer of state for the purpose of the fund from any other sources. All moneys held in a bond reserve fund shall be used or transferred to the revenue bonds debt service fund to be used as required solely to make the payments authorized to be made from such fund pursuant to subsection 1.

b. Moneys in a bond reserve fund shall not be transferred or withdrawn from the fund at any time in an amount that will reduce the amount of the fund to less than the bond reserve fund requirement established for the fund, as provided in this subsection, except for the purpose of making, with respect to bonds secured in whole or in part by the fund, the payments authorized to be made from such fund pursuant to subsection 1 for the payment of which sufficient moneys in the revenue bonds debt service fund are not available. Any income or interest earned by, or incremental to, a bond reserve fund due to the investment of moneys in the bond reserve fund may be transferred by the treasurer of state to other funds or accounts to the extent the transfer does not reduce the amount of that bond reserve fund below the established bond reserve fund requirement.

c. The treasurer of state shall not at any time issue and sell bonds, secured in whole or in part by a bond reserve fund if, upon the issuance of the bonds, the amount in the bond reserve fund will be less than the bond reserve fund requirement for the fund, unless the treasurer of state at the time of issuance of the bonds deposits in the fund from the proceeds of the bonds issued or from other legally available sources an amount which, together with the amount then in the fund, will not be less than the bond reserve fund requirement for the fund. For the purposes of this subsection, the term "bond reserve fund requirement" means, as of any particular date of computation, an amount of moneys, as provided in the trust indenture, resolution, or other instrument authorizing the bonds with respect to which the fund is established.

d. To assure the continued solvency of any bonds secured by a bond reserve fund, provision is made in paragraph "c" for the accumulation in each bond reserve fund of an amount equal to the bond reserve fund requirement for the fund. In order further to assure maintenance of the bond reserve funds, the treasurer of state shall, on or before January 1 of each calendar year, make and deliver to the governor and to both houses of the general assembly the treasurer of state's certificate stating the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund and requesting that the budget and appropriation bills approved for such fiscal year include amounts sufficient to restore each bond reserve fund to the bond reserve fund requirement for such fund. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor may submit to both houses printed copies of a budget including the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Any sums appropriated by the general assembly and paid to the treasurer of state pursuant to this subsection shall be deposited by the treasurer of state in the applicable bond reserve fund.

4. Except as otherwise provided in this section, the moneys on deposit in the revenue bonds debt service fund or any bond reserve fund relating to bonds issued pursuant to section 12.87 shall be held for the sole benefit of the bonds and shall not be pledged or used for the benefit of any bonds issued by the treasurer of state pursuant to any other section of the Code.

5. Moneys in the revenue bonds debt service fund and any bond reserve fund created pursuant to this section are not subject to section 8.33; provided however, that on August 31 following the close of each fiscal year, any moneys on deposit in the revenue bonds debt service fund at the end of such fiscal year, which is determined by the treasurer of state to not be encumbered or obligated or otherwise necessary to make the payments for such fiscal year authorized to be made from such fund pursuant to subsection 1, shall be credited to the rebuild Iowa infrastructure fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the revenue bonds debt service fund and any bond reserve fund shall be credited to such funds.

Sec. 4. NEW SECTION. 12.90 PLEDGES — CONSTRUCTION.

1. It is the intention of the general assembly that a pledge made in respect of bonds shall be valid and binding from the time the pledge is made, that the money or property so pledged and received after the pledge by the treasurer of state shall immediately be subject to the lien of the pledge without physical delivery or further act, and that the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the treasurer of state whether or not the parties have notice of the lien.

2. Sections 12.87 through 12.89, and this section, being necessary for the welfare of this state and its inhabitants, shall be liberally construed to effect its purposes.

DIVISION II
IOWA JOBS BOARD, IOWA JOBS PROGRAM,
AND IOWA JOBS FUND

Sec. 5. NEW SECTION. 16.191 IOWA JOBS BOARD.

1. An Iowa jobs board is established consisting of eleven members and is located for administrative purposes within the Iowa finance authority. The executive director of the Iowa finance authority shall provide staff assistance and necessary supplies and equipment for the board. The executive director shall budget funds received pursuant to section 16.193 to operate the program including but not limited to paying the per diem expenses of the board members. In performing its functions, the board is performing a public function on behalf of the state and is a public instrumentality of the state.

2. The membership of the board shall be as follows:

a. Six members of the general public appointed by the governor.

b. The director of the department of economic development or the director's designee.

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

d. The director of the department of workforce development or the director's designee.

e. The executive director of the rebuild Iowa office or the director's designee until June 30, 2011, and then the administrator of the homeland security and emergency management division of the department of public defense or the administrator's designee.

f. The treasurer of state or the treasurer of state's designee.

3. a. All public member appointments made pursuant to subsection 2, paragraph "a" shall comply with sections 69.16, 69.16A, and 69.16C, and shall be subject to confirmation by the senate.

b. Three of the public members appointed pursuant to subsection 2, paragraph "a" shall have demonstrable experience or expertise in the field of public financing, architecture, engineering, or major facility development or construction and one of the public members appointed pursuant to subsection 2, paragraph "a", shall be an employee of a not-for-profit organization.

c. All public members shall be from geographically diverse areas of this state.

d. All public members shall be appointed to three-year staggered terms and the terms shall commence and end as provided by section 69.19. If a vacancy occurs, a successor shall be appointed to serve the unexpired term. A successor shall be appointed in the same manner and subject to the same qualifications as the original appointment to serve the unexpired term.

4. The chairperson and vice chairperson of the board shall be designated by the governor from the public members appointed pursuant to subsection 2, paragraph "a". In case of the absence or disability of the chairperson and vice chairperson, the members of the board shall elect a temporary chairperson by a majority vote of those members who are present and voting.

5. A majority of the board constitutes a quorum.

Sec. 6. NEW SECTION. 16.192 BOARD DUTIES AND POWERS.

The Iowa jobs board has any and all powers necessary to carry out its purposes and duties, and to exercise its specific powers, including but not limited to doing all of the following:

1. Organize.
2. Establish the Iowa jobs program pursuant to section 16.194.
3. Oversee and provide approval of the administration of the Iowa jobs program.
4. Award financial assistance in the form of grants under the Iowa jobs program pursuant to sections 16.194 and 16.195.
5. Enter into and enforce grant agreements as necessary or convenient to implement the Iowa jobs program.

Sec. 7. NEW SECTION. 16.193 IOWA FINANCE AUTHORITY DUTIES — APPROPRIATION.

1. The Iowa finance authority, subject to approval by the Iowa jobs board, shall adopt administrative rules pursuant to chapter 17A necessary to administer the Iowa jobs program. The authority shall provide the board with assistance in implementing administrative functions, providing technical assistance and application assistance to applicants under the programs, negotiating contracts, and providing project follow up. The authority, in cooperation with the board, may conduct negotiations on behalf of the board with applicants regarding terms and conditions applicable to awards under the program.
2. During the term of the Iowa jobs program established in section 16.194, two hundred thousand dollars of the moneys deposited in the rebuild Iowa infrastructure fund shall be allocated each fiscal year to the Iowa finance authority for purposes of administering the Iowa jobs program, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 8. NEW SECTION. 16.194 IOWA JOBS PROGRAM.

1. An Iowa jobs program is created to assist in the development and completion of public construction projects relating to disaster relief and mitigation and to local infrastructure. "Local infrastructure" includes projects relating to disaster rebuilding, reconstruction and replacement of local public buildings, flood control and flood protection, and future flood prevention.
2. A city or county or a public organization in this state may submit an application to the Iowa jobs board for financial assistance for a local infrastructure competitive grant for an eligible project under the program, notwithstanding any limitation on the state's percentage in funding as contained in section 29C.6, subsection 17.
3. Financial assistance under the program shall be awarded in the form of grants.
4. The board shall consider the following criteria in evaluating eligible projects to receive financial assistance under the program:
a. The total number and quality of jobs to be created and the benefits likely to accrue to areas distressed by high unemployment.
b. Financial feasibility, including the ability of projects to fund depreciation costs or replacement reserves, and the availability of other federal, state, local, and private sources of funds.
c. Sustainability and energy efficiency.
d. Benefits for disaster recovery.
e. The project's readiness to proceed.
5. An applicant must demonstrate local support for the project as defined by rule.
6. Any award of financial assistance to a project shall be limited as follows:
a. Up to seventy-five percent of the total cost of a project for replacing or rebuilding existing disaster-related damaged property.
b. Up to fifty percent of the total cost for all other projects.
7. In order for a project to be eligible to receive financial assistance from the board, the project must be a public construction project pursuant to subsection 1 with a demonstrated substantial local, regional, or statewide economic impact.
8. The board shall not approve an application for assistance for any of the following purposes:

a. To refinance a loan existing prior to the date of the initial financial assistance application.

b. For a project that has previously received financial assistance under the program, unless the applicant demonstrates that the financial assistance would be used for a significant expansion of a project.

9. a. The total amount of allocations for future flood prevention, reconstruction and replacement of local public buildings, disaster rebuilding, flood control and flood protection projects shall not exceed one hundred sixty-five million dollars for the fiscal year beginning July 1, 2009.

b. Any portion of an amount allocated for projects that remains unexpended or unencumbered one year after the allocation has been made may be reallocated to another project category, at the discretion of the board. The board shall ensure that all bond proceeds be expended within three years from when the allocation was initially made.

10. The board shall ensure that funds obligated under this section are coordinated with other federal program funds received by the state, and that projects receiving funds are located in geographically diverse areas of the state.

11. For purposes of this section, "public organization" means a nonprofit organization that sponsors or supports the public needs of the local community.

Sec. 9. NEW SECTION. 16.195 IOWA JOBS PROGRAM APPLICATION REVIEW.

1. Applications for assistance under the Iowa jobs program shall be submitted to the Iowa finance authority. The authority shall provide a staff review and evaluation of applications to the Iowa jobs program review committee referred to in subsection 2 and to the Iowa jobs board.

2. A review committee composed of members of the board as determined by the board shall review Iowa jobs program applications submitted to the board and make recommendations regarding the applications to the board. When reviewing the applications, the review committee and the authority shall consider the project criteria specified in section 16.194. The board shall develop the appropriate level of transparency regarding project fund allocations.

3. Upon approval of an application for financial assistance under the program, the board shall notify the treasurer of state regarding the amount of moneys needed to satisfy the award of financial assistance and the terms of the award. The treasurer of state shall notify the Iowa finance authority any time moneys are disbursed to a recipient of financial assistance under the program.

Sec. 10. NEW SECTION. 16.196 IOWA JOBS RESTRICTED CAPITALS FUND — APPROPRIATIONS.

1. An Iowa jobs restricted capitals fund is created and established as a separate and distinct fund in the state treasury. The fund consists of moneys appropriated from the revenue bonds capitals fund created in section 12.88. The moneys in the fund are appropriated to the Iowa jobs board for purposes of the Iowa jobs program established in section 16.194. Moneys in the fund shall not be subject to appropriation for any other purpose by the general assembly, but shall be used only for the purposes of the Iowa jobs program. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund. The fund shall be administered by the board which shall make allocations from the fund consistent with the purposes of the Iowa jobs program.

2. There is appropriated from the revenue bonds capitals fund created in section 12.88, to the Iowa jobs restricted capitals fund, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, one hundred sixty-five million dollars to be allocated as follows:

a. One hundred eighteen million five hundred thousand dollars for competitive grants for local infrastructure projects relating to disaster rebuilding, reconstruction and replacement of local buildings, flood control and flood protection, and future flood prevention public projects. An applicant for a local infrastructure grant shall not receive more than fifty million dollars in financial assistance from the fund.

b. Forty-six million five hundred thousand dollars for disaster relief and mitigation and lo-

cal infrastructure grants for the following renovation and construction projects, notwithstanding any limitation on the state's percentage participation in funding as contained in section 29C.6, subsection 17:

(1) For grants to a county with a population between one hundred eighty nine thousand and one hundred ninety six thousand in the latest preceding certified federal census, to be distributed as follows:

(a) Ten million dollars for the construction of a new, shared facility between nonprofit human service organizations serving the public, especially the needs of low-income Iowans, including those displaced as a result of the disaster of 2008.

(b) Five million dollars for the construction or renovation of a facility for a county-funded workshop program serving the public and particularly persons with mental illness or developmental disabilities.

(2) For grants to a city with a population between one hundred ten thousand and one hundred twenty thousand in the latest preceding certified federal census, to be distributed as follows:

(a) Five million dollars for an economic redevelopment project benefiting the public by improving energy efficiency and the development of alternative and renewable energy technologies.

(b) Ten million dollars for a museum serving the public and dedicated to the preservation of an eastern European cultural heritage through the collection, exhibition, preservation, and interpretation of historical artifacts.

(c) Five million dollars for a theater serving the public and promoting culture, entertainment, and tourism.

(d) Five million dollars for a public library.

(e) Five million dollars for a public works building.

(3) One million five hundred thousand dollars, to be distributed as follows:

(a) Five hundred thousand dollars to a city with a population between six hundred and six hundred fifty in the latest preceding certified federal census, for a public fire station.

(b) Five hundred thousand dollars to a city with a population between one thousand four hundred and one thousand five hundred in the latest preceding certified federal census, for a public fire station.

(c) Five hundred thousand dollars for a city with a population between seven thousand eight hundred and seven thousand eight hundred fifty, for a public fire station.

3. Grant awards for a project under subsection 2, paragraph "b", are contingent upon submission of a plan for each project by the applicable county or city governing board or in the case of a project submitted pursuant to subsection 2, paragraph "b", subparagraph (2), subparagraph division (b), by the board of directors, to the Iowa jobs board, no later than September 1, 2009, detailing a description of the project, the plan to rebuild, and the amount or percentage of federal, state, local, or private matching moneys which will be or have been provided for the project. Funds not utilized in accordance with subsection 2, paragraph "b", due to failure to file a plan by the September 1 deadline shall revert to the Iowa jobs restricted capitals fund to be available for local infrastructure competitive grants. A grant recipient under subsection 2, paragraph "b", shall not be precluded from applying for a local infrastructure competitive grant pursuant to this section and section 16.195.

4. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

5. Annually, on or before January 15 of each year, the board shall report to the legislative services agency and the department of management the status of all projects receiving moneys from the fund completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

6. Payment of moneys appropriated from the fund shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state.

Sec. 11. NEW SECTION. 16.197 LIMITATION OF LIABILITY.

A member of the Iowa jobs board, a person acting on behalf of the board while acting within the scope of their employment or agency, or the treasurer of state, shall not be subject to personal liability resulting from carrying out the powers and duties of the board or the treasurer, as applicable, in sections 16.192 through 16.196.

Sec. 12. EMERGENCY RULES. The Iowa finance authority, subject to approval by the Iowa jobs board, may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

DIVISION III
REVENUE BONDS CAPITALS FUND — APPROPRIATIONS

Sec. 13. There is appropriated from the revenue bonds capitals fund created in section 12.88, to the following departments and agencies for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

To the soil conservation division of the department established in section 161A.4:

..... $ 11,500,000

a. Of the moneys appropriated in this subsection, the department may provide moneys on a cost-share basis as provided in chapter 161A in order to accomplish any public purpose described in chapter 161A, including but not limited to providing for the reconstruction or repair of permanent soil and water conservation practices that were damaged by the 2008 precipitation event.

b. Of the moneys appropriated in this subsection, the department may award moneys to provide affordable wetland mitigation banks.

c. Of the moneys appropriated in this subsection, the department may award moneys to allow more landowners to participate in the conservation reserve enhancement program to improve water quality and intercept nitrates.

d. Any award of moneys made under paragraph "a", "b", or "c" shall be in the form of a grant. Any grant awards for conservation practices on private property shall be for flood control or soil and watershed management public purposes.

2. DEPARTMENT OF NATURAL RESOURCES

..... $ 13,500,000

Of the moneys appropriated in this subsection, the department may provide moneys to construct, reconstruct, or repair infrastructure associated with the control and movement of surface water, including but not limited to addressing issues affected by combined sewer overflows, enrolling larger contiguous areas in emergency watershed programs, improving facilities or systems that provide water quality, mitigating flood damage or the threat of flood damage in the areas most severely affected by the 2008 flood, and improving or replacing low-head dams. Any award of moneys made under this subsection shall be in the form of a grant. Any grant awards for practices on private property shall be for the public purposes of flood control, watershed management, or improving water quality.

3. IOWA ENERGY CENTER

For deposit into the alternate energy revolving loan fund created in section 476.46 to encour-

age the development of alternate energy production facilities and small hydro facilities, as defined in section 476.42, within the state:

. . . . . $ 5,000,000

Any award of loans to private individuals or organizations must be for the public purpose of encouraging the development of alternate energy production facilities and small hydro facilities within the state in order to conserve finite and expensive energy resources and to provide for their most efficient use. Funds from bond proceeds shall not be used for administration or planning purposes. These moneys, and any loan repayments, shall be maintained in separate accounts and shall only be used for these public purposes.

4. IOWA FINANCE AUTHORITY

a. For water quality and wastewater improvement projects:

. . . . . $ 55,000,000

(1) Of the amount appropriated in this subsection, thirty-five million dollars shall be allocated for water quality and wastewater improvement projects located in cities with a population of ten thousand or less, as determined by the preceding federal census, or in townships.

(2) The Iowa finance authority shall establish and administer a water quality financial assistance program. The purpose of the program shall be to provide additional financial assistance to communities receiving loans from the Iowa water pollution control works and drinking water facilities financing program pursuant to section 16.131. The program shall be administered in accordance with rules adopted by the authority pursuant to chapter 17A.

b. For deposit into the public service shelter grant fund created in section 16.185 for grants for the construction, renovation, and improvements to homeless shelters, emergency shelters, and family and domestic violence shelters:

. . . . . $ 10,000,000

c. For deposit into the disaster damage housing assistance grant fund created in section 16.186 for grants to ease and speed recovery efforts from the natural disasters of 2008, including stabilizing neighborhoods damaged by the natural disasters, preventing population loss and neighborhood deterioration, and improving the health, safety, and welfare of persons living in such disaster-damaged neighborhoods:

. . . . . $ 5,000,000

d. For deposit into the affordable housing assistance grant fund created in section 16.187 for grants for housing for certain elderly, disabled, and low-income persons and public servants in critical skills shortage areas of the state:

. . . . . $ 20,000,000

5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

For public[1] broadband technology grants for the deployment and sustainability of high-speed broadband access:

. . . . . $ 25,000,000

a. It is the intent of the general assembly that funds appropriated under this subsection for the deployment and sustainability of high-speed broadband access be used to access any federal funds made available. State and federal funds made available for broadband deployment shall be used to promote universal access to high-speed broadband services for speeds to exceed federal requirements throughout the state for the benefit of Iowans and for the sustainability of such services.

b. (1) The utilities board created in section 474.1, the economic development board created in section 15.103, and the telecommunications and technology commission established in section 8D.3 shall establish a joint governance board of fifteen members including the following:

(a) Eleven members shall be voting members as follows:

(i) Three members representing educational users and local governments including one member representing cities, one member representing counties, and one member representing educational users.

(ii) Two members, one representing urban residential users in the state, and one representing rural residential users in the state.

[1] See chapter 183, §71, 74 herein

(iii) Three members representing broadband and telecommunications providers including one member representing cable providers, one member representing wire-line telecommunications providers, and one member representing wireless providers.

(iv) Three members representing the state, including one member designated by the telecommunications and technology commission, one member designated by the economic development board, and one member designated by the utilities board.

(b) Four nonvoting, ex-officio members representing the general assembly as follows:

(i) Two members appointed from the senate with one member appointed by the majority leader of the senate and one member appointed by the minority leader of the senate.

(ii) Two members appointed from the house of representatives with one member appointed by the speaker of the house and one member appointed by the minority leader of the house.

(2) Administrative support and planning costs incurred for the governance board shall be provided jointly by the utilities board, the economic development board, and the telecommunications and technology commission. Any necessary rules shall be adopted by the economic development board on behalf of the governance board.

(3) A quorum of the governance board shall be a majority of the voting members.

c. The governance board established in paragraph "b" shall do all of the following:

(1) Establish a comprehensive plan for the deployment and sustainability of high-speed broadband access in areas capable of timely implementation of such access. The plan shall be consistent with federal requirements established for federal funds made available for the purposes of projects that may be considered by the governance board and shall be the basis for a comprehensive statewide plan. The governance board shall seek public input when establishing the plan and the competitive process established under subparagraph (2).

(2) Establish a competitive process for the disbursement of funds made available for the deployment and sustainability of high-speed broadband services in the form of grants. The governance board shall only consider applications from parties seeking to use funds for projects that are sustainable.

(a) Priority shall be given under the plan to applications submitted by qualified private providers of high-speed broadband services.

(b) The plan shall require collaboration involving qualified private providers and public entities, as appropriate.

(c) The plan shall allow for the participation of public entities to accomplish project purposes that are financially feasible in areas of the state that remain unserved or underserved as a result of a lack of private sector investment.

(3) Make recommendations to the general assembly regarding any necessary legislation needed to further the purposes of this subsection.

(4) Establish and maintain separate accounts for the use of bond proceeds and nonbond proceeds.

d. Applications submitted shall be designed to accomplish all of the following:

(1) Provide minimum broadband capacity throughout the area as determined by the governance board consistent with any applicable state and federal law or guidelines. The governance board shall ensure that the minimum broadband capacity established meets or exceeds any federal requirements established with regard to the availability of federal funds, in the form of grants.

(2) Provide broadband connections to all business, government, educational, and residential locations within the project area.

(3) Utilize, where appropriate and feasible, existing privately owned telecommunications fiber infrastructure and wireless facilities to establish universal access to high-speed broadband services, as appropriate and consistent with the priorities established by the governance board for the competitive process under paragraph "c", subparagraph (2).

(4) Demonstrate that any project undertaken and funded by the governance board shall be economically sustainable with no further government assistance based upon expected revenue generation.

6. DEPARTMENT OF TRANSPORTATION

For deposit into the bridge safety fund created in section 313.68 to be used for infrastructure projects relating to functionally obsolete and structurally deficient bridges:

. . . . . $ 50,000,000

Sec. 14. TAX-EXEMPT STATUS — USE OF APPROPRIATIONS.

1. Payment of moneys appropriated in this division of this Act shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state.

2. Payment of moneys appropriated in this division of this Act shall not used[2] for administrative or planning purposes.

Sec. 15. REVERSION. Notwithstanding section 8.33, moneys appropriated in this division of this Act for the fiscal year beginning July 1, 2009, and ending June 30, 2010, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2012, or until the project for which the appropriation was made is completed, whichever is earlier.

DIVISION IV
REGENTS BONDING

Sec. 16. Section 263A.2, Code 2009, is amended to read as follows:

263A.2 AUTHORIZATION OF GENERAL ASSEMBLY AND GOVERNOR.

Subject to and in accordance with the provisions of this chapter, the state board of regents ~~after authorization by a constitutional majority of the general assembly and approval by the governor~~ may undertake and carry out any project as defined in this chapter at the state university of Iowa. The state board of regents is authorized to operate, control, maintain, and manage buildings and facilities and additions to such buildings and facilities at said institution. All contracts for the construction, reconstruction, completion, equipment, improvement, repair, or remodeling of any buildings, additions, or facilities shall be let in accordance with the provisions of section 262.34. The title to all real estate acquired under the provisions of this chapter and the improvements erected thereon shall be taken and held in the name of the state of Iowa.

Sec. 17. Section 263A.3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The board is authorized to borrow money and to issue and sell negotiable bonds or notes to pay all or any part of the cost of carrying out any project at the institution and to refund and refinance bonds or notes issued for any project or for refunding purposes at the same rate or at a lower rate. ~~Such bonds or notes shall be sold by the board at public sale on the basis of sealed proposals received pursuant to a notice specifying the time and place of sale and the amount of bonds to be sold which shall be published at least once not less than seven days prior to the date of sale in a newspaper published in the state of Iowa and having a general circulation in the state. The provisions of chapter 75 shall not apply to bonds or notes issued under authority contained in this chapter, but such bonds or notes shall be sold upon terms of not less than par plus accrued interest.~~ The bonds or notes issued under this chapter may be sold at public sale as provided in chapter 75, but if the board finds it advisable and in the public interest to do so, such bonds or notes may be sold by the board at private sale without published notice of any kind and without regard to the requirements of chapter 75. Bonds or notes issued to refund other bonds or notes issued under the provisions of this chapter may either be sold in the manner specified in this chapter and the proceeds thereof applied to the payment of the obligations being refunded, or the refunding bonds or notes may be exchanged for and in payment and discharge of the obligations being refunded. The refunding bonds or notes may be sold or exchanged in installments at different times or an entire issue or series may be sold or exchanged at one time. Any issue or series of refunding bonds or notes may be exchanged in

[2] According to enrolled Act; the phrase "shall not be used" probably intended

part or sold in parts in installments at different times or at one time. The refunding bonds or notes may be sold or exchanged at any time on, before, or after the maturity of any of the outstanding notes, bonds, or other obligations to be refinanced thereby and may be issued for the purpose of refunding a like or greater principal amount of bonds or notes, except that the principal amount of the refunding bonds or notes may exceed the principal amount of the bonds or notes to be refunded to the extent necessary to pay any premium due on the call of the bonds or notes to be refunded or to fund interest in arrears or about to become due.

Sec. 18. Section 263A.4, Code 2009, is amended to read as follows:

263A.4 BONDS OR NOTES PROVISIONS.

Such bonds or notes may bear such date or dates, may bear interest at such rate or rates, payable semiannually, may mature at such time or times, may be in such form and denominations, carry such registration privileges, may be payable at such place or places, may be subject to such terms of redemption prior to maturity with or without premium, if so stated on the face thereof, and may contain such terms and covenants, including the establishment of reserves, all as may be provided by this chapter, section 76.17, and the resolution of the board authorizing the issuance of the bonds or notes. In addition to the estimated cost of construction, including site costs, the cost of the project may include interest upon the bonds or notes during construction and for six months after the estimated completion date, the compensation of a fiscal agent or adviser, engineering, architectural, administrative, and legal expenses and provision for contingencies. Such bonds or notes shall be executed by the president of the state board of regents and attested by the executive director, secretary, or other official thereof performing the duties of executive director, and the coupons thereto attached shall be executed with the original or facsimile signatures of said president, executive director, secretary, or other official; provided, however, that the facsimile signature of either of such officers executing such bonds may be imprinted on the face of the bonds in lieu of the manual signature of such officer, but at least one of the signatures appearing on the face of each bond shall be a manual signature. Any bonds or notes bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding for all purposes, notwithstanding that before delivery thereof any or all such persons whose signatures appear thereon shall have ceased to be such officers. Each such bond or note shall state upon its face the name of the institution on behalf of which it is issued, that it is payable solely and only from hospital income received by such institution as provided in this chapter, and that it does not constitute a debt of or charge against the state of Iowa within the meaning or application of any constitutional or statutory limitation or provision. The issuance of such bonds or notes shall be recorded in the office of the treasurer of the institution, and a certificate by such treasurer to this effect shall be printed on the back of each such bond or note.

Sec. 19. 2004 Iowa Acts, chapter 1175, section 277, is amended by adding the following new subsection:

NEW SUBSECTION. 5. DEFINITION. For purposes of subsection 3, paragraph "b", "project" means the same as defined in section 262A.2, subsection 6, and includes the construction of replacement facilities and flood recovery and flood mitigation expenses resulting from a disaster in an area included in a proclamation of disaster emergency in accordance with section 29C.6.

Sec. 20. 2007 Iowa Acts, chapter 205, section 1, is amended by adding the following new subsection:

NEW SUBSECTION. 4. DEFINITION. For purposes of subsection 2, paragraph "a", "project" means the same as defined in section 262A.2, subsection 6, and includes the construction of replacement facilities and flood recovery and flood mitigation expenses resulting from a disaster in an area included in a proclamation of disaster emergency in accordance with section 29C.6.

DIVISION V
CHANGES TO PRIOR APPROPRIATIONS

Sec. 21. 2008 Iowa Acts, chapter 1179, section 7, is amended to read as follows:

SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is appropriated from the rebuild Iowa infrastructure fund to the department of economic development for the designated fiscal years the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For deposit into the river enhancement community attraction and tourism fund created in 2008 Iowa Acts, Senate File 2430,[3] if enacted:

FY 2009-2010 ..... $ ~~10,000,000~~ 0
FY 2010-2011 ..... $ 10,000,000
FY 2011-2012 ..... $ 10,000,000
FY 2012-2013 ..... $ 10,000,000

~~Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2009, and ending June 30, 2010, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2012, or until the project for which the appropriation was made is completed, whichever is earlier.~~

Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2010, and ending June 30, 2011, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2013, or until the project for which the appropriation was made is completed, whichever is earlier.

Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2011, and ending June 30, 2012, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2014, or until the project for which the appropriation was made is completed, whichever is earlier.

Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2012, and ending June 30, 2013, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2015, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 22. 2008 Iowa Acts, chapter 1179, section 18, unnumbered paragraph 1, is amended to read as follows:

There is appropriated from the ~~FY 2009 tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund~~ revenue bonds capitals fund pursuant to section ~~12E.12, subsection 1, paragraph "b", subparagraph (1A)~~ 12.88, ~~as~~ if enacted ~~in this Act~~ by the Eighty-third General Assembly, 2009 Session,[4] to the following departments and agencies for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

Sec. 23. 2008 Iowa Acts, chapter 1179, section 18, subsection 1, paragraphs b through k, are amended to read as follows:

b. For renovations to the capitol complex utility tunnel system:
..... $ ~~4,763,078~~ 0

c. For costs associated with capitol interior and exterior restoration:
..... $ ~~6,900,000~~ 0

[3] 2008 Iowa Acts, chapter 1178
[4] See this chapter, §2

d. For upgrades to the electrical distribution system serving the capitol complex:
. . . . . $ ~~4,470,000~~
0

e. For heating, ventilating, and air conditioning improvements in the Hoover state office building:
. . . . . $ ~~1,500,000~~
0

f. For costs associated with the central energy plant addition and improvements:
. . . . . $ ~~623,000~~
0

g. For building security and firewall protection in the Hoover state office building:
. . . . . $ ~~165,000~~
0

h. For projects related to major repairs and major maintenance for state buildings and facilities under the purview of the department:
. . . . . $ ~~15,000,000~~
14,624,923

Of the amount appropriated in this lettered paragraph, up to $1,000,000 may be used for demolition purposes.

i. For the purchase of Mercy capitol hospital:
. . . . . $ ~~3,400,000~~
0

It is the intent of the general assembly that the department will use other appropriations made or other funds available to the department for the acquisition of buildings to complete the purchase of this building.

j. For capital improvements at the civil commitment unit for a sexual offenders facility at Cherokee:
. . . . . $ ~~829,000~~
0

k. For costs associated with the restoration and renovation, including major repairs and major maintenance, at the governor's mansion at Terrace Hill:
. . . . . $ ~~769,543~~
0

Sec. 24. 2008 Iowa Acts, chapter 1179, section 18, subsections 2 through 9, are amended to read as follows:

2. DEPARTMENT FOR THE BLIND

For costs associated with the renovation of dormitory buildings:
. . . . . $ 869,748

3. DEPARTMENT OF CORRECTIONS

a. For expansion of the community-based corrections facility at Sioux City:
. . . . . $ 5,300,000

b. For expansion of the community-based corrections facility at Ottumwa:
. . . . . $ 4,100,000

c. For expansion of the community-based corrections facility at Waterloo:
. . . . . $ 6,000,000

d. For expansion of the community-based corrections facility at Davenport:
. . . . . $ 2,100,000

e. For expansion, including land acquisition, of the community-based corrections facility at Des Moines:
. . . . . $ 13,100,000

The appropriation in this lettered paragraph is contingent upon relocation of the sex offender treatment program from the community-based corrections facility at Des Moines to the

property in northeast Des Moines identified by the fifth judicial district in the facility and site study final report submitted December 12, 2008.

It is the intent of the general assembly that the funds appropriated in paragraphs "a" through ~~"c"~~ "e" be used to expand the number of beds available through new construction and remodeling and ~~not~~ for the ~~replacement~~ expansion of existing facilities.

~~d.~~ f. For expansion of the Iowa correctional facility for women at Mitchellville:
..... $ 47,500,000

~~e.~~ g. For the remodeling of kitchens at the correctional facilities at Mount Pleasant and Rockwell City:
..... $ 12,500,000

4. DEPARTMENT OF ECONOMIC DEVELOPMENT

a. For deposit into the community attraction and tourism fund created in section 15F.204:
..... $ 12,000,000

b. For deposit into the river enhancement community attraction and tourism fund created in section 15F.205:
..... $ 10,000,000

Moneys appropriated for grants awarded in paragraphs "a" and "b" shall be used to assist communities in the development and creation of multiple purpose attractions or community service facilities for public use.

c. For accelerated career education program capital projects at community colleges that are authorized under chapter 260G and that meet the definition of vertical infrastructure in section 8.57, subsection 6, paragraph "c":
..... $ 5,500,000

~~4.~~ 5. DEPARTMENT OF EDUCATION

For major renovation and major repair needs, including health, life, and fire safety needs, and for compliance with the federal Americans With Disabilities Act, for state buildings and facilities under the purview of the community colleges:
..... $ 2,000,000

The moneys appropriated in this subsection shall be allocated to the community colleges based upon the distribution formula established in section 260C.18C.

~~5.~~ 6. DEPARTMENT OF NATURAL RESOURCES

a. For infrastructure improvements for a state river recreation area located in a county with a population between 21,900 and 22,100:
..... $ 750,000

b. ~~For the construction and installation of an angled well, pumps, and piping to connect the existing infrastructure from the new well to a lake located in a county with a population between 87,500 and 88,000~~ For the implementation of a water quality improvement project for the restoration of a lake located in a county with a population between 87,500 and 88,000:
..... $ 500,000

~~Moneys appropriated in this lettered paragraph are contingent upon receipt of matching funds from a state taxing authority surrounding such lake.~~

~~c. For the construction of the cabins, activity building, picnic shelters, and other costs associated with the opening of the Honey creek premier destination park:~~
..... $ ~~4,900,000~~

~~The department shall not obligate any funding under this appropriation without approval from the department of management. The department shall provide quarterly updates to the Honey creek premier destination park authority and the legislative services agency on the obligation and spending of this appropriation.~~

~~In light of this appropriation, the department shall not request additional appropriations for funding the construction of future additional amenities at the Honey creek destination park beyond the fiscal year ending June 30, 2009. In the event that the chairperson of the authority delivers a certificate to the governor, pursuant to section 463C.13, stating the amounts necessary to restore bond reserve funds, it is the general assembly's intent upon consideration of the governor's request to first seek refunding from the department's budget.~~

~~d.~~ c. For implementation of lake projects that have established watershed improvement ini-

tiatives and community support in accordance with the department's annual lake restoration plan and report~~, notwithstanding section 8.57, subsection 6, paragraph "c"~~:
. . . . . $ ~~8,600,000~~
10,000,000

~~(1) It is the intent of the general assembly that the department of natural resources shall implement the lake restoration annual report and plan submitted to the joint appropriations subcommittee on transportation, infrastructure, and capitals and the legislative services agency on December 26, 2006, pursuant to section 456A.33B. The lake restoration projects that are recommended by the department to receive funding for fiscal year 2007-2008 and that satisfy the criteria in section 456A.33B, including local commitment of funding for the projects, shall be funded in the amounts provided in the report.~~

~~Of the amounts appropriated in this lettered paragraph, at least the following amounts shall be allocated as follows:~~

~~(a) For clear lake in Cerro Gordo county:~~
~~. . . . . $ 3,000,000~~

~~(b) For storm lake in Buena Vista county:~~
~~. . . . . $ 1,000,000~~

~~(c) For carter lake in Pottawattamie county:~~
~~. . . . . $ 200,000~~

~~(2) Of the moneys appropriated in this lettered paragraph, $200,000 shall be used for the purposes of supporting a low head dam public hazard improvement program. The moneys shall be used to provide grants to local communities, including counties and cities, for projects approved by the department.~~

~~(a) The department shall award grants to dam owners including counties, cities, state agencies, cooperatives, and individuals, to support projects approved by the department.~~

~~(b) The department shall require each dam owner applying for a project grant to submit a project plan for the expenditure of the moneys, and file a report with the department regarding the project, as required by the department.~~

~~(c) The funds can be used for signs, posts, and related cabling, and the department shall only award money on a matching basis, pursuant to the dam owner contributing at least 20 cents for every 80 cents awarded by the department, in order to finance the project. For the remainder of the funds, including any balance of money not awarded for signs, posts, and related cabling, the department shall only award moneys to a dam owner on a matching basis. A dam owner shall contribute one dollar for each dollar awarded by the department in order to finance a project.~~

~~6.~~ 7. STATE BOARD OF REGENTS

a. For infrastructure, deferred maintenance, and equipment related to Iowa public radio:
. . . . . $ ~~2,000,000~~
1,900,000

b. For phase II of the construction and renovation of the veterinary medical facilities at Iowa state university of science and technology, specifically the renovation and modernization of the area formerly occupied by the large animal area of the teaching hospital for expanded clinical services in a small animal hospital:
. . . . . $ 10,000,000

~~7.~~ 8. IOWA STATE FAIR

For infrastructure improvements to the Iowa state fairgrounds including but not limited to the construction of an agricultural exhibition center on the Iowa state fairgrounds:
. . . . . $ ~~5,000,000~~
0

~~8.~~ 9. DEPARTMENT OF TRANSPORTATION

a. For deposit into the public transit infrastructure grant fund created in section 324A.6A:
. . . . . $ 2,200,000

b. For infrastructure improvements at the commercial service airports within the state:
. . . . . $ 1,500,000

Fifty percent of the funds appropriated in this lettered paragraph shall be allocated equally

between each commercial air service airport, forty percent of the funds shall be allocated based on the percentage that the number of enplaned passengers at each commercial air service airport bears to the total number of enplaned passengers in the state during the previous fiscal year, and ten percent of the funds shall be allocated based on the percentage that the air cargo tonnage at each commercial air service airport bears to the total air cargo tonnage in the state during the previous fiscal year. In order for a commercial air service airport to receive funding under this lettered paragraph, the airport shall be required to submit applications for funding of specific projects to the department for approval by the state transportation commission.

~~9.~~ 10. DEPARTMENT OF VETERANS AFFAIRS

~~a.~~ For matching funds for the construction of resident living areas at the Iowa veterans home and related improvements associated with the Iowa veterans home comprehensive plan:
..... $ ~~20,555,329~~
22,555,329

~~b. To build a memorial plaza that honors veterans from the Dubuque area:~~
~~..... $ 100,000~~

Sec. 25. 2008 Iowa Acts, chapter 1179, sections 19 and 20, are amended to read as follows:

SEC. 19. TAX-EXEMPT STATUS — USE OF APPROPRIATIONS. Payment of moneys from the appropriations in this division of this Act shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the ~~tobacco settlement authority~~ treasurer of state.

SEC. 20. REVERSION. Notwithstanding section 8.33, moneys appropriated in this division of this Act for the fiscal year beginning July 1, 2008, and ending June 30, 2009, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, ~~2011~~ 2012, or until the project for which the appropriation was made is completed, whichever is earlier.

DIVISION VI
MISCELLANEOUS CODE CHANGES

Sec. 26. Section 8.57, subsection 6, paragraph e, Code 2009, is amended to read as follows:

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

(ii) However, in lieu of the deposit in subparagraph subdivision (i), for the fiscal year beginning July 1, 2010, and for each fiscal year thereafter until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.87 are paid, as determined by the treasurer of state, the first fifty-five million dollars of the moneys directed to be deposited in the general fund of the state under subparagraph subdivision (i) shall be deposited in the revenue bonds debt service fund created in section 12.89, and the next five million dollars of the moneys directed to be deposited in the general fund of the state under subparagraph subdivision (i) shall be deposited in the general fund of the state.

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

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

(d) (i) The total moneys in excess of the moneys deposited in the ~~general fund of the state~~

revenue bonds debt service fund, the vision Iowa fund, ~~and~~ the school infrastructure fund, and the general fund of the state in a fiscal year shall be deposited in the rebuild Iowa infrastructure fund and shall be used as provided in this section, notwithstanding section 8.60.

(ii) However, in lieu of the deposit in subparagraph subdivision (i), for the fiscal year beginning July 1, 2010, and for each fiscal year thereafter until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.87 are paid, as determined by the treasurer of state, fifty-five million dollars of the excess moneys directed to be deposited in the rebuild Iowa infrastructure fund under subparagraph subdivision (i) shall be deposited in the general fund of the state.

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

~~(2)~~ (3) ~~If~~ After the deposit of moneys directed to be deposited in the general fund of the state and the revenue bonds debt service fund as provided in subparagraph (2), if the total amount of moneys directed to be deposited in the general fund of the state under sections 99D.17 and 99F.11 in a fiscal year is less than the total amount of moneys directed to be deposited in the vision Iowa fund and the school infrastructure fund in the fiscal year pursuant to this paragraph "e", the difference shall be paid from lottery revenues in the manner provided in section 99G.39, subsection 3.[5]

Sec. 27. Section 15F.204, subsection 8, paragraph a, subparagraph (6), Code 2009, is amended by striking the subparagraph.

Sec. 28. NEW SECTION. 16.185 PUBLIC SERVICE SHELTER GRANT FUND.

1. A public service shelter grant fund is created under the authority of the Iowa finance authority. The fund shall consist of appropriations made to the fund. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. However, the fund shall be considered a special account for the purposes of section 8.53, relating to generally accepted accounting principles.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

3. Moneys in the fund in a fiscal year shall be used as appropriated by the general assembly for grants for construction, renovations, or improvements of homeless shelters, emergency shelters, and family and domestic violence shelters, to assist communities in providing certain essential social services including supportive services and other kinds of assistance to individuals in need of temporary housing necessary to improve their living situations.

4. Annually, on or before January 15 of each year, a state agency that received an appropriation for the public service shelter grant fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

5. Payment of moneys from appropriations from the fund shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state pursuant to section 12.87.

6. The authority shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 29. NEW SECTION. 16.186 DISASTER DAMAGE HOUSING ASSISTANCE GRANT FUND.

1. A disaster damage housing assistance grant fund is created under the authority of the Iowa finance authority. The fund shall consist of appropriations made to the fund. The fund

[5] See chapter 179, §29 herein

shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. However, the fund shall be considered a special account for the purposes of section 8.53, relating to generally accepted accounting principles.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

3. Moneys in the fund in a fiscal year shall be used as appropriated by the general assembly for grants to ease and speed recovery efforts from the natural disasters of 2008, including stabilizing neighborhoods damaged by the natural disasters, preventing population loss and neighborhood deterioration, and improving the health, safety, and welfare of persons living in such disaster-damaged neighborhoods.

4. Annually, on or before January 15 of each year, a state agency that received an appropriation for the disaster damage housing assistance grant fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

5. Payment of moneys from appropriations from the fund shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state pursuant to section 12.87.

6. The authority shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 30. NEW SECTION. 16.187 AFFORDABLE HOUSING ASSISTANCE GRANT FUND.

1. An affordable housing assistance grant fund is created under the authority of the Iowa finance authority. The fund shall consist of appropriations made to the fund. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. However, the fund shall be considered a special account for the purposes of section 8.53, relating to generally accepted accounting principles.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

3. Moneys in the fund in a fiscal year shall be used as appropriated by the general assembly for grants for housing for certain elderly, disabled, and low-income persons and public servants in professions meeting critical skill shortages in the state, to assist communities in providing safe and affordable housing for the general welfare and security of the citizens of the state.

4. Annually, on or before January 15 of each year, a state agency that received an appropriation for the affordable housing assistance grant fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

5. Payment of moneys from appropriations from the fund shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state pursuant to section 12.87.

6. The authority shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 31. Section 123.53, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. Notwithstanding subsection 2, if gaming revenues under sections 99D.17 and 99F.11 are insufficient in a fiscal year to meet the total amount of such revenues directed to be deposited in the revenue bonds debt service fund during the fiscal year pur-

suant to section 8.57, subsection 6, paragraph "e", the difference shall be paid from moneys deposited in the beer and liquor control fund prior to transfer of such moneys to the general fund pursuant to subsection 2 and prior to the transfer of such moneys pursuant to subsections 3 and 4. If moneys deposited in the beer and liquor control fund are insufficient during the fiscal year to pay the difference, the remaining difference shall be paid from moneys deposited in the beer and liquor control fund in subsequent fiscal years as such moneys become available.

NEW SUBSECTION. 2B. The treasurer of state shall, each quarter, prepare an estimate of the gaming revenues and of the moneys to be deposited in the beer and liquor control fund that will become available during the remainder of the appropriate fiscal year for the purposes described in subsection 2A. The department of management, the department of inspections and appeals and the department of commerce shall take appropriate actions to provide that the sum of the amount of gaming revenues available to be deposited into the revenue bonds debt service fund during a fiscal year and the amount of moneys to be deposited in the beer and liquor control fund available to be deposited into the revenue bonds debt service fund during such fiscal year will be sufficient to cover any anticipated deficiencies.

Sec. 32. Section 123.53, subsections 3 and 4, Code 2009, are amended to read as follows:

3. ~~The treasurer of state~~ After any transfer provided for in subsection 2A is made, the department of commerce shall transfer into a special revenue account in the general fund of the state, a sum of money at least equal to seven percent of the gross amount of sales made by the division from the beer and liquor control fund on a monthly basis but not less than nine million dollars annually. Of the amounts transferred, two million dollars, plus an additional amount determined by the general assembly, shall be appropriated to the Iowa department of public health for use by the staff who administer the comprehensive substance abuse program under chapter 125 for substance abuse treatment and prevention programs. Any amounts received in excess of the amounts appropriated to the Iowa department of public health for use by the staff who administer the comprehensive substance abuse program under chapter 125 shall be considered part of the general fund balance.

4. ~~The treasurer of state, after making the transfer~~ After any transfers provided for in ~~subsection~~ subsections 2A and 3, the department of commerce shall transfer to the division from the beer and liquor control fund and before any other transfer to the general fund, an amount sufficient to pay the costs incurred by the division for collecting and properly disposing of the liquor containers.

Sec. 33. Section 331.441, subsection 2, paragraph b, subparagraph (16), Code 2009, is amended to read as follows:

(16) Capital projects for the construction, reconstruction, improvement, repair, or equipping of bridges, roads, and culverts if such capital projects assist in economic development which creates jobs and wealth, if such capital projects relate to damage caused by a disaster as defined in section 29C.2, or if such capital projects are designed to prevent or mitigate future disasters as defined in section 29C.2.

Sec. 34. NEW SECTION. 313.68 BRIDGE SAFETY FUND.

1. A bridge safety fund is created in the department under the authority of the state transportation commission. The fund shall consist of appropriations made to the fund. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. However, the fund shall be considered a special account for the purposes of section 8.53, relating to generally accepted accounting principles.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

3. Moneys in the fund in a fiscal year shall be used as appropriated by the general assembly for infrastructure projects relating to functionally obsolete and structurally deficient bridges on the primary road system.

4. Annually, on or before January 15 of each year, the department of transportation shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

5. Payment of moneys from appropriations from the fund shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state pursuant to section 12.87.

6. The department shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 35. Section 476.46, subsection 2, paragraph d, subparagraph (1), Code 2009, is amended to read as follows:

(1) A gas or electric utility that is not required to be rate-regulated shall not be eligible for a loan under this section. However, gas and electric utilities not required to be rate-regulated shall be eligible for loans from moneys remitted to the fund except as provided in subsection 3. Such loans shall be limited to a maximum of five hundred thousand dollars per applicant and shall be limited to one loan every two years.

DIVISION VI[6]
EFFECTIVE DATE

Sec. 36. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 14, 2009

CHAPTER 174

APPROPRIATIONS BONDING,
VERTICAL INFRASTRUCTURE CAPITALS FUNDING,
AND ALTERNATIVE ENERGY LOANS

S.F. 477

AN ACT authorizing the treasurer of state to issue annual appropriation bonds, and creating an annual appropriation bonds debt service fund, an appropriation bonds capitals fund, a vertical infrastructure restricted capitals fund, making appropriations, and including an applicability provision.

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

DIVISION I
APPROPRIATION BONDS

Section 1. NEW SECTION. 12.90A ANNUAL APPROPRIATION BONDS.

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

a. "Annual appropriation bonds" means bonds, notes, or other evidences of obligations of the state which may be payable during a fiscal year from one or more of the following sources, subject to the limitations contained in this section:

[6] According to enrolled Act; the phrase "DIVISION VII" probably intended

(1) Moneys appropriated by law for the payment of debt service due with respect to the annual appropriation bonds during that fiscal year.

(2) Proceeds of the sale of the annual appropriation bonds.

(3) Payments received under authorizing documents and other agreements and ancillary arrangements entered into with respect to the annual appropriation bonds.

(4) Investment earnings on amounts described in subparagraphs (1) through (3).

b. "Appropriation" means an act of appropriation by the general assembly which has become law by approval of the governor or otherwise.

c. "Authorizing documents" means a trust indenture, resolution, or other instrument pursuant to which annual appropriation bonds are issued in accordance with the provisions of this section and setting forth the terms and conditions thereof.

2. The treasurer of state is authorized to issue and sell annual appropriation bonds on behalf of the state to provide funds for certain infrastructure projects and other purposes as provided in subsection 4 and to refund any annual appropriation bonds previously issued, and shall have all powers necessary and convenient to carry out the treasurer of state's duties, and exercise the treasurer of state's authority, under this section.

3. Annual appropriation bonds may be issued and sold in one or more series on the terms and conditions the treasurer of state determines to be in the best interest of the state, in accordance with this section in such amounts as the treasurer of state determines to be necessary to fund the purposes for which such annual appropriation bonds are issued. The treasurer of state may issue annual appropriation bonds in amounts which provide aggregate net proceeds of not more than one hundred five million dollars for purposes of alternative energy projects and for purposes of the vertical infrastructure restricted capitals fund created in section 8.57D.

4. The treasurer of state may issue annual appropriation bonds as the treasurer of state determines necessary or desirable to pay for expenditures for certain infrastructure projects and other purposes as provided in subsection 3, to the extent practicable in any fiscal year and without limiting other qualifying capital expenditures considered and approved by a constitutional majority of each house of the general assembly and the governor and to provide sufficient funds for the payment of interest on the annual appropriation bonds, the establishment of reserves with respect to the annual appropriation bonds, the payment of costs of issuance of the annual appropriation bonds, the payment of other expenditures of the treasurer of state incident to and necessary or convenient in connection with the issuance of the annual appropriation bonds, and the payment of all other expenditures necessary or convenient to carry out the purposes for which the annual appropriation bonds are issued. The treasurer of state may enter into or obtain authorizing documents and other agreements and ancillary arrangements with respect to annual appropriation bonds as the treasurer of state determines to be in the best interests of the state, including but not limited to trust indentures, liquidity facilities, remarketing or dealer agreements, letter of credit agreements, insurance policies, guaranty agreements, reimbursement agreements, indexing agreements, investment agreements, or interest exchange agreements. Any authorizing document or other agreement or ancillary arrangements by which any moneys are pledged to the payment of annual appropriation bonds shall not be required to be recorded or filed under the uniform commercial code, chapter 554, to be valid, binding, or effective.

5. Annual appropriation bonds shall be:

a. In a form, issued in denominations, executed in a manner, and payable over terms and with rights of redemption, and be subject to such other terms and conditions as prescribed in their authorizing documents.

b. Negotiable instruments under the laws of the state and may be sold at prices, at public or private sale, and in a manner, as prescribed by the treasurer of state. Chapters 73A, 74, 74A, and 75 do not apply to the sale or issuance of the annual appropriation bonds.

c. Subject to the terms, conditions, and covenants providing for the payment of the principal, redemption premiums, if any, interest, and other terms, conditions, covenants, and protective provisions safeguarding payment, not inconsistent with this section and as determined by their authorizing documents.

d. Securities in which public officers and bodies of this state; political subdivisions of this state; insurance companies and associations and other persons carrying on an insurance business; banks, trust companies, savings associations, savings and loan associations, and investment companies; administrators, guardians, executors, trustees, and other fiduciaries; and other persons authorized to invest in bonds or other obligations of the state, may properly and legally invest funds, including capital, in their control or belonging to them.

6. Proceeds of annual appropriation bonds not required for immediate disbursement may be deposited with the treasurer of state or a trustee, paying agent, escrow agent, or depository as provided in the authorizing documents and may be invested or reinvested in any investment as directed by the treasurer of state and specified in such authorizing documents without regard to any limitation otherwise provided by law.

7. Annual appropriation bonds are payable in any fiscal year solely and only out of the moneys, assets, or revenues appropriated for such purposes by law for that fiscal year, all of which amounts, once appropriated, shall be deposited into the annual appropriation bonds debt service fund and used or transferred as provided in this section to pay debt service due with respect to annual appropriation bonds during the fiscal year for which such amounts are appropriated. Annual appropriation bonds are not an obligation, indebtedness, or debt of the state, or a charge against the general credit or general fund of the state, and the state shall not be liable for the payment of any amounts due under any annual appropriation bonds except from moneys appropriated by law for the payment thereof as provided under this section. The annual appropriation bonds are not secured by any pledge of the faith and credit or the taxing powers of the state. Annual appropriation bonds shall not directly or indirectly obligate the state to make payments thereon beyond any fiscal year for which sufficient funds have been appropriated by law for such purpose.

8. In the event that funds are not appropriated for any fiscal year in an amount sufficient to make the payments of principal and interest and any other amounts due under the annual appropriation bonds during such fiscal year all of the following shall apply:

a. The state's obligations under the annual appropriation bonds shall terminate and become null and void on the last day of the fiscal year for which funds were appropriated in an amount sufficient to make the payments of principal and interest and any other amounts due under the annual appropriation bonds for such fiscal year.

b. The state shall not be obligated to make payment from any source of any amounts due under the annual appropriation bonds beyond those amounts for which an appropriation has previously been made.

c. The state shall not be liable to the holders of the annual appropriation bonds or any other person for any remaining amounts due under the annual appropriation bonds or for any costs, damages, or expenses incurred by the holders of the annual appropriation bonds or any other person as a result of such failure to appropriate. Annual appropriation bonds, the repayment thereof and any reserve and debt service funds established with respect thereto shall be subject to nonappropriation. Annual appropriation bonds issued under this section shall contain a conspicuous statement of the limitations established in this subsection.

9. Annual appropriation bonds issued under this section are declared to be issued for an essential public and governmental purpose and all annual appropriation bonds issued under this section shall be exempt from taxation by the state of Iowa and the interest on the annual appropriation bonds shall be exempt from the state income tax and the state inheritance tax.

10. In order to better provide for the budgeting and appropriation of sufficient amounts to make the payments due with respect to annual appropriation bonds in any fiscal year and to fund or restore reserve funds established with respect to annual appropriation bonds, if any, the treasurer of state shall, on or before January 1 of each calendar year, make and deliver to the governor and to both houses of the general assembly the treasurer of state's certificate that includes all of the following:

a. A statement of the amount required to make the payments due with respect to annual appropriation bonds in the next succeeding fiscal year and the amount, if any, required to fund or restore any reserve fund to the reserve fund requirement for that reserve fund.

b. A request that budget and appropriation bills approved for such fiscal year include

amounts sufficient to make the payments due with respect to annual appropriation bonds during that fiscal year and to fund or restore any reserve fund to the reserve fund requirement for that reserve fund.

11. If, after amounts have been appropriated for a fiscal year to make payment of principal and interest and any other amounts due with respect to the annual appropriation bonds for such fiscal year and to fund or restore any reserve fund to the reserve fund requirement for that reserve fund, the treasurer of state determines that the amounts appropriated for such purposes are insufficient for any reason, the treasurer of state shall make and deliver to the governor and to both houses of the general assembly the treasurer of state's certificate that includes a statement of the amount of the deficiency and a request for an additional appropriation for such fiscal year to make up such deficiency.

12. Any amounts appropriated by law from the general fund of the state or any other legally available funds to make the payments due with respect to annual appropriation bonds for a fiscal year shall be paid to the treasurer of state on or after the first business day of such fiscal year in as many installments as are needed to accumulate the total amount so appropriated as soon as funds become legally available and such amounts, as received, shall be deposited by the treasurer of state in the annual appropriation bonds debt service fund.

13. Any amounts appropriated by law to fund or restore any reserve fund shall be paid to the treasurer of state as soon as funds become legally available and shall be deposited by the treasurer of state in the applicable reserve fund. For any fiscal year for which amounts have been lawfully appropriated in an amount sufficient to make payment of principal and interest and any other amounts due with respect to annual appropriation bonds for such fiscal year, to the extent that appropriated funds have not become fully available so that amounts deposited into the annual appropriation bonds debt service fund are not sufficient to make such payment when due, any moneys on deposit in a reserve fund established with respect to the annual appropriation bonds may be transferred to the annual appropriation bonds debt service fund and used to make such payments, subject to the provisions of this section.

14. The treasurer of state may from time to time issue annual appropriation bonds for the purpose of refunding any annual appropriation bonds then outstanding, including the payment of any redemption premiums thereon and any interest accrued or to accrue to the date of redemption of the outstanding annual appropriation bonds. Until the proceeds of annual appropriation bonds issued for the purpose of refunding outstanding annual appropriation bonds are applied to the purchase or retirement of outstanding annual appropriation bonds or the redemption of outstanding annual appropriation bonds, the proceeds may be placed in escrow and be invested and reinvested in accordance with the provisions of this section, the authorizing documents, and any applicable escrow. The interest, income, and profits earned or realized on an investment may also be applied to the payment of the outstanding annual appropriation bonds to be refunded by purchase, retirement, or redemption. After the terms of the escrow have been fully satisfied and carried out, any balance of proceeds and interest earned or realized on the investments shall be returned to the general fund of the state. All refunding annual appropriation bonds shall be issued and subject to the provisions of this section in the same manner and to the same extent as other annual appropriation bonds issued pursuant to this section.

15. a. It is the intent of the general assembly that the general assembly make timely appropriations from moneys in the general fund of the state or any other legally available funds that are sufficient to make payment of principal and interest and any other amounts due with respect to annual appropriation bonds in a fiscal year and to fund or restore any reserve fund established with respect to the annual appropriation bonds to the reserve fund requirement for that reserve fund.

b. This section does not create and shall not be construed as creating a general, legal, or enforceable obligation of the general assembly to appropriate any moneys for any fiscal year for any of the foregoing purposes and the decision to appropriate such moneys for any fiscal year shall be at the complete discretion of the then current general assembly and governor who shall have the final responsibility for making such decisions.

16. Neither the treasurer of state nor any person acting on behalf of the treasurer of state,

while acting within the scope of their employment or agency, is subject to personal liability resulting from carrying out the powers and duties conferred by this section.

17. Amounts appropriated pursuant to this section are not subject to a uniform reduction in accordance with section 8.31.

Sec. 2. NEW SECTION. 12.90B ANNUAL APPROPRIATION BONDS DEBT SERVICE FUND AND RESERVE FUNDS.

1. An annual appropriation bonds debt service fund is created and established as a separate and distinct fund in the state treasury. Any amounts lawfully appropriated to make payments due with respect to annual appropriation bonds for a fiscal year shall be deposited into the annual appropriation bonds debt service fund and used by the treasurer of state or transferred to a trustee, paying agent, escrow agent, or depository as provided in the authorizing documents to make payments due with respect to the annual appropriation bonds for that fiscal year. Payments due with respect to annual appropriation bonds include but are not limited to the following:

a. Principal payments, interest payments, sinking fund payments, purchase price, redemption price, redemption premiums, and payments under interest exchange agreements.

b. Fees and expenses of trustees, paying agents, remarketing agents, financial advisors, underwriters, depositories, guarantors, bond insurers, liquidity or credit facility providers, interest rate indexing agents, and other professional and financial services providers.

c. Costs and expenses of the treasurer of state incident to and necessary and convenient to carry out the issuance and sale of the annual appropriation bonds and the administration of the appropriations bonds capitals fund, the annual appropriation bonds debt service fund, and any reserve funds.

2. The treasurer of state may create and establish one or more reserve funds with respect to the annual appropriation bonds to be used as provided in section 12.90A and the authorizing documents. The treasurer of state shall pay into any reserve fund any moneys appropriated by law to fund or restore the reserve fund, any proceeds of the sale of the annual appropriation bonds to the extent provided in the authorizing documents, and any other moneys which may be legally available to the treasurer of state for the purpose of the reserve fund. Moneys in any reserve fund established with respect to annual appropriation bonds, excluding the annual appropriations debt service fund, are not subject to section 8.33.

3. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in any funds or accounts established with respect to annual appropriation bonds shall be credited to the applicable fund or reserve fund.

Sec. 3. NEW SECTION. 12.90C APPROPRIATION BONDS CAPITALS FUND.

1. An appropriation bonds capitals fund is created as a separate fund in the state treasury. Moneys in the fund shall not be subject to appropriation for any other purpose by the general assembly, but shall be used only for the purposes of the appropriation bonds capitals fund.

2. Revenue for the appropriation bonds capitals fund shall include but is not limited to the following, which shall be deposited with the treasurer of state or the treasurer of state's designee as provided by any bond or security documents and credited to the fund:

a. The net proceeds of bonds issued pursuant to section 12.90A[1] and investment earnings on the net proceeds.

b. Interest attributable to investment of moneys in the fund or an account of the fund.

c. Moneys in the form of a devise, gift, bequest, donation, federal or other grant, reimbursement, repayment, judgment, transfer, payment, or appropriation from any source intended to be used for the purposes of the fund.

3. Moneys in the fund in a fiscal year shall be used as appropriated by the general assembly for certain infrastructure projects and other purposes set out in section 12.90A, subsection 3, to the extent practicable in any fiscal year and without limiting other qualifying capital expenditures considered and approved by a constitutional majority of each house of the general assembly and the governor.

[1] See chapter 179, §30 herein

4. Moneys credited to the fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

5. Annually, on or before January 15 of each year, a state agency that received an appropriation from the appropriation bonds capitals fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

6. Annually, on or before December 31 of each year, a recipient of moneys from the appropriation bonds capitals fund for any purpose shall report to the state agency to which the moneys are appropriated the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

Sec. 4. APPLICABILITY. The authority of the treasurer of state to issue one or more series of annual appropriation bonds under section 12.90A, subsection 3, as enacted in this division of this Act, applies to bonds issued on or after July 1, 2010.

DIVISION II
MISCELLANEOUS CODE CHANGES

Sec. 5. NEW SECTION. 8.57D VERTICAL INFRASTRUCTURE RESTRICTED CAPITALS FUND.

1. A vertical infrastructure restricted capitals fund is created in the state treasury under the authority of the department of management. The fund shall consist of appropriations made to the fund. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. However, the fund shall be considered a special account for the purposes of section 8.53, relating to generally accepted accounting principles.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the vertical infrastructure restricted capitals fund shall be credited to the rebuild Iowa infrastructure fund.

3. Moneys in the fund in a fiscal year shall be used as appropriated by the general assembly for public vertical infrastructure projects. For the purposes of this section, "vertical infrastructure" includes only land acquisition and construction, major renovation, and major repair of buildings, all appurtenant structures, utilities, and site development. "Vertical infrastructure" does not include routine, recurring maintenance, debt service, or operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement.

4. There is appropriated from the appropriation bonds capitals fund created in section 12.90C to the vertical infrastructure restricted capitals fund one hundred million dollars for the fiscal year beginning July 1, 2010, and ending June 30, 2011.

5. Annually, on or before January 15 of each year, a state agency that received an appropriation from the vertical infrastructure restricted capitals fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

6. Annually, on or before December 31 of each year, a recipient of moneys from the vertical infrastructure restricted capitals fund for any purpose shall report to the state agency to which the moneys are appropriated the status of all projects completed or in progress. The report

shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

7. Payment of moneys appropriated from the fund shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state.

DIVISION III
ANNUAL APPROPRIATION BONDS CAPITALS
FUND — APPROPRIATION

Sec. 6. There is appropriated from the appropriation bonds capitals fund created in section 12.90C to the Iowa energy center for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit into the alternate energy revolving loan fund created in section 476.46 to encourage the development of alternate energy production facilities and small hydro facilities, as defined in section 476.42, within the state:

. . . . . $ 5,000,000

Any award of loans to private individuals or organizations must be for the public purposes of encouraging the development of alternate energy production facilities and small hydro facilities within the state in order to conserve finite and expensive energy resources and to provide for their most efficient use. Funds from bond proceeds shall not be used for administration or planning purposes. These moneys, and any loan repayments, shall be maintained in separate accounts and shall only be used for these public purposes.

Approved May 14, 2009

CHAPTER 175

APPROPRIATIONS — AGRICULTURE
AND NATURAL RESOURCES

S.F. 467

AN ACT relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and providing for effective dates.

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

DIVISION I
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
GENERAL APPROPRIATIONS

Section 1. GENERAL FUND — DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of agriculture

and land stewardship for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:

. . . . . $ 18,747,009
. . . . . FTEs 408.00

2. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the co-chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in detail the expenditure of moneys appropriated in this section to support the department's administration, regulation, and programs.[1]

DESIGNATED APPROPRIATIONS — ANIMAL HUSBANDRY

Sec. 2. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS — HORSE AND DOG RACING. There is appropriated from the moneys available under section 99D.13 to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department's administration and enforcement of horse and dog racing law pursuant to section 99D.22, including for salaries, support, maintenance, and miscellaneous purposes:

. . . . . $ 305,516

DESIGNATED APPROPRIATIONS — MOTOR FUEL

Sec. 3. RENEWABLE FUEL INFRASTRUCTURE FUND — MOTOR FUEL INSPECTION. There is appropriated from the renewable fuel infrastructure fund created in section 15G.205 to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of the inspection of motor fuel, including salaries, support, maintenance, and miscellaneous purposes:

. . . . . $ 300,000

The department shall establish and administer programs for the auditing of motor fuel including biofuel processing and production plants, for screening and testing motor fuel, including renewable fuel, and for the inspection of motor fuel sold by dealers including retail dealers who sell and dispense motor fuel from motor fuel pumps.

DESIGNATED APPROPRIATIONS — AGRICULTURAL REMEDIATION FUND

Sec. 4. AGRICHEMICAL REMEDIATION FUND — DEPARTMENTAL SUPPORT. There is appropriated from the agrichemical remediation fund created in section 161.7 all unobligated or unencumbered moneys to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2009, and ending June 30, 2010, to be used for the purposes to support the department, including its divisions, for administration regulation, and programs for salaries, support, maintenance, and miscellaneous purposes, and full-time equivalent positions.

DIVISION II
DEPARTMENT OF NATURAL RESOURCES
GENERAL APPROPRIATIONS

Sec. 5. GENERAL FUND — DEPARTMENT. There is appropriated from the general fund

[1] See chapter 179, §87 herein

of the state to the department of natural resources for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For purposes of supporting the department, including its divisions, for administration, regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:

..... $ 17,742,678
..... FTEs 1,168.95

2. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the co-chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in detail the expenditure of moneys appropriated under this section to support the department's administration, regulation, and programs.

Sec. 6. STATE FISH AND GAME PROTECTION FUND — DIVISION OF FISH AND WILDLIFE.

1. a. There is appropriated from the state fish and game protection fund to the department of natural resources for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the division of fish and wildlife, including for administration, regulation, and programs; and for salaries, support, maintenance, equipment, and miscellaneous purposes:

..... $ 38,793,154

b. Notwithstanding section 455A.10, the department may use the unappropriated balance remaining in the state fish and game protection fund to provide for the funding of health and life insurance premium payments from unused sick leave balances of conservation peace officers employed in a protection occupation who retire, pursuant to section 97B.49B.

2. The department shall not expend more moneys from the state fish and game protection fund than provided in this section, unless the expenditure derives from contributions made by a private entity, or a grant or moneys received from the federal government, and is approved by the natural resource commission. The department of natural resources shall promptly notify the legislative services agency and the chairpersons and ranking members of the joint appropriations subcommittee on agriculture and natural resources concerning the commission's approval.

Sec. 7. GROUNDWATER PROTECTION FUND — WATER QUALITY. There is appropriated from the groundwater protection fund created in section 455E.11 to the department of natural resources for the fiscal year beginning July 1, 2009, and ending June 30, 2010, from those moneys which are not allocated pursuant to that section, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department's protection of the state's groundwater, including for administration, regulation, and programs, and for salaries, support, maintenance, equipment, and miscellaneous purposes:

..... $ 3,455,832

DESIGNATED APPROPRIATIONS — MISCELLANEOUS

Sec. 8. SPECIAL SNOWMOBILE FUND — SNOWMOBILE PROGRAM. There is appropriated from the special snowmobile fund created under section 321G.7 to the department of natural resources for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of administering and enforcing the state snowmobile program:

..... $ 100,000

Sec. 9. PHARMACEUTICAL COLLECTION AND DISPOSAL PILOT PROGRAM. Of the moneys allocated under section 455E.11, subsection 2, paragraph "a", subparagraph (1), subparagraph subdivision (c),[2] the department of natural resources shall award up to $165,000 to the board of pharmacy to implement and administer a pharmaceutical collection and disposal pilot program. The program shall provide for the management and disposal of unused, excess, and expired pharmaceuticals. The board of pharmacy may cooperate with the Iowa pharmacy association in implementing and administering the program. The board may consult with the department and sanitary landfill operators in implementing and administering the program.

Sec. 10. UNASSIGNED REVENUE FUND — UNDERGROUND STORAGE TANK SECTION EXPENSES. There is appropriated from the unassigned revenue fund administered by the Iowa comprehensive underground storage tank fund board to the department of natural resources for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of paying for administration expenses of the department's underground storage tank section:

..... $ 200,000

Sec. 11. STORM WATER DISCHARGE PERMIT FEES — SUPPORT FOR SPECIAL PURPOSES. Notwithstanding any contrary provision of state law, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the department of natural resources may use additional moneys available to the department collected from storm water discharge permit fees as provided in section 455B.103A or 455B.197 for the staffing of the following additional full-time equivalent positions for the purposes designated:

1. For purposes of reducing the department's floodplain permit backlog:

..... FTEs 2.00

2. For purposes of implementing the federal total maximum daily load program:

..... FTEs 2.00

DIVISION III
IOWA STATE UNIVERSITY

Sec. 12. GENERAL FUND — VETERINARY DIAGNOSTIC LABORATORY.

1. There is appropriated from the general fund of the state to Iowa state university of science and technology for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the college of veterinary medicine for the operation of the veterinary diagnostic laboratory and for not more than the following full-time equivalent positions:

..... $ 2,910,313

..... FTEs 24.36

2. a. Iowa state university of science and technology shall not reduce the amount that it allocates to support the college of veterinary medicine from any other source due to the appropriation made in this section.

b. Paragraph "a" does not apply to a reduction made to support the college of veterinary medicine, if the same percentage of reduction imposed on the college of veterinary medicine is also imposed on all of Iowa state university's budget units.

3. If by the end of the fiscal year, Iowa state university of science and technology fails to allocate the moneys appropriated in this section to the college of veterinary medicine in accordance with this section, the moneys appropriated in this section for that fiscal year shall revert to the general fund of the state.

Sec. 13. VETERINARY DIAGNOSTIC LABORATORY — FUTURE YEAR. This section applies if appropriations made in this Act and all other Acts enacted by the Eighty-third General Assembly during the 2009 regular session and all extraordinary sessions, for the fiscal year

[2] According to enrolled Act; the phrase "subparagraph division (c)," probably intended

beginning July 1, 2009, and ending June 30, 2010, for purposes of supporting the operation of the veterinary diagnostic laboratory associated with the college of veterinary medicine at Iowa state university, total less than $4,000,000. It is the intent of the general assembly that the amount of any deficit will be appropriated by the general assembly during its 2010 regular session for purposes of supporting the operation of the veterinary diagnostic laboratory for the fiscal year beginning July 1, 2010, and ending June 30, 2011.

DIVISION IV
ENVIRONMENT FIRST FUND — GENERAL APPROPRIATIONS

Sec. 14. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. There is appropriated from the environment first fund created in section 8.57A to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

a. For the conservation reserve enhancement program to restore and construct wetlands for the purposes of intercepting tile line runoff, reducing nutrient loss, improving water quality, and enhancing agricultural production practices:

. . . . . $ 1,500,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

2. WATERSHED PROTECTION

a. For continuation of a program that provides multiobjective resource protections for flood control, water quality, erosion control, and natural resource conservation:

. . . . . $ 2,550,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

3. FARM MANAGEMENT DEMONSTRATION PROGRAM

a. For continuation of a statewide voluntary farm management demonstration program to demonstrate the effectiveness and adaptability of emerging practices in agronomy that protect water resources and provide other environmental benefits:

. . . . . $ 800,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

c. Of the amount appropriated in paragraph "a", $400,000 shall be allocated to an organization representing soybean growers to provide for an agriculture and environment performance program in order to carry out the purposes of this subsection as specified in paragraph "a".

4. AGRICULTURE DRAINAGE WELL WATER QUALITY ASSISTANCE FUND

a. For deposit in the agricultural drainage well water quality assistance fund created in section 460.303 to be used for purposes of supporting the agricultural drainage well water quality assistance program as provided in section 460.304:

. . . . . $ 1,500,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

5. SOIL AND WATER CONSERVATION PRACTICES

a. For use by the soil conservation division, to provide financial assistance for the establishment of permanent soil and water conservation practices:

. . . . . $ 7,000,000

b. Not more than 5 percent of the moneys appropriated in paragraph "a" may be allocated for cost sharing to abate complaints filed under section 161A.47.

c. Of the moneys appropriated in paragraph "a", 5 percent shall be allocated for financial

incentives to establish practices to protect watersheds above publicly owned lakes of the state from soil erosion and sediment as provided in section 161A.73.

d. Not more than 30 percent of a soil and water conservation district's allocation of moneys as financial incentives may be provided for the purpose of establishing management practices to control soil erosion on land that is row cropped, including but not limited to no-till planting, ridge-till planting, contouring, and contour strip-cropping as provided in section 161A.73.

e. The state soil conservation committee created in section 161A.4 may allocate moneys appropriated in paragraph "a" to conduct research and demonstration projects to promote conservation tillage and nonpoint source pollution control practices.

f. The allocation of moneys as financial incentives as provided in section 161A.73 may be used in combination with moneys allocated by the department of natural resources.

g. Not more than 15 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

6. CONSERVATION RESERVE PROGRAM (CRP)

a. To encourage and assist farmers in enrolling in and the implementation of the federal conservation program and to work with them to enhance their revegetation efforts to improve water quality and habitat:

. . . . . $ 1,500,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the loess hills development and conservation fund created in section 161D.2:

. . . . . $ 600,000

b. (1) Of the amount appropriated in paragraph "a", $400,000 shall be allocated to the fund's hungry canyons account.

(2) Not more than 10 percent of the moneys allocated to the hungry canyons account as provided in subparagraph (1) may be used for administrative costs.

c. (1) Of the amount appropriated in paragraph "a", $200,000 shall be allocated to the fund's loess hills alliance account.

(2) Not more than 10 percent of the moneys allocated to the loess hills alliance account as provided in subparagraph (1) may be used for administrative costs.

8. SOUTHERN IOWA DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the southern Iowa development and conservation fund created in section 161D.12:

. . . . . $ 300,000

b. Not more than 5 percent of the moneys appropriated in paragraph "a" may be used for administrative costs.

Sec. 15. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is appropriated from the environment first fund created in section 8.57A to the department of economic development for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the brownfield redevelopment fund created in section 15.293 to provide financial and technical assistance under the brownfield redevelopment program as provided in section 15.292:

. . . . . $ 500,000

Sec. 16. DEPARTMENT OF NATURAL RESOURCES. There is appropriated from the environment first fund created in section 8.57A to the department of natural resources for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. KEEPERS OF THE LAND

For statewide coordination of volunteer efforts under the water quality and keepers of the land programs:

. . . . . $ 100,000

2. STATE PARKS MAINTENANCE AND OPERATIONS

For regular maintenance of state parks and staff time associated with these activities:

. . . . . $ 2,470,000

3. GEOGRAPHIC INFORMATION SYSTEM (GIS)

To provide local watershed managers with geographic information system data for their use in developing, monitoring, and displaying results of their watershed work:

. . . . . $ 195,000

4. WATER QUALITY MONITORING

For continuing the establishment and operation of water quality monitoring stations:

. . . . . $ 2,955,000

5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT

For deposit in the public water supply system account of the water quality protection fund created in section 455B.183A:

. . . . . $ 500,000

6. REGULATION OF ANIMAL FEEDING OPERATIONS

For the regulation of animal feeding operations, including as provided for in chapters 459 and 459A:

. . . . . $ 360,000

7. AMBIENT AIR QUALITY

For the abatement, control, and prevention of ambient air pollution in this state, including measures as necessary to assure attainment and maintenance of ambient air quality standards from particulate matter:

. . . . . $ 425,000

8. WATER QUANTITY REGULATION

For regulating water quantity from surface and subsurface sources by providing for the allocation and use of water resources, the protection and management of water resources, and the preclusion of conflicts among users of water resources, including as provided in chapter 455B, division III, part 4:

. . . . . $ 495,000

9. RESOURCE CONSERVATION AND DEVELOPMENT (RCD)

a. For resource conservation and development associated with the development of projects relating to natural resource-based business opportunities:

. . . . . $ 250,000

b. Local resource conservation and development groups sponsored by county governments or sponsored by soil and water conservation districts shall be eligible to receive moneys appropriated in paragraph "a" on the condition that such groups receive the moneys on a dollar-for-dollar matching basis.

c. Not more than 5 percent of the moneys appropriated in paragraph "a" may be used for the costs of implementing and administering this subsection.

Sec. 17. REVERSION.

1. Except as provided in subsection 2, and notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2009, in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year beginning July 1, 2010, or until the project for which the appropriation was made is completed, whichever is earlier.

2. Notwithstanding section 8.33, moneys appropriated in this division of this Act to the department of agriculture and land stewardship to provide financial assistance for the establishment of permanent soil and water conservation practices that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2012.

DIVISION V
ENVIRONMENT FIRST FUND — RESOURCE ENHANCEMENT AND PROTECTION (REAP)

Sec. 18. IOWA RESOURCES ENHANCEMENT AND PROTECTION FUND. Notwithstanding the amount of the standing appropriation from the general fund of the state to the Iowa resources enhancement and protection fund as provided in section 455A.18, there is appropriated from the environment first fund created in section 8.57A to the Iowa resources enhancement and protection fund, in lieu of the appropriation made in section 455A.18, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, to be allocated as provided in section 455A.19:

. . . . . $ 18,000,000

DIVISION VI
MEAL RECEIPTS

*Sec. 19. *EXPENSE REIMBURSEMENT — REQUIREMENTS. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the secretary of agriculture and the director of the department of natural resources shall require their employees, in order to receive reimbursement for expenses, to submit actual receipts for meals and other costs. The reimbursement amount shall not exceed the sum of the actual receipts submitted.**

DIVISION VII
CODE CHANGES

Sec. 20. Section 455B.196, subsections 1 and 2, Code 2009, are amended to read as follows:

1. A national pollutant discharge elimination system permit fund is created as a separate fund in the state treasury under the control of the department. The fund is composed of moneys appropriated ~~by the general assembly~~ to the department for deposit into the fund and moneys available to and obtained or accepted by the department from the United States or private sources for placement in the fund. The fund shall include moneys deposited into the fund from fees charged for the processing of applications for the issuance of permits related to the national pollutant discharge elimination system as provided in section 455B.197.

2. Moneys in the national pollutant discharge elimination system permit fund ~~shall be used only as provided in appropriations made from the fund by the general assembly which may include~~ are appropriated to the department each fiscal year for purposes ~~relating to~~ of administering section 455B.197 and expediting the department's processing of national pollutant discharge elimination system applications and the issuance of permits, including for salaries, support, maintenance, and other costs of administering section 455B.197.

Sec. 21. NEW SECTION. 268.6 AGRICULTURE ENERGY EFFICIENCY EDUCATION PROGRAM.

The university of northern Iowa shall, to the extent required in this section, establish and administer an agriculture energy efficiency education program to assist agricultural producers to increase profitability and reduce the amount of energy used in the production of agricultural animals and crops.

1. If established, the university shall administer the program to promote strategies or methods that the university determines best foster the most efficient use of fuel and electricity, and which may include but are not limited to any of the following:

a. Minimizing the consumption of fuel due to the idling of farm equipment.

b. Increasing fuel savings, by promoting the use of efficient planting and harvest travel patterns.

c. Optimizing the performance of farm equipment, including by the proper ballasting of tractors.

* Item veto; see message at end of the Act

d. Designing, constructing, or remodeling agricultural buildings to be more efficient, including by using systems that incorporate natural lighting and passive solar or passive cooling materials or principles such as exposure, ventilation, and shade.

2. The university is encouraged to cooperate with agricultural and energy efficiency advocates and governmental entities in administering the program, including the office of energy independence established pursuant to section 469.2.

3. The university is not required to implement this section until moneys are made available for implementation by the federal government.

Sec. 22. Section 455B.172, subsection 11, paragraph a, as enacted by 2008 Iowa Acts, chapter 1033, section 1, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (7) A transfer for which consideration is five hundred dollars or less.

NEW SUBPARAGRAPH. (8) A deed between a family corporation, partnership, limited partnership, limited liability partnership, or limited liability company as defined in section 428A.2, subsection 15, and its stockholders, partners, or members for the purpose of transferring real property in an incorporation or corporate dissolution or in the organization or dissolution of a partnership, limited partnership, limited liability partnership, or limited liability company under the laws of this state, where the deed is given for no actual consideration other than for shares or for debt securities of the family corporation, partnership, limited partnership, limited liability partnership, or limited liability company.

**Sec. 23. 2008 Iowa Acts, chapter 1033, section 2, is amended to read as follows:*
*SEC. 2. EFFECTIVE DATE. This Act takes effect ~~July 1, 2009~~ July 1, 2010.**

Sec. 24. FUTURE CONTINGENT REPEAL AND CODE EDITOR NOTIFICATION. Section 268.6, as enacted by this division of this Act, is repealed on July 1, 2012, if the university of northern Iowa does not implement the section and so notifies the Code editor in writing.

Sec. 25. EFFECTIVE DATE. The section of this Act amending section 455B.172, subsection 1,[3] paragraph "a", as enacted by 2008 Iowa Acts, chapter 1033, section 1, takes effect July 1, 2010.

Approved May 26, 2009, with exceptions noted.

CHESTER J. CULVER, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 467, an Act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and providing for effective dates. Senate File 467 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Division VI of this bill in its entirety. Division VI of the bill directs employees to submit actual receipts for meals and other costs and requires that reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this division and believe that employees should be reimbursed only for actual expenses, this language would be particularly difficult to administer because similar language has not been consistently required by the Legislature for every state agency or department or for the Legislature's own employees. Accordingly, I have issued Executive Order Thirteen[4] to require the Department

* Item veto; see message at end of the Act

[3] According to enrolled Act; the phrase "subsection 11" probably intended

[4] Published in IAB, Vol. XXXII, No. 5, (8/26/09), p. 596

of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I disapprove the item designated as Section 23 of this bill in its entirety. Section 23 delays the implementation date of the requirement to begin having septic tanks inspected at the time of property transfer from July 1, 2009 to July 1, 2010. With over 550 unsewered communities and over 100,000 leaking and/or malfunctioning septic systems in Iowa, this language is inconsistent with the objective of Senate File 261[5] that I signed last year to protect and improve water quality and to assure home buyers that they are purchasing a property that has a functioning septic tank. Importantly, we now have funds available through the IJOBS Program that I proposed for helping unsewered communities, and as July 1, 2009, over 200 inspectors will be certified to inspect septic tanks.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 467 are hereby approved this date.

Sincerely,
CHESTER J. CULVER, *Governor*

CHAPTER 176

APPROPRIATIONS — ECONOMIC DEVELOPMENT

S.F. 469

AN ACT relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters.

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

Section 1. DEPARTMENT OF CULTURAL AFFAIRS. There is appropriated from the general fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for the department:

..... $ 235,632
..... FTEs 82.77

The department of cultural affairs shall coordinate activities with the tourism office of the department of economic development to promote attendance at the state historical building and at this state's historic sites.

Full-time equivalent positions authorized under this subsection shall be funded, in full or in part, using moneys appropriated under this subsection and subsections 3 through 7.

[5] 2008 Iowa Acts, chapter 1033

2. COMMUNITY CULTURAL GRANTS

For planning and programming for the community cultural grants program established under section 303.3:

. . . . . $ 279,159

3. HISTORICAL DIVISION

For the support of the historical division:

. . . . . $ 3,550,119

From the moneys appropriated under this subsection, the department shall use $50,000 for purposes of planning commemoration activities for the sesquicentennial anniversary of the civil war and Iowa's participation in the civil war. Such activities may include activities in Iowa, activities through partnerships with other states, and activities on a national level.

4. HISTORIC SITES

For the administration and support of historic sites:

. . . . . $ 547,845

5. ARTS DIVISION

For the support of the arts division:

. . . . . $ 1,137,458

6. GREAT PLACES

For the great places program:

. . . . . $ 248,060

7. ARCHIVE IOWA GOVERNORS' RECORDS

For archiving the records of Iowa governors:

. . . . . $ 77,936

8. RECORDS CENTER RENT

For payment of rent for the state records center:

. . . . . $ 222,018

Sec. 2. GOALS AND ACCOUNTABILITY — ECONOMIC DEVELOPMENT.

1. For the fiscal year beginning July 1, 2009, the goals for the department of economic development shall be to expand and stimulate the state economy, increase the wealth of Iowans, and increase the population of the state.

2. To achieve the goals in subsection 1, the department of economic development shall do all of the following for the fiscal year beginning July 1, 2009:

a. Concentrate its efforts on programs and activities that result in commercially viable products and services.

b. Adopt practices and services consistent with free market, private sector philosophies.

c. Ensure economic growth and development throughout the state.

Sec. 3. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is appropriated from the general fund of the state to the department of economic development for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION DIVISION

a. General administration

For salaries, support, maintenance, miscellaneous purposes, and programs; for transfer to the Iowa state commission grant program; and for not more than the following full-time equivalent positions for the department's three divisions:

. . . . . $ 2,044,671

. . . . . FTEs 149.00

b. The department shall work with businesses and communities to continually improve the economic development climate along with the economic well-being and quality of life for Iowans. The administration division shall coordinate with other state agencies to ensure that all state departments are attentive to the needs of an entrepreneurial culture.

c. Full-time equivalent positions authorized under this subsection shall be funded, in full or

in part, using moneys appropriated under this subsection and subsections 2 and 3 and by certain federal moneys or other moneys received by the department.

d. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

2. BUSINESS DEVELOPMENT DIVISION

a. Business development operations

For business development operations and programs, the film office, international trade, export assistance, workforce recruitment, and the partner state program; for transfer to the strategic investment fund; for transfer to the value-added agricultural products and processes financial assistance fund, if 2009 Iowa Acts, Senate File 344,[1] is not enacted; for transfer to the grow Iowa values fund, if 2009 Iowa Acts, Senate File 344[2] is enacted; and for the support of the business development division:

. . . . . $ 5,965,227

The department shall utilize 1.0 of the full-time equivalent positions authorized under subsection 1 for marketing and compliance activities of the targeted small business program.

b. The department shall establish a strong and aggressive marketing image to showcase Iowa's workforce, existing industry, and potential. A priority shall be placed on recruiting new businesses, business expansion, and retaining existing Iowa businesses. Emphasis shall also be placed on entrepreneurial development through helping to secure capital for entrepreneurs, and developing networks and a business climate conducive to entrepreneurs and small business.

c. A business creating jobs with economic development assistance through moneys appropriated in this subsection shall be subject to contract provisions stating that new and retained jobs shall be filled by individuals who are citizens of the United States who reside within the United States or any person authorized to work in the United States pursuant to federal law, including legal resident aliens in the United States. Any vendor who receives such public moneys shall adhere to such contract provisions and provide periodic assurances as the state shall require that the jobs are filled solely by citizens of the United States who reside within the United States or any person authorized to work in the United States pursuant to federal law, including legal resident aliens in the United States. A business that receives financial assistance from the department from moneys appropriated in this bill shall only employ individuals legally authorized to work in this state. In addition to any and all other applicable penalties provided by current law, all or a portion of the assistance received by a business which has received financial assistance and is found to knowingly employ individuals not legally authorized to work in this state is subject to recapture by the department.

d. From the moneys appropriated in this subsection, the department may provide financial assistance in the form of a grant to a community economic development entity for conducting a local workforce recruitment effort designed to recruit former citizens of the state and former students at colleges and universities in the state to meet the needs of local employers.

e. From the moneys appropriated in this subsection, the department may provide financial assistance to early-stage industry companies being established by women entrepreneurs.

f. From the moneys appropriated in this subsection, the department may provide financial assistance in the form of grants, loans, or forgivable loans for advanced research and commercialization projects involving value-added agriculture, advanced technology, or biotechnology.

g. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

3. COMMUNITY DEVELOPMENT DIVISION

a. Community development programs

For support, maintenance, miscellaneous purposes, community economic development programs, tourism operations, community assistance, plans for Iowa green corps and summer

[1] Chapter 123 herein

[2] Chapter 123 herein

youth programs, the mainstreet and rural mainstreet programs, the school-to-career program, the community development block grant, and housing and shelter-related programs:
. . . . . $ 5,833,379

b. The department shall encourage development of communities and quality of life to foster economic growth. The department shall prepare communities for future growth and development through development, expansion, and modernization of infrastructure.

c. The department shall develop public-private partnerships with Iowa businesses in the tourism industry, Iowa tour groups, Iowa tourism organizations, and political subdivisions in this state to assist in the development of advertising efforts. The department shall, to the fullest extent possible, develop cooperative efforts for advertising with contributions from other sources.

d. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the designated purposes during the succeeding fiscal year.

4. For allocating moneys for the world food prize and notwithstanding section 15.368, subsection 1:
. . . . . $ 750,000

5. For use as matching funds for the United States department of housing and urban development's main street challenge grants for historic building preservation:
. . . . . $ 184,195

6. For allocation to the Iowa commission on volunteer service for the Iowa's promise and mentoring partnership program and for not more than the following full-time equivalent positions:
. . . . . $ 125,000
. . . . . FTEs 1.00

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 4. VISION IOWA PROGRAM — FTE AUTHORIZATION. For purposes of administrative duties associated with the vision Iowa program, the department of economic development is authorized an additional 2.25 full-time equivalent positions above those otherwise authorized in this Act.

Sec. 5. COUNCILS OF GOVERNMENTS. There is appropriated from the federal economic stimulus and jobs holding account to the department of economic development for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For providing financial assistance to Iowa's councils of governments that provide technical and planning assistance to local governments:
. . . . . $ 144,000

Sec. 6. INSURANCE ECONOMIC DEVELOPMENT. From the moneys collected by the division of insurance in excess of the anticipated gross revenues under section 505.7, subsection 3, during the fiscal year beginning July 1, 2009, $100,000 shall be transferred to the department of economic development for insurance economic development and international insurance economic development.

Sec. 7. COMMUNITY DEVELOPMENT LOAN FUND. Notwithstanding section 15E.120, subsection 5, there is appropriated from the Iowa community development loan fund all the moneys available during the fiscal year beginning July 1, 2009, and ending June 30, 2010, to the department of economic development for the community development program to be used by the department for the purposes of the program.

Sec. 8. WORKFORCE DEVELOPMENT FUND. There is appropriated from the workforce development fund account created in section 15.342A to the workforce development fund created in section 15.343 for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, for the purposes of the workforce development fund, and for not more than the following full-time equivalent positions:

.....	$	4,000,000
.....	FTEs	4.00

Sec. 9. WORKFORCE DEVELOPMENT ADMINISTRATION. From funds appropriated or transferred to or receipts credited to the workforce development fund created in section 15.343, up to $400,000 for the fiscal year beginning July 1, 2009, and ending June 30, 2010, may be used for the administration of workforce development activities including salaries, support, maintenance, and miscellaneous purposes, and for not more than 4.00 full-time equivalent positions.

Sec. 10. JOB TRAINING FUND. Notwithstanding section 15.251, all remaining moneys in the job training fund on July 1, 2009, and any moneys appropriated or credited to the fund during the fiscal year beginning July 1, 2009, shall be transferred to the workforce development fund established pursuant to section 15.343.

Sec. 11. IOWA STATE UNIVERSITY.

1. There is appropriated from the general fund of the state to Iowa state university of science and technology for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for small business development centers, the science and technology research park, and the institute for physical research and technology, and for not more than the following full-time equivalent positions:

.....	$	2,751,092
.....	FTEs	56.63

2. Of the moneys appropriated in subsection 1, Iowa state university of science and technology shall allocate at least $976,234 for purposes of funding small business development centers. Iowa state university of science and technology may allocate moneys appropriated in subsection 1 to the various small business development centers in any manner necessary to achieve the purposes of this subsection.

3. Iowa state university of science and technology shall do all of the following:

a. Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

b. Provide emphasis to providing services to Iowa-based companies.

4. It is the intent of the general assembly that the industrial incentive program focus on Iowa industrial sectors and seek contributions and in-kind donations from businesses, industrial foundations, and trade associations, and that moneys for the institute for physical research and technology industrial incentive program shall be allocated only for projects which are matched by private sector moneys for directed contract research or for nondirected research. The match required of small businesses as defined in section 15.102, subsection 6, for directed contract research or for nondirected research shall be $1 for each $3 of state funds. The match required for other businesses for directed contract research or for nondirected research shall be $1 for each $1 of state funds. The match required of industrial foundations or trade associations shall be $1 for each $1 of state funds.

Iowa state university of science and technology shall report annually to the joint appropriations subcommittee on economic development and the legislative services agency the total amount of private contributions, the proportion of contributions from small businesses and other businesses, and the proportion for directed contract research and nondirected research of benefit to Iowa businesses and industrial sectors.

Notwithstanding section 8.33, moneys appropriated in this section that remain unencum-

bered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 12. UNIVERSITY OF IOWA.

1. There is appropriated from the general fund of the state to the state university of Iowa for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the state university of Iowa research park and for the advanced drug development program at the Oakdale research park, including salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions:

. . . . . $ 247,080
. . . . . FTEs 6.00

2. The state university of Iowa shall do all of the following:

a. Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

b. Provide emphasis to providing services to Iowa-based companies.

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 13. UNIVERSITY OF NORTHERN IOWA.

1. There is appropriated from the general fund of the state to the university of northern Iowa for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the metal casting institute, for the MyEntreNet internet application, and for the institute of decision making, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

. . . . . $ 539,638
. . . . . FTEs 6.75

2. The university of northern Iowa shall do all of the following:

a. Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

b. Provide emphasis to providing services to Iowa-based companies.

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 14. BOARD OF REGENTS REPORT. The state board of regents shall submit a report on the progress of regents institutions in meeting the strategic plan for technology transfer and economic development to the secretary of the senate, the chief clerk of the house of representatives, and the legislative services agency by January 15, 2010.

Sec. 15. DEPARTMENT OF WORKFORCE DEVELOPMENT. There is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. DIVISION OF LABOR SERVICES

For the division of labor services, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

. . . . . $ 3,851,643
. . . . . FTEs 68.15

From the contractor registration fees, the division of labor services shall reimburse the department of inspections and appeals for all costs associated with hearings under chapter 91C, relating to contractor registration.

2. DIVISION OF WORKERS' COMPENSATION

For the division of workers' compensation, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,884,187
..... FTEs 30.00

The division of workers' compensation shall continue charging a $65[3] filing fee for workers' compensation cases. The filing fee shall be paid by the petitioner of a claim. However, the fee can be taxed as a cost and paid by the losing party, except in cases where it would impose an undue hardship or be unjust under the circumstances. The moneys generated by the filing fee allowed under this subsection are appropriated to the department of workforce development to be used for purposes of administering the division of workers' compensation.

3. WORKFORCE DEVELOPMENT OPERATIONS

For the operation of field offices, the workforce development board, and new Iowans centers, and for not more than the following full-time equivalent positions:

..... $ 12,010,167
..... FTEs 88.04

Of the moneys appropriated in this subsection, the department shall allocate $11,832,989 for the operation of field offices. The department shall not reduce the number of field offices below the number of field offices being operated as of January 1, 2009.

The department of workforce development shall make every effort to maintain new Iowans centers that offer one-stop services to deal with the multiple issues related to immigration and employment. The centers shall be designed to support workers, businesses, and communities with information, referrals, job placement assistance, translation, language training, and resettlement, as well as technical and legal assistance on such issues as forms and documentation. Through the coordination of local, state, and federal service providers, and through the development of partnerships with public, private, and nonprofit entities with established records of international service, these centers shall seek to provide a seamless service delivery system for new Iowans.

4. OFFENDER REENTRY PROGRAM

For the development and administration of an offender reentry program to provide offenders with employment skills, and for not more than the following full-time equivalent positions:

..... $ 367,447
..... FTEs 2.00

The department shall partner with the department of corrections to provide staff within the correctional facilities to improve offenders' abilities to find and retain productive employment.

5. PILOT PROJECT

For purposes of administration of a security employee pilot project training program:

..... $ 15,000

6. NONREVERSION OF MONEYS

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 16. ACCOUNTABILITY — AUDIT. The auditor of state shall annually conduct an audit of the department of workforce development and shall report the findings of such annual audit, including the accountability of programs of the department, to the chairpersons and ranking members of the joint appropriations subcommittee on economic development. The department shall pay for the costs associated with the audit.

Sec. 17. EMPLOYMENT SECURITY CONTINGENCY FUND. There is appropriated from the special employment security contingency fund to the department of workforce development for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, for the purposes designated:

[3] See chapter 179, §194 herein

For the division of workers' compensation, salaries, support, maintenance, and miscellaneous purposes:

. . . . . $ 471,000

Any remaining additional penalty and interest revenue is appropriated to and may be allocated and used to accomplish the mission of the department.

Sec. 18. UNEMPLOYMENT COMPENSATION RESERVE FUND. Notwithstanding section 96.9, subsection 8, paragraph "e", there is appropriated from interest earned on the unemployment compensation reserve fund to the department of workforce development for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount for the operation of field offices:

. . . . . $ 6,500,000

Sec. 19. PUBLIC EMPLOYMENT RELATIONS BOARD. There is appropriated from the general fund of the state to the public employment relations board for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

. . . . . $ 1,168,781
. . . . . FTEs 10.00

Of the moneys appropriated in this section, the board shall allocate $15,000 for maintaining a website that allows searchable access to a database of collective bargaining information.

Sec. 20. VALUE-ADDED AGRICULTURE FINANCIAL ASSISTANCE. For the fiscal year beginning July 1, 2009, the office of renewable fuels and coproducts may apply to the department of economic development for moneys in the value-added agricultural products and processes financial assistance fund, if 2009 Iowa Acts, Senate File 344,[4] is not enacted or for moneys in the grow Iowa values fund, if 2009 Iowa Acts, Senate File 344,[5] is enacted, for deposit in the renewable fuels and coproducts fund created in section 159A.7.

Sec. 21. IOWA FINANCE AUTHORITY AUDIT. The auditor of state is requested to review the audit of the Iowa finance authority performed by the auditor hired by the authority.

Sec. 22. APPLICATION FOR DEPARTMENT OF ECONOMIC DEVELOPMENT MONEYS. For the fiscal year beginning July 1, 2009, any entity that was specifically identified in 2001 Iowa Acts, chapter 188, to receive funding from the department of economic development, excluding any entity identified to receive a direct appropriation beginning July 1, 2009, may apply to the department for assistance through the appropriate program. The department shall provide application criteria necessary to implement this section.

Sec. 23. SHELTER ASSISTANCE FUND. In providing moneys from the shelter assistance fund to homeless shelter programs in the fiscal year beginning July 1, 2009, and ending June 30, 2010, the department of economic development shall explore the potential of allocating moneys to homeless shelter programs based in part on their ability to move their clients toward self-sufficiency.

Sec. 24. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding section 96.9, subsection 4, paragraph "a", moneys credited to the state by the secretary of the treasury of the United States pursuant to section 903 of the Social Security Act are appropriated to the department of workforce development and shall be used by the department for the administration of the unemployment compensation program only. This appropriation shall not apply to any fiscal year beginning after December 31, 2009.

[4] Chapter 123 herein
[5] Chapter 123 herein

Sec. 25. EXPENSE REIMBURSEMENT — REQUIREMENTS. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the director of a department or state agency to which appropriations are made pursuant to the provisions of this Act shall require employees, in order to receive reimbursement for expense, to submit actual receipts for meals and other costs and reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted.

Approved May 26, 2009, with exception noted.

CHESTER J. CULVER, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 469, an Act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters. Senate File 469 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 25 in its entirety. Section 25 of the bill directs employees to submit actual receipts for meals and other costs and requires that reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this section and believe that employees should be reimbursed for actual expenses, this language would be particularly difficult to administer because similar language has not been included for every state agency or department or for the Legislature's own employees. Accordingly, I have issued Executive Order Thirteen[6] to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

For the above reasons, I respectfully disapprove of the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 469 are hereby approved this date.

Sincerely,
CHESTER J. CULVER, *Governor*

* Item veto; see message at end of the Act

[6] Published in IAB, Vol. XXXII, No. 5, (8/26/09), p. 596

CHAPTER 177

APPROPRIATIONS — EDUCATION

S.F. 470

AN ACT relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates.

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

DIVISION I
EDUCATION APPROPRIATIONS
DEPARTMENT FOR THE BLIND

Section 1. ADMINISTRATION. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,258,072
..... FTEs 90.00

COLLEGE STUDENT AID COMMISSION

Sec. 2. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 349,381
..... FTEs 4.30

2. STUDENT AID PROGRAMS

For payments to students for the Iowa grant program:

..... $ 981,743

3. DES MOINES UNIVERSITY — OSTEOPATHIC MEDICAL CENTER

a. For forgivable loans to Iowa students attending Des Moines university — osteopathic medical center under the forgivable loan program pursuant to section 261.19:

..... $ 91,668

To receive funds appropriated pursuant to this paragraph, Des Moines university — osteopathic medical center shall match the funds with institutional funds on a dollar-for-dollar basis.

b. For Des Moines university — osteopathic medical center for an initiative in primary health care to direct primary care physicians to shortage areas in the state:

..... $ 312,821

4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

For purposes of providing national guard educational assistance under the program established in section 261.86:

..... $ 3,499,545

5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM

For the teacher shortage loan forgiveness program established in section 261.112:

..... $ 438,282

6. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM

For purposes of the all Iowa opportunity foster care grant program established pursuant to section 261.6:

. . . . . $ 687,510

7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

For purposes of the all Iowa opportunity scholarship program established pursuant to section 261.87:

. . . . . $ 2,502,537

If the moneys appropriated by the general assembly to the college student aid commission for fiscal year 2009-2010 for purposes of the all Iowa opportunity scholarship program exceed $500,000, "eligible institution" as defined in section 261.87, shall, during fiscal year 2009-2010, include accredited private institutions as defined in section 261.9, subsection 1.

8. REGISTERED NURSE AND NURSE EDUCATOR LOAN FORGIVENESS PROGRAM

For purposes of the registered nurse and nurse educator loan forgiveness program established pursuant to section 261.23:

. . . . . $ 90,293

a. It is the intent of the general assembly that the commission continue to consider moneys allocated pursuant to this subsection as funds that meet the state matching funds requirements of the federal leveraging educational assistance program and the federal supplemental leveraging educational assistance program established under the Higher Education Act of 1965, as amended.

b. It is the intent of the general assembly that appropriations made for purposes of the registered nurse and nurse educator loan forgiveness program for the fiscal year beginning July 1, 2009, and each succeeding fiscal year, be distributed under the program created pursuant to section 261.23, for registered nurses and nurse educators.

9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION GRANT PROGRAM

For purposes of the barber and cosmetology arts and sciences tuition grant program established pursuant to section 261.18:

. . . . . $ 45,834

Sec. 3. COLLEGE STUDENT AID COMMISSION TRANSFERS.

1. The college student aid commission shall, at the close of the fiscal year beginning July 1, 2008, transfer from moneys appropriated for purposes of a Washington D.C. internship grant pursuant to 2008 Iowa Acts, chapter 1181, section 2, subsection 9, which were refunded to the commission by the grantee, an amount up to $65,000 to be used for purposes of the national guard educational assistance program established in section 261.86.

2. Notwithstanding section 261.87, subsection 5, the college student aid commission shall, at the close of the fiscal year beginning July 1, 2008, transfer from unencumbered or unobligated moneys remaining in the all Iowa opportunity scholarship fund, an amount up to $460,000 to be used for purposes of the national guard educational assistance program established in section 261.86.

Sec. 4. CHIROPRACTIC LOAN FUNDS. Notwithstanding section 261.72, from the moneys deposited in the chiropractic loan revolving fund created pursuant to section 261.72, up to $20,000 shall be used for purposes of the chiropractic loan forgiveness program established in section 261.73.

Sec. 5. WORK-STUDY APPROPRIATION FOR FY 2009-2010. Notwithstanding section 261.85, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the amount appropriated from the general fund of the state to the college student aid commission for the work-study program under section 261.85 shall be zero.

DEPARTMENT OF EDUCATION

Sec. 6. There is appropriated from the general fund of the state to the department of educa-

tion for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

. . . . . $ 7,906,880
. . . . . FTEs 91.37

2. VOCATIONAL EDUCATION ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

. . . . . $ 582,755
. . . . . FTEs 13.50

3. VOCATIONAL REHABILITATION SERVICES DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

. . . . . $ 5,155,508
. . . . . FTEs 281.50

b. For matching funds for programs to enable persons with severe physical or mental disabilities to function more independently, including salaries and support, and for not more than the following full-time equivalent position:

. . . . . $ 51,075
. . . . . FTEs 1.00

c. For the entrepreneurs with disabilities program pursuant to section 259.4, subsection 9:

. . . . . $ 180,590

4. STATE LIBRARY

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

. . . . . $ 1,748,500
. . . . . FTEs 19.00

b. For the enrich Iowa program established under section 256.57:

. . . . . $ 1,796,081

5. LIBRARY SERVICE AREA SYSTEM

For state aid:

. . . . . $ 1,562,210

6. PUBLIC BROADCASTING DIVISION

For salaries, support, maintenance, capital expenditures, miscellaneous purposes, and for not more than the following full-time equivalent positions:

. . . . . $ 8,971,682
. . . . . FTEs 82.00

Of the amount appropriated in this subsection, $90,295 shall be allocated to pay the costs of the ready-to-learn program.

7. REGIONAL TELECOMMUNICATIONS COUNCILS

For state aid:

. . . . . $ 1,232,071

The regional telecommunications councils established in section 8D.5 shall use the moneys appropriated in this subsection to provide technical assistance for network classrooms, planning and troubleshooting for local area networks, scheduling of video sites, and other related support activities.

8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS

For reimbursement for vocational education expenditures made by secondary schools:

. . . . . $ 2,696,921

Moneys appropriated in this subsection shall be used to reimburse school districts for vocational education expenditures made by secondary schools to meet the standards set in sections 256.11, 258.4, and 260C.14.

9. SCHOOL FOOD SERVICE

For use as state matching funds for federal programs that shall be disbursed according to federal regulations, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,266,069
..... FTEs 17.43

10. IOWA EMPOWERMENT FUND — GENERAL AID

For deposit in the school ready children grants account of the Iowa empowerment fund created in section 28.9:

..... $ 7,477,675

a. From the moneys deposited in the school ready children grants account for the fiscal year beginning July 1, 2009, and ending June 30, 2010, not more than $295,500 is allocated for the community empowerment office and other technical assistance activities, and of that amount not more than $49,250 shall be used to administer the early childhood coordinator's position pursuant to section 28.3, subsection 7. It is the intent of the general assembly that regional technical assistance teams will be established and will include staff from various agencies, as appropriate, including the area education agencies, community colleges, the university of northern Iowa, and the Iowa state university of science and technology cooperative extension service in agriculture and home economics. The Iowa empowerment board shall direct staff to work with the advisory council to inventory technical assistance needs. Moneys allocated under this lettered paragraph may be used by the Iowa empowerment board for the purpose of skills development and support for ongoing training of the regional technical assistance teams. However, except as otherwise provided in this subsection, moneys shall not be used for additional staff or for the reimbursement of staff.

b. As a condition of receiving moneys appropriated in this subsection, each community empowerment area board shall report to the Iowa empowerment board progress on each of the state indicators approved by the state board, as well as progress on local indicators. The community empowerment area board must also submit a written plan amendment extending by one year the area's comprehensive school ready children grant plan developed for providing services for children from birth through five years of age and provide other information specified by the Iowa empowerment board. The amendment may also provide for changes in the programs and services provided under the plan. The Iowa empowerment board shall establish a submission deadline for the plan amendment that allows a reasonable period of time for preparation of the plan amendment and for review and approval or request for modification of the plan amendment by the Iowa empowerment board. In addition, the community empowerment board must continue to comply with reporting provisions and other requirements adopted by the Iowa empowerment board in implementing section 28.8.

c. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the Iowa empowerment fund, $2,575,575 shall be used for efforts to improve the quality of early care, health, and education programs. Moneys allocated pursuant to this paragraph may be used for additional staff and for the reimbursement of staff. The Iowa empowerment board may reserve a portion of the allocation, not to exceed $98,500 for the technical assistance expenses of the Iowa empowerment office and shall distribute the remainder to community empowerment areas for local quality improvement efforts through a methodology identified by the board to make the most productive use of the funding, which may include use of the distribution formula, grants, or other means.

d. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the Iowa empowerment fund, $916,700 shall be used for support of professional development and training activities for persons working in early care, health, and education by the Iowa empowerment board in collaboration with representation from the Iowa state university of science and technology cooperative extension service in agriculture and home economics, the university of northern Iowa, the department of education, area education agencies, community colleges, child care resource and referral services, and community em-

powerment area boards. Expenditures shall be limited to professional development and training activities agreed upon by the parties participating in the collaboration.

11. IOWA EMPOWERMENT FUND — PRESCHOOL TUITION ASSISTANCE

a. For deposit in the school ready children grants account of the Iowa empowerment fund created in section 28.9:

. . . . . $ 8,772,150

b. The amount appropriated in this subsection shall be used for early care, health, and education programs to assist low-income parents with tuition for preschool and other supportive services for children ages three, four, and five who are not attending kindergarten in order to increase the basic family income eligibility requirement to not more than 200 percent of the federal poverty level. In addition, if sufficient funding is available after addressing the needs of those who meet the basic income eligibility requirement, a community empowerment area board may provide for eligibility for those with a family income in excess of the basic income eligibility requirement through use of a sliding scale or other copayment provisions.

12. IOWA EMPOWERMENT FUND — FAMILY SUPPORT AND PARENT EDUCATION

a. For deposit in the school ready children grants account of the Iowa empowerment fund created in section 28.9:

. . . . . $ 15,214,551

b. The amount appropriated in this subsection shall be used for family support services and parent education programs targeted to families expecting a child or with newborn and infant children through age five and shall be distributed using the distribution formula approved by the Iowa empowerment board and shall be used by a community empowerment area only for family support services and parent education programs targeted to families expecting a child or with newborn and infant children through age five. The programs funded under this subsection shall have a home visitation component.

13. BIRTH TO AGE THREE SERVICES

For expansion of the federal Individuals With Disabilities Education Improvement Act of 2004, Pub. L. No. 108-446, as amended to January 1, 2009, birth through age three services due to increased numbers of children qualifying for those services:

. . . . . $ 1,554,304

From the moneys appropriated in this subsection, $383,769 shall be allocated to the child health specialty clinic at the state university of Iowa to provide additional support for infants and toddlers who are born prematurely, drug-exposed, or medically fragile.

14. FOUR-YEAR-OLD PRESCHOOL PROGRAM

For allocation to eligible school districts for the four-year-old preschool program under chapter 256C, and for not more than the following full-time equivalent positions:

. . . . . $ 11,538,863
. . . . . FTEs 3.00

From the moneys appropriated pursuant to this subsection, not more than $303,531 shall be used by the department for administration of the four-year-old preschool program established pursuant to chapter 256C.

15. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

To provide moneys for costs of providing textbooks to each resident pupil who attends a nonpublic school as authorized by section 301.1:

. . . . . $ 625,634

Funding under this subsection is limited to $20 per pupil and shall not exceed the comparable services offered to resident public school pupils.

16. BEGINNING ADMINISTRATOR MENTORING AND INDUCTION PROGRAM

For purposes of administering the beginning administrator mentoring and induction program established pursuant to chapter 284A:

. . . . . $ 225,733

17. CORE CURRICULUM AND CAREER INFORMATION AND DECISION-MAKING SYSTEM

For purposes of implementing the statewide core curriculum for school districts and accred-

ited nonpublic schools and a state-designated career information and decision-making system:

. . . . . $ 1,979,540

18. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

For purposes of the student achievement and teacher quality program established pursuant to chapter 284, and for not more than the following full-time equivalent positions:

. . . . . $ 7,614,750
. . . . . FTEs 4.70

19. COMMUNITY COLLEGES

For general state financial aid to merged areas as defined in section 260C.2 in accordance with chapters 258 and 260C:

. . . . . $ 158,678,501

Notwithstanding the allocation formula in section 260C.18C, the funds appropriated in this subsection shall be allocated as follows:

a. Merged Area I . . . . . $ 7,897,910
b. Merged Area II . . . . . $ 8,516,966
c. Merged Area III . . . . . $ 7,841,186
d. Merged Area IV . . . . . $ 3,851,558
e. Merged Area V . . . . . $ 8,641,384
f. Merged Area VI . . . . . $ 7,498,085
g. Merged Area VII . . . . . $ 11,126,360
h. Merged Area IX . . . . . $ 13,843,859
i. Merged Area X . . . . . $ 23,966,719
j. Merged Area XI . . . . . $ 23,955,883
k. Merged Area XII . . . . . $ 9,103,886
l. Merged Area XIII . . . . . $ 9,268,324
m. Merged Area XIV . . . . . $ 3,905,145
n. Merged Area XV . . . . . $ 12,251,603
o. Merged Area XVI . . . . . $ 7,009,633

Sec. 7. COMMUNITY COLLEGE SALARIES. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to community colleges to supplement faculty salaries:

. . . . . $ 916,680

Sec. 8. IOWA EMPOWERMENT BOARD — FIRST YEARS FIRST ACCOUNT. Notwithstanding section 28.9, subsection 5, from the moneys deposited in the first years first account created in section 28.9, subsection 5, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, $2,000,000 shall be distributed to community empowerment areas by the Iowa empowerment board using the distribution formula for school ready grants.

Sec. 9. BOARD OF EDUCATIONAL EXAMINERS LICENSING FEES. Notwithstanding section 272.10, subsection 2, in addition to the percentage of licensing fees required to be deposited with the treasurer of state and credited to the general fund of the state pursuant to section 272.10, subsection 2, the executive director of the board of educational examiners shall, at the close of the fiscal year beginning July 1, 2008, transfer the amount of $454,000 to the department of education to be used to supplement, not supplant, moneys allocated for purposes of the beginning teacher mentoring and induction program as provided in section 284.13, subsection 1, paragraph “b”.

STATE BOARD OF REGENTS

Sec. 10. There is appropriated from the general fund of the state to the state board of re-

gents for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. OFFICE OF STATE BOARD OF REGENTS

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,227,914
..... FTEs 16.00

The state board of regents shall submit a monthly financial report in a format agreed upon by the state board of regents office and the legislative services agency.

b. For moneys to be allocated to the southwest Iowa graduate studies center:

..... $ 100,851

c. For moneys to be allocated to the siouxland interstate metropolitan planning council for the tristate graduate center under section 262.9, subsection 21:

..... $ 76,789

d. For moneys to be allocated to the quad-cities graduate studies center:

..... $ 149,628

e. For moneys to be distributed to Iowa public radio for public radio operations:

..... $ 451,465

2. STATE UNIVERSITY OF IOWA

a. General university, including lakeside laboratory

For salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 235,483,091
..... FTEs 5,058.55

b. Center for disabilities and development

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 6,335,993
..... FTEs 130.37

From the moneys appropriated in this lettered paragraph, $182,140 shall be allocated for purposes of the employment policy group.[1]

c. Oakdale campus

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,521,028
..... FTEs 38.25

d. State hygienic laboratory

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 4,077,715
..... FTEs 102.50

e. Family practice program

For allocation by the dean of the college of medicine, with approval of the advisory board, to qualified participants to carry out the provisions of chapter 148D for the family practice program, including salaries and support, and for not more than the following full-time equivalent positions:

..... $ 2,061,809
..... FTEs 190.40

f. Child health care services

For specialized child health care services, including childhood cancer diagnostic and treatment network programs, rural comprehensive care for hemophilia patients, and the Iowa high-risk infant follow-up program, including salaries and support, and for not more than the following full-time equivalent positions:

..... $ 760,330
..... FTEs 57.97

[1] See chapter 179, §83 herein

g. Statewide cancer registry

For the statewide cancer registry, and for not more than the following full-time equivalent positions:

..... $ 171,851
..... FTEs 2.10

h. Substance abuse consortium

For moneys to be allocated to the Iowa consortium for substance abuse research and evaluation, and for not more than the following full-time equivalent position:

..... $ 64,023
..... FTEs 1.00

i. Center for biocatalysis

For the center for biocatalysis, and for not more than the following full-time equivalent positions:

..... $ 834,433
..... FTEs 6.28

j. Primary health care initiative

For the primary health care initiative in the college of medicine, and for not more than the following full-time equivalent positions:

..... $ 748,195
..... FTEs 5.89

From the moneys appropriated in this lettered paragraph, $301,531 shall be allocated to the department of family practice at the state university of Iowa college of medicine for family practice faculty and support staff.

k. Birth defects registry

For the birth defects registry, and for not more than the following full-time equivalent position:

..... $ 44,145
..... FTEs 1.00

l. Larned A. Waterman Iowa nonprofit resource center

For the Larned A. Waterman Iowa nonprofit resource center, and for not more than the following full-time equivalent positions:

..... $ 187,402
..... FTEs 2.75

3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

a. General university

For salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 184,987,583
..... FTEs 3,647.42

b. Agricultural experiment station

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 32,412,044
..... FTEs 546.98

c. Cooperative extension service in agriculture and home economics

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 20,680,435
..... FTEs 383.34

d. Leopold center

For agricultural research grants at Iowa state university of science and technology under section 266.39B, and for not more than the following full-time equivalent positions:

..... $ 458,209
..... FTEs 11.25

e. Livestock disease research

For deposit in and the use of the livestock disease research fund under section 267.8:

..... $ 199,284

f. Veterinary diagnostic laboratory

For purposes of supporting the college of veterinary medicine for the operation of the veterinary diagnostic laboratory:

..... $ 916,680

(1) (a) Iowa state university shall not reduce the amount that it allocates to support the college of veterinary medicine from any other source due to the appropriation made in this lettered paragraph.

(b) Subparagraph subdivision (a) does not apply to a reduction made to support the college of veterinary medicine if the same percentage of reduction imposed on the college of veterinary medicine is also imposed on all of Iowa state university's budget units.

(2) If by the end of the fiscal year Iowa state university fails to allocate the moneys appropriated in this lettered paragraph "f" to the college of veterinary medicine in accordance with this lettered paragraph "f", the moneys appropriated in this lettered paragraph "f" for that fiscal year shall revert to the general fund.

4. UNIVERSITY OF NORTHERN IOWA

a. General university

For salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 83,789,887
..... FTEs 1,447.50

b. Recycling and reuse center

For purposes of the recycling and reuse center, and for not more than the following full-time equivalent positions:

..... $ 202,064
..... FTEs 3.00

c. Science, technology, engineering, and mathematics (STEM) collaborative initiative

For purposes of establishing a science, technology, engineering, and mathematics (STEM) collaborative initiative, and for not more than the following full-time equivalent positions:

..... $ 3,611,721
..... FTEs 6.20

d. Real estate education program

For purposes of the real estate education program, and for not more than the following full-time equivalent position:

..... $ 144,469
..... FTEs 1.00

5. STATE SCHOOL FOR THE DEAF

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 9,143,424
..... FTEs 126.60

6. IOWA BRAILLE AND SIGHT SAVING SCHOOL

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 5,170,134
..... FTEs 62.87

7. TUITION AND TRANSPORTATION COSTS

For payment to local school boards for the tuition and transportation costs of students residing in the Iowa braille and sight saving school and the state school for the deaf pursuant to section 262.43 and for payment of certain clothing, prescription, and transportation costs for students at these schools pursuant to section 270.5:

..... $ 13,562

Sec. 11. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, the state board of regents may use notes, bonds, or other evidences of indebtedness issued under section 262.48 to finance projects that will result in energy cost savings in an amount that will cause the state board to recover the cost of the projects within an average of six years.

Sec. 12. Notwithstanding section 270.7, the department of administrative services shall pay the state school for the deaf and the Iowa braille and sight saving school the moneys collected from the counties during the fiscal year beginning July 1, 2009, for expenses relating to prescription drug costs for students attending the state school for the deaf and the Iowa braille and sight saving school.

Sec. 13. STATE DEPARTMENT OR AGENCY COST-SAVING MEASURES. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, a state department or state agency to which an appropriation is made pursuant to this Act shall do the following:

1. Submit electronically any report the department or agency is required to submit to the general assembly. Notwithstanding any provision to the contrary, the department or agency shall not submit a printed copy of any report to the general assembly.

2. Develop and implement procedures that result in cost savings for office supplies, service contracts, professional services, video conferencing, use of the Iowa telecommunications network, equipment purchases, and interstate and intrastate travel by state employees and members of state boards, committees, commissions, and councils for which the department or agency provides administrative services.

*3. *Require employees, in order to receive expense reimbursement, to submit actual receipts for meals and other costs. To the extent possible, receipts shall be submitted electronically. Reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the receipts submitted by an employee.**

Sec. 14. Section 28.8, subsection 3, paragraph b, Code 2009, is amended to read as follows:

b. Family support services and parent education programs promoted to parents of children from birth through five years of age. The services and programs shall be offered in a flexible manner to accommodate the varying schedules, meeting place requirements, and other needs of working parents. Family support services shall include but are not limited to home visitation. ~~After a community empowerment area board has committed the portion of school ready grant funding that is designated or authorized by law to be used or set aside for a particular purpose, the community board shall commit approximately sixty percent of the remainder to family support services and parent education programs targeted to families with children who are newborn through age five.~~

Sec. 15. Section 257.6, subsection 1, paragraph a, subparagraph (5), Code 2009, is amended to read as follows:

(5) Resident pupils receiving competent private instruction from a licensed practitioner provided through a public school district pursuant to chapter 299A shall be counted as three-tenths of one pupil. ~~School districts shall not spend less than the amount expended for the delivery of home school assistance programming during the fiscal year beginning July 1, 2007, unless there is a decline in enrollment in the program. If a school district offered a home school assistance program in the fiscal year beginning July 1, 2007, it shall continue to offer a home school assistance program in the fiscal year beginning July 1, 2008, and subsequent fiscal years.~~ Revenues received by a school district attributed to a school district's weighted enrollment pursuant to this paragraph shall be expended for the purpose for which the weighting was assigned under this paragraph. If the school district determines that the expenditures associated with providing competent private instruction pursuant to chapter 299A are in excess of the revenue attributed to the school district's weighted enrollment for such instruction in accordance with this subparagraph, the school district may submit a request to the school budget review committee for modified allowable growth in accordance with section 257.31, sub-

* Item veto; see message at end of the Act

section 5, paragraph "n". A home school assistance program shall not provide moneys received pursuant to this subparagraph, nor resources paid for with moneys received pursuant to this subparagraph, to parents or students utilizing the program.

Sec. 16. Section 257.9, subsections 6, 7, 9, and 10, Code 2009, are amended to read as follows:

6. TEACHER SALARY SUPPLEMENT STATE COST PER PUPIL. For the budget year beginning July 1, 2009, for the teacher salary supplement state cost per pupil, the department of management shall add together the teacher compensation allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph "h", Code 2009, and the phase II allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 294A.9, Code 2009, and divide that sum by the statewide total budget enrollment for the fiscal year beginning July 1, 2009. The teacher salary supplement state cost per pupil for the budget year beginning July 1, 2010, and succeeding budget years, shall be the amount calculated by the department of management under this subsection for the base year plus an allowable growth amount that is equal to the teacher salary supplement categorical state percent of growth, pursuant to section 257.8, subsection 2, for the budget year, multiplied by the amount calculated by the department of management under this subsection for the base year.

7. PROFESSIONAL DEVELOPMENT SUPPLEMENT STATE COST PER PUPIL. For the budget year beginning July 1, 2009, for the professional development supplement state cost per pupil, the department of management shall add together the professional development allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph "d", Code 2009, and divide that sum by the statewide total budget enrollment for the fiscal year beginning July 1, 2009. The professional development supplement state cost per pupil for the budget year beginning July 1, 2010, and succeeding budget years, shall be the amount calculated by the department of management under this subsection for the base year plus an allowable growth amount that is equal to the professional development supplement categorical state percent of growth, pursuant to section 257.8, subsection 2, for the budget year, multiplied by the amount calculated by the department of management under this subsection for the base year.

9. AREA EDUCATION AGENCY TEACHER SALARY SUPPLEMENT STATE COST PER PUPIL. For the budget year beginning July 1, 2009, for the area education agency teacher salary supplement state cost per pupil, the department of management shall add together the teacher compensation allocation made to each area education agency for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph "i", Code 2009, and the phase II allocation made to each area education agency for the fiscal year beginning July 1, 2008, pursuant to section 294A.9, Code 2009, and divide that sum by the statewide special education support services weighted enrollment for the fiscal year beginning July 1, 2009. The area education agency teacher salary supplement state cost per pupil for the budget year beginning July 1, 2010, and succeeding budget years, shall be the amount calculated by the department of management under this subsection for the base year plus an allowable growth amount that is equal to the teacher salary supplement categorical state percent of growth, pursuant to section 257.8, subsection 2, for the budget year, multiplied by the amount calculated by the department of management under this subsection for the base year.

10. AREA EDUCATION AGENCY PROFESSIONAL DEVELOPMENT SUPPLEMENT STATE COST PER PUPIL. For the budget year beginning July 1, 2009, for the area education agency professional development supplement state cost per pupil, the department of management shall add together the professional development allocation made to each area education agency for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph "d", Code 2009, and divide that sum by the statewide special education support services weighted enrollment for the fiscal year beginning July 1, 2009. The area education agency professional development supplement state cost per pupil for the budget year beginning July 1, 2010, and succeeding budget years, shall be the amount calculated by the department of man-

agement under this subsection for the base year plus an allowable growth amount that is equal to the professional development supplement categorical state percent of growth, pursuant to section 257.8, subsection 2, for the budget year, multiplied by the amount calculated by the department of management under this subsection for the base year.

Sec. 17. Section 257.10, subsection 9, paragraph a, Code 2009, is amended to read as follows:

a. For the budget year beginning July 1, 2009, the department of management shall add together the teacher compensation allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph "h", Code 2009, and the phase II allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 294A.9, Code 2009, and divide that sum by the district's budget enrollment in the fiscal year beginning July 1, 2009, to determine the teacher salary supplement district cost per pupil. For the budget year beginning July 1, 2010, and succeeding budget years, the teacher salary supplement district cost per pupil for each school district for a budget year is the teacher salary supplement program district cost per pupil for the base year plus the teacher salary supplement state allowable growth amount for the budget year.

Sec. 18. Section 257.10, subsection 10, paragraph a, Code 2009, is amended to read as follows:

a. For the budget year beginning July 1, 2009, the department of management shall divide the professional development allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph "d", Code 2009, by the district's budget enrollment in the fiscal year beginning July 1, 2009, to determine the professional development supplement cost per pupil. For the budget year beginning July 1, 2010, and succeeding budget years, the professional development supplement district cost per pupil for each school district for a budget year is the professional development supplement district cost per pupil for the base year plus the professional development supplement state allowable growth amount for the budget year.

Sec. 19. Section 257.37A, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. For the budget year beginning July 1, 2009, the department of management shall add together the teacher compensation allocation made to each area education agency for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph "i", Code 2009, and the phase II allocation made to each area education agency for the fiscal year beginning July 1, 2008, pursuant to section 294A.9, Code 2009, and divide that sum by the special education support services weighted enrollment in the fiscal year beginning July 1, 2009, to determine the area education agency teacher salary supplement cost per pupil. For the budget year beginning July 1, 2010, and succeeding budget years, the area education agency teacher salary supplement district cost per pupil for each area education agency for a budget year is the area education agency teacher salary supplement district cost per pupil for the base year plus the area education agency teacher salary supplement state allowable growth amount for the budget year.

Sec. 20. Section 257.37A, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. For the budget year beginning July 1, 2009, the department of management shall divide the area education agency professional development supplement made to each area education agency for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph "d", Code 2009, by the special education support services weighted enrollment in the fiscal year beginning July 1, 2009, to determine the professional development supplement cost per pupil. For the budget year beginning July 1, 2010, and succeeding budget years, the area education agency professional development supplement district cost per pupil for each area

education agency for a budget year is the area education agency professional development supplement district cost per pupil for the base year plus the area education agency professional development supplement state allowable growth amount for the budget year.

Sec. 21. Section 260C.14, subsection 22, paragraph a, Code 2009, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (7) The contracted salary and benefits for the trustees of the community college.

NEW SUBPARAGRAPH. (8) The contracted salary and benefits and any other expenses related to support for governmental affairs efforts, including expenditures for lobbyists and lobbying activities for the community college.

NEW SUBPARAGRAPH. (9) The contracted salaries, including but not limited to bonus wages and benefits, including but not limited to annuity payments or any other benefit covered using state funds of any kind for administrators of the community college.

Sec. 22. Section 260C.14, subsection 22, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The department shall submit a report to the general assembly summarizing the data submitted in paragraph "a" by January 15 annually.

Sec. 23. Section 260C.18D, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. EVENLY DIVIDED PAYMENTS. A community college receiving funds distributed pursuant to this section shall determine the amount to be paid to instructors in accordance with subsection 4 and the amount determined to be paid to an individual instructor shall be divided evenly and paid in each pay period of the fiscal year.

Sec. 24. Section 261.2, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 10. Require any postsecondary institution whose students are eligible for or who receive assistance under programs administered by the commission and who were enrolled in a school district in Iowa to include in its student management information system the unique student identifiers assigned to the institution's students while the students were in the state's kindergarten through grade twelve system.

Sec. 25. Section 261.6, subsection 2, Code 2009, is amended to read as follows:

2. The program shall provide financial assistance for postsecondary education or training to ~~persons~~ a person who ~~have~~ has a high school diploma or a high school equivalency diploma under chapter 259A~~, are age eighteen through twenty-three,~~ and ~~are~~ is described by any of the following:

a. Is age seventeen and is in a court-ordered placement under chapter 232 under the care and custody of the department of human services or juvenile court services.

b. Is age seventeen and has been placed in the state training school or the Iowa juvenile home pursuant to a court order entered under chapter 232 under the care and custody of the department of human services.

c. Is age eighteen through twenty-three and is described by any of the following:

(1) On the date the person reached age eighteen or during the thirty calendar days preceding or succeeding that date, the person was in a licensed foster care placement pursuant to a court order entered under chapter 232 under the care and custody of the department of human services or juvenile court services.

~~b.~~ (2) On the date the person reached age eighteen or during the thirty calendar days preceding or succeeding that date, the person was under a court order under chapter 232 to live with a relative or other suitable person.

~~c.~~ (3) The person was in a licensed foster care placement pursuant to an order entered under chapter 232 prior to being legally adopted after reaching age sixteen.

~~d.~~ (4) On the date the person reached age eighteen or during the thirty calendar days preceding or succeeding that date, the person was placed in the state training school or the Iowa juvenile home pursuant to a court order entered under chapter 232 under the care and custody of the department of human services.

Sec. 26. Section 261.19, subsection 1, Code 2009, is amended to read as follows:

1. A physician recruitment program is established, to be administered by the college student aid commission, for Des Moines university — osteopathic medical center. The program shall consist of a forgivable loan program and a tuition scholarship program for students and a loan repayment program for physicians. The commission shall regularly adjust the physician service requirement under each aspect of the program to provide, to the extent possible, an equal financial benefit for each period of service required. ~~From funds appropriated for purposes of the program by the general assembly, the commission shall pay a fee to Des Moines university — osteopathic medical center for the administration of the program. A portion of the fee shall be paid by the commission to the university based upon the number of physicians recruited under subsection 4.~~

Sec. 27. Section 261.25, subsections 1, 2, and 3, Code 2009, are amended to read as follows:

1. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~fifty~~ forty-five million ~~seventy-three~~ two hundred thirteen thousand ~~seven hundred eighteen~~ sixty-nine dollars for tuition grants.

2. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~five~~ four million ~~five~~ nine hundred ~~twenty-four~~ eighty-eight thousand ~~eight~~ five hundred ~~fifty-eight~~ sixty-one dollars for tuition grants for students attending for-profit accredited private institutions located in Iowa. A for-profit institution which, effective March 9, 2005, purchased an accredited private institution that was exempt from taxation under section 501(c) of the Internal Revenue Code, shall be an eligible institution under the tuition grant program. In the case of a qualified student who was enrolled in such accredited private institution that was purchased by the for-profit institution effective March 9, 2005, and who continues to be enrolled in the eligible institution in succeeding years, the amount the student qualifies for under this subsection shall be not less than the amount the student qualified for in the fiscal year beginning July 1, 2004. For purposes of the tuition grant program, "for-profit accredited private institution" means an accredited private institution which is not exempt from taxation under section 501(c)(3) of the Internal Revenue Code but which otherwise meets the requirements of section 261.9, subsection 1, paragraph "b", and whose students were eligible to receive tuition grants in the fiscal year beginning July 1, 2003.

3. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of two million ~~seven~~ five hundred ~~eighty-three~~ twelve thousand ~~one~~ nine hundred ~~fifteen~~ fifty-eight dollars for vocational-technical tuition grants.

Sec. 28. Section 261.87, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. Achieves a cumulative high school grade point average ~~upon graduation~~ of at least two point five on a four-point grade scale, or its equivalent if another grade scale is used.

*Sec. 29. NEW SECTION. 261D.4 PROVISIONAL WITHDRAWAL FROM COMPACT.

*The state of Iowa hereby withdraws from the midwestern higher education compact effective July 1, 2009, until such time as the state has the resources to resume membership and reenters into the compact. The state of Iowa's obligations and liability under the compact shall cease upon the effective date of its withdrawal from the compact. This section shall prevail over any contrary provisions of this chapter.**

Sec. 30. Section 262.9, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 32. Submit its annual budget request broken down by budget unit.

* Item veto; see message at end of the Act

NEW SUBSECTION. 33. Annually, by October 1, submit in a report to the general assembly the following information for the previous fiscal year:

a. Total revenue received from each local school district as a result of high school students enrolled in courses under the postsecondary enrollment options program at the institutions of higher learning under the board's control.

b. Unduplicated headcount of high school students enrolled in courses under the postsecondary enrollment options program at the institutions of higher learning under the board's control.

c. Total credits earned by high school students enrolled in courses under the postsecondary enrollment options program at the institutions of higher learning under the board's control, broken down by degree program.

d. The compensation and benefits paid to the members of the board pursuant to section 7E.6.

e. The contracted salary and benefits and any other expenses related to support for governmental affairs efforts, including expenditures for liaisons and lobbying activities for the board and its institutions.

f. The contracted salaries, including but not limited to bonus wages and benefits, including but not limited to annuity payments or any other benefit covered using state funds of any kind for administrators of the institutions governed by the board.

Sec. 31. Section 264.5, Code 2009, is amended to read as follows:

264.5 FEES.

For the preparation of ~~each of such transcripts~~ a transcript in accordance with section 264.4, the state university may charge a nominal fee~~, not to exceed five dollars,~~ to compensate the institution for ~~the actual~~ its actual costs, including but not limited to the labor ~~of~~ involved in recording the credits~~,~~ and preparing a transcript, and postage~~, etc~~.

Sec. 32. Section 272.2, subsection 10, Code 2009, is amended to read as follows:

10. Issue statements of professional recognition to school service personnel who have attained a minimum of a baccalaureate degree and who are licensed by another professional licensing board, including but not limited to athletic trainers licensed under chapter 152D.

Sec. 33. Section 272.2, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 18. May adopt rules for practitioners who are not eligible for a statement of professional recognition under subsection 10, but have received a baccalaureate degree and provide a service to students at any or all levels from prekindergarten through grade twelve for a school district, accredited nonpublic school, area education agency, or preschool program established pursuant to chapter 256C.

Sec. 34. Section 284.2, subsection 1, Code 2009, is amended to read as follows:

1. "Beginning teacher" means an individual serving under an initial or intern license, issued by the board of educational examiners under chapter 272, who is assuming a position as a teacher. For purposes of the beginning teacher mentoring and induction program created pursuant to section 284.5, "beginning teacher" also includes preschool teachers who are licensed by the board of educational examiners under chapter 272 and are employed by a school district or area education agency. "Beginning teacher" does not include a teacher whose employment with a school district or area education agency is probationary unless the teacher is serving under an initial or teacher intern license issued by the board of educational examiners under chapter 272.

Sec. 35. Section 284.4, subsection 1, paragraph c, subparagraph (3), Code 2009, is amended to read as follows:

(3) Determine, following the adoption of the Iowa professional development model by the state board of education, the use and distribution of the professional development funds ~~dis-~~

~~tributed~~ calculated and paid to the school district or agency as provided in section ~~284.13~~ 257.9, subsection 10, or section 257.10, subsection ~~1, paragraph "d"~~ 10, based upon school district or agency, attendance center, and individual teacher and professional development plans.

Sec. 36. Section 284.6, subsections 8 and 9, Code 2009, are amended to read as follows:

8. For each year in which a school district receives funds ~~allocated for distribution~~ calculated and paid to school districts for professional development pursuant to section ~~284.13~~ 257.10, subsection ~~1, paragraph "d"~~ 10, or section 257.37A, subsection 2, the school district shall create quality professional development opportunities. The goal for the use of the funds is to provide one additional contract day or the equivalent thereof for professional development and use of the funds is limited to providing professional development to teachers, including additional salaries for time beyond the normal negotiated agreement; pay for substitute teachers, professional development materials, speakers, and professional development content; and costs associated with implementing the individual professional development plans. The use of the funds shall be balanced between school district, attendance center, and individual professional development plans, making every reasonable effort to provide equal access to all teachers.

9. ~~The distribution of funds allocated for professional development pursuant to section 284.13, subsection 1, paragraph "d", shall be made in one payment on or about October 15 of the fiscal year for which the appropriation is made, taking into consideration the relative budget and cash position of the state resources.~~ Moneys received pursuant to section ~~284.13~~ 257.10, subsection ~~1, paragraph "d", shall not be commingled with state aid payments made under section 257.16 to a school district, shall be accounted for by the local school district separately from state aid payments, and are miscellaneous income for purposes of chapter 257. A school district shall maintain a separate listing within its budget for funds received and expenditures made pursuant to this subsection~~ 10, or section 257.37A, subsection 2, shall be maintained as a separate listing within its budget for funds received and expenditures made pursuant to this subsection. A school district shall certify to the department of education how the school district allocated the funds and that moneys received under this subsection were used to supplement, not supplant, the professional development opportunities the school district would otherwise make available.

Sec. 37. Section 284.7, unnumbered paragraph 1, Code 2009, is amended to read as follows:

To promote continuous improvement in Iowa's quality teaching workforce and to give Iowa teachers the opportunity for career recognition that reflects the various roles teachers play as educational leaders, an Iowa teacher career path is established for teachers employed by school districts. A school district shall use funding ~~allocated under~~ calculated and paid pursuant to section ~~284.13~~ 257.10, subsection ~~1, paragraph "h"~~ 9, to raise teacher salaries to meet the requirements of this section. The Iowa teacher career path and salary minimums are as follows:

Sec. 38. Section 284.7, subsection 1, paragraph b, subparagraph (1), unnumbered paragraph 1, Code 2009, is amended to read as follows:

A career teacher is a teacher who holds a statement of professional recognition issued by the board of educational examiners under chapter 272 or who meets the following requirements:

Sec. 39. Section 284.7, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6. A school district that is unable to meet the provisions of subsection 1 with funds calculated and paid to the school district pursuant to section 257.10, subsection 9, may request a waiver from the department to use funds calculated and paid under section 257.10, subsection 11, to meet the provisions of subsection 1 if the difference between the funds calculated and paid pursuant to section 257.10, subsection 9, and the amount required to comply with subsection 1 is not less than ten thousand dollars. The department shall consid-

er the average class size of the school district, the school district's actual unspent balance from the preceding year, and the school district's current financial position.

Sec. 40. Section 284.13, subsection 1, paragraphs a, b, c, and j, Code 2009, are amended to read as follows:

a. For the fiscal year beginning July 1, ~~2008~~ 2009, and ending June 30, ~~2009~~ 2010, to the department of education, the amount of one million ~~seven~~ one hundred ~~seven~~ twenty-five thousand ~~five hundred~~ dollars for the issuance of national board certification awards in accordance with section 256.44. Of the amount allocated under this paragraph, not less than eighty-five thousand dollars shall be used to administer the ambassador to education position in accordance with section 256.45.

b. For the fiscal year beginning July 1, ~~2006~~ 2009, and succeeding fiscal years, an amount up to ~~four~~ three million ~~six~~ nine hundred ~~fifty~~ forty-nine thousand seven hundred fifty dollars for first-year and second-year beginning teachers, to the department of education for distribution to school districts and area education agencies for purposes of the beginning teacher mentoring and induction programs. A school district or area education agency shall receive one thousand three hundred dollars per beginning teacher participating in the program. If the funds appropriated for the program are insufficient to pay mentors, school districts, and area education agencies as provided in this paragraph, the department shall prorate the amount distributed to school districts and area education agencies based upon the amount appropriated. Moneys received by a school district or area education agency pursuant to this paragraph shall be expended to provide each mentor with an award of five hundred dollars per semester, at a minimum, for participation in the school district's or area education agency's beginning teacher mentoring and induction program; to implement the plan; and to pay any applicable costs of the employer's share of contributions to federal social security and the Iowa public employees' retirement system or a pension and annuity retirement system established under chapter 294, for such amounts paid by the district or area education agency.

c. For each fiscal year of the fiscal period beginning July 1, 2007, and ending June 30, ~~2009~~ 2010, up to six hundred ninety-five thousand dollars to the department for purposes of implementing the professional development program requirements of section 284.6, assistance in developing model evidence for teacher quality committees established pursuant to section 284.4, subsection 1, paragraph "c", and the evaluator training program in section 284.10. A portion of the funds allocated to the department for purposes of this paragraph may be used by the department for administrative purposes and for not more than four full-time equivalent positions.

j. Notwithstanding section 8.33, any moneys remaining unencumbered or unobligated from the moneys allocated for purposes of paragraph "a", "b", or "c"~~, or "g"~~ shall not revert but shall remain available in the succeeding fiscal year for expenditure for the purposes designated. The provisions of section 8.39 shall not apply to the funds appropriated pursuant to this subsection.

Sec. 41. Section 284.13, subsection 1, paragraphs d, f, g, h, and i, Code 2009, are amended by striking the paragraphs.

Sec. 42. Section 284.13, subsection 2, Code 2009, is amended by striking the subsection.

Sec. 43. Section 284A.2, subsection 1, Code 2009, is amended to read as follows:

1. "Administrator" means an individual holding a professional administrator license issued under chapter 272, who is employed in a school district administrative position by a school district or area education agency pursuant to a contract issued by a board of directors under section 279.23, and is engaged in instructional leadership. An administrator may be employed in both an administrative and a nonadministrative position by a board of directors and shall be considered a part-time administrator for the portion of time that the individual is employed in an administrative position. "Administrator" does not include assistant principals or assistant superintendents.

Sec. 44. Section 422.33, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 27. The taxes imposed under this division shall be reduced by a school tuition organization tax credit allowed under section 422.11S. The maximum amount of tax credits that may be approved under this subsection for a tax year equals twenty-five percent of the school tuition organization's tax credits that may be approved pursuant to section 422.11S, subsection 7, for a tax year.

Sec. 45. 2008 Iowa Acts, chapter 1181, section 84, is amended to read as follows:

SEC. 84. Section 284.13, subsection 1, paragraph f, Code Supplement 2007, is amended by striking the paragraph and inserting in lieu thereof the following:

f. For the fiscal year beginning July 1, 2008, and ending June 30, 2009, to the department of education, the amount of two hundred fifty thousand dollars ~~for distribution to the institute for tomorrow's workforce created pursuant to section 7K.1~~ to be used to supplement, not supplant, funds allocated for purposes of the beginning teacher mentoring and induction program as provided in subsection 1, paragraph "b".

Sec. 46. Chapter 7K, Code 2009, is repealed.

Sec. 47. Section 257.51, Code 2009, is repealed.

Sec. 48. EFFECTIVE DATES.

1. The section of this division of this Act providing for college student aid commission transfers, being deemed of immediate importance, takes effect upon enactment.

2. The section of this division of this Act providing for the transfer of board of educational examiners licensing fees, being deemed of immediate importance, takes effect upon enactment.

3. The section of this division of this Act amending 2008 Iowa Acts, chapter 1181, section 84, being deemed of immediate importance, takes effect upon enactment.

DIVISION II
RESEARCH AND DEVELOPMENT SCHOOL

Sec. 49. NEW SECTION. 256G.1 LEGISLATIVE INTENT.

It is the intent of the general assembly to develop a state research and development prekindergarten through grade twelve school in order to do the following:

1. To raise and sustain the level of all prekindergarten through grade twelve students' educational attainment and personal development through innovative and promising teaching practice.

2. To enhance the preparation and professional competence of the educators in this state through collaborative inquiry and exchange of professional knowledge in teaching and learning.

3. To focus on research that transforms teaching practice to meet the changing needs of this state's educational system.

Sec. 50. NEW SECTION. 256G.2 DEFINITIONS.

For purposes of this chapter:

1. "Department" means the department of education.

2. "Director" means the director of the department of education.

3. "President" means the president of the university of northern Iowa.

4. "Research and development school" means a prekindergarten through grade twelve research, development, demonstration, and dissemination school using expanded facilities at the center for early development education, also known as the Price laboratory school, in Cedar Falls.

5. "University" means the university of northern Iowa.

Sec. 51. NEW SECTION. 256G.3 RESEARCH AND DEVELOPMENT SCHOOL FUNDING.

1. a. (1) The university and the board of directors of the Cedar Falls community school district shall develop a student transfer policy for the research and development school that will protect and promote the quality and integrity of the teacher education program and the viability of the education program of the Cedar Falls community school district.

(2) The policy shall include, in order of consideration, the reasons for which a request to transfer to the research and development school will be allowed by the school district. The research and development school may deny any request for transfer under the policy and such denial for transfer is not subject to appeal under section 290.1. The research and development school shall report the transfer and enrollment of a new student directly to the department.

b. The research and development school shall create and maintain a basic geographic boundary line agreement with the Cedar Falls community school district. The boundary line agreement shall ensure that students currently enrolled at the center for early development education shall continue to have priority access to enrollment at the research and development school. If such an agreement cannot be reached, the boundary line for the research and development school shall be the official boundary line of the Cedar Falls community school district.

c. Open enrollment under section 282.18 applies to the research and development school.

2. Funds provided by the university for the center for early development education under section 262.71 shall be redirected as applicable to support the research component at the research and development school.

Sec. 52. NEW SECTION. 256G.4 RESEARCH AND DEVELOPMENT SCHOOL — GOVERNANCE.

1. The board of regents shall be the governing entity of the research and development school and as such shall be responsible for the faculty, facility, grounds, and staffing.

2. The department shall be the accreditation agency and as such shall serve as the authority on teacher qualification requirements and waiver provisions.

3. a. A seventeen-member advisory council is created, composed of the following members:

(1) Three standing committee members as follows:

(a) The director.

(b) The president.

(c) The director of the research and development school, serving as an ex officio, nonvoting member.

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

(a) One member representing prekindergarten through grade six public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph "c".

(b) One member representing grade seven through grade nine public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph "c".

(c) One member representing grade ten through grade twelve public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph "c".

(d) One member representing prekindergarten through grade twelve administrators.

(e) One member representing area education agencies.

(f) One member representing Iowa state university of science and technology.

(g) One member representing the university of Iowa.

(h) One member representing parents of students at the research and development school.

(i) One member representing business and industry.

(j) One member representing private colleges in the state.

(3) Four members of the general assembly serving as ex officio, nonvoting members, one representative to be appointed by the speaker of the house of representatives, one representative to be appointed by the minority leader of the house of representatives, one senator to be appointed by the majority leader of the senate after consultation with the president of the senate, and one senator to be appointed by the minority leader of the senate.

b. One of the members representing public school teachers approved for membership pursuant to paragraph "a", subparagraph (2), subparagraph divisions (a) through (c) shall be an active teacher in the Cedar Falls community school district.

c. (1) The advisory council shall review and evaluate the educational processes and results of the research and development school.

(2) The advisory council shall provide an annual report to the president, the director, the state board of regents, the state board of education, and the general assembly.

4. a. An eleven-member standing institutional research committee, appointed by the president and the director, is created, composed of the following members:

(1) The director of research at the research and development school or the person designated with this responsibility.

(2) One member representing the university of northern Iowa.

(3) One member representing Iowa state university of science and technology.

(4) One member representing the university of Iowa.

(5) One member representing business and industry.

(6) One member representing prekindergarten through grade six public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph "c".

(7) One member representing grade seven through grade nine public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph "c".

(8) One member representing grade ten through grade twelve public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph "c".

(9) One member representing the boards of school districts selected from a list of nominees submitted by the Iowa association of school boards.

(10) One member representing the department.

(11) One member representing private colleges in the state.

b. The appointed members should collectively possess the following characteristics:

(1) Be well informed about the educational needs of students in the state.

(2) Be aware of and understand the standards and protocol for educational research.

(3) Understand the dissemination of prekindergarten through grade twelve research results.

(4) Understand the impact of educational research.

(5) Be knowledgeable about compliance with human subject protection protocol.

c. One of the members representing public school teachers approved for membership pursuant to paragraph "a", subparagraphs (6) through (8) shall be an active teacher in the Cedar Falls community school district.

d. The committee shall serve as the clearinghouse for the investigative and applied research at the research and development school.

e. The committee shall create research protocols, approve research proposals, review the quality and results of performed research, and provide support for dissemination efforts.

Sec. 53. Section 257.6, subsection 1, paragraph b, Code 2009, is amended by striking the paragraph.

Sec. 54. Section 282.18, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 15A. a. If a request under this section is for transfer to a laboratory

school, as described in chapter 256G, the student, who is the subject of the request, shall be included in the basic enrollment of the student's district of residence and the board of directors of the district of residence shall pay to a laboratory school the state cost per pupil for the previous school year, plus any moneys received for the pupil as a result of the non-English speaking weighting under section 280.4, subsection 3, for the previous school year multiplied by the state cost per pupil for the previous year.

b. Notwithstanding subsection 7, a district of residence shall not be required to pay the state cost per pupil for a student attending a laboratory school during the school year beginning July 1, 2010, if the student was not included in the district of residence's enrollment count for funding purposes in the school year beginning July 1, 2009.

NEW SUBSECTION. 15B. a. The total enrollment of the research and development school shall be limited to six hundred fifty students.

b. Open enrollment requests accepted by the research and development school shall be limited to a five percent increase per year of students from each of the Cedar Falls community school district and the Waterloo school district over the previous year's enrollment at the research and development school.

c. The total number of students enrolled in the research and development school from the Cedar Falls community school district shall be limited to not more than ten percent of the total district enrollment of the Cedar Falls community school district.

d. Open enrollment requests accepted by the research and development school from a school district shall be limited to not more than two percent of a school district's previous year's total enrollment count. This subsection does not apply to the Cedar Falls community and Waterloo school districts.

Sec. 55. RESEARCH AND DEVELOPMENT SCHOOL — INFRASTRUCTURE FUNDING STUDY. The department of education, in collaboration with representatives of the university of northern Iowa, as designated by the president, shall create a report about potential access to various infrastructure funding for the research and development school. The department shall submit the report to the general assembly and the governor by January 15, 2010.

Sec. 56. RESEARCH AND DEVELOPMENT SCHOOL INFRASTRUCTURE.

1. a. There is appropriated from the general fund of the state to the university of northern Iowa for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For a contract with a design firm to evaluate the condition of the center for early development education in Cedar Falls and determine an approximate cost of both renovation of the current facility and new construction with a recommendation as to which is more feasible:
. . . . . $ 35,000

b. The design firm's recommendation shall consider the following property elements:

(1) Grounds, utility, and paving systems.

(2) Exterior systems, including the roof, walls, windows, exterior doors, and structural components.

(3) Interior systems, including walls, doors, floors, and ceilings.

(4) Fire and life safety issues.

(5) Readily achievable design features meeting the requirements of the federal Americans With Disabilities Act.

(6) Heating, ventilation, and air conditioning including control mechanisms.

(7) Electrical and electrical distribution system.

(8) Plumbing.

(9) Fire protection.

(10) Elevators.

(11) Special construction.

c. The design firm shall report in fiscal year 2010-2011 to the president, the director, and the

transition team the results of its evaluation and recommendation. The transition team shall report the design firm's findings to the general assembly by January 15, 2012.

2. Leadership in energy and environmental design certification shall be sought in order that the research and development school serve as a model of energy efficiency and design.

3. A three-year timeline to establish the research and development school is proposed for the university and the department. A transition team, appointed by the president and the director, shall develop and implement specific transition plans for the first year of the transition and for the entire three-year transition period in order to establish a functioning research and development school at the end of the transition period. The transition team shall include but not be limited to two members who are active teachers in the Cedar Falls community school district and one member who is an active teacher in the Waterloo school district. The transition team shall use the recommendations for each year of the transition as submitted in the report of the committees required by 2008 Iowa Acts, chapter 1101, to oversee the transition.

Sec. 57. EFFECTIVE DATES.

1. This division of this Act takes effect July 1, 2009.

2. Notwithstanding subsection 1, the sections of this division of this Act enacting section 256G.3 and amending section 257.6, subsection 1, and section 282.18 take effect July 1, 2010.

Approved May 26, 2009, with exceptions noted.

CHESTER J. CULVER, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 470, an Act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates. Senate File 470 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 13, subsection 3 of the bill. This item directs employees to submit actual receipts for meals and other costs and requires that reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this section and believe that employees should be reimbursed only for actual expenses, this language would be particularly difficult to administer because similar language has not been included for every state agency or department or for the Legislature's own employees. Accordingly, I have issued Executive Order Thirteen[2] to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I am unable to approve Section 29 in its entirety. Section 29 creates a new Code Chapter, 261D.4 Provisional Withdrawal from Compact. The language authorizes the State of Iowa's withdrawal from the Midwestern Higher Education Compact effective July 1, 2009. While I appreciate that this language in Section 29 was developed as a cost-savings measure to save the state the cost of the annual membership in the Compact, such a temporary withdrawal from the Compact would violate the terms of the Compact in Iowa Code Chapter 261D. Additionally, Iowa state and local governments and school districts have saved over $547,000

[2] Published in IAB, Vol. XXXII, No. 5, (8/26/09), p. 596

through group purchasing opportunities provided by Midwestern Higher Education Compact. The Board of Regents has committed to find the necessary funding in FY 2010 to continue Iowa's membership in the Compact.

For the above reasons, I respectfully disapprove of the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 470 are hereby approved this date.

Sincerely,
CHESTER J. CULVER, *Governor*

CHAPTER 178

APPROPRIATIONS — JUSTICE SYSTEM

S.F. 475

AN ACT relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions.

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

Section 1. DEPARTMENT OF JUSTICE.

1. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes, including the prosecuting attorneys training program, victim assistance grants, office of drug control policy (ODCP) prosecuting attorney program, and odometer fraud enforcement, and for not more than the following full-time equivalent positions:

..... $ 8,592,145
..... FTEs 232.50

It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph, the department of justice shall maintain a record of the estimated time incurred representing each agency or department.

b. For victim assistance grants:

..... $ 2,400,000

The funds appropriated in this lettered paragraph shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

The balance of the victim compensation fund established in section 915.94 may be used to provide salary and support of not more than 22 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

The department of justice may transfer moneys from the victim compensation fund established in section 915.94 to the victim assistance grant program.

c. For legal services for persons in poverty grants as provided in section 13.34:

..... $ 1,954,634

2. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2010, pursuant to section 8.23, shall include a report of funding from sources other than amounts appropriated directly from the general fund of the state to the department of justice or to the office of consumer advocate. These funding sources shall include but are not limited to reimbursements from other state agencies, commissions, boards, or similar entities, and reimbursements from special funds or internal accounts within the department of justice. The department of justice shall also report actual reimbursements for the fiscal year commencing July 1, 2008, and actual and expected reimbursements for the fiscal year commencing July 1, 2009.

b. The department of justice shall include the report required under paragraph "a", as well as information regarding any revisions occurring as a result of reimbursements actually received or expected at a later date, in a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative services agency. The department of justice shall submit the report on or before January 15, 2010.

c. The department shall cooperate with the auditor of state in preparing a report detailing recommendations for reimbursement moneys, including recommendations for appropriating such reimbursement moneys. The auditor of state shall provide the report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, the legislative services agency, and the department of management by December 15, 2009.

Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the general fund of the state to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	$	2,809,606
.....	FTEs	27.00[1]

Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For the operation of adult correctional institutions, reimbursement of counties for certain confinement costs, and federal prison reimbursement, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 41,114,692

As a condition of receiving an appropriation in this lettered paragraph, the department of corrections shall operate the John Bennett facility either as an institution of the department or a community-based correctional facility.

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 31,413,895

It is the intent of the general assembly that the department of corrections fully operate the Luster Heights facility at the facility's 88-bed capacity.

As a condition of the funds appropriated in this lettered paragraph, the department of corrections shall replace expired federal funding by expending at least $238,252 for continuation of a treatment program that prepares offenders for on-going therapeutic treatment programs offered by the department and maintaining at least 4.75 full-time equivalent positions for the program.

Moneys are provided within this appropriation for one full-time substance abuse counselor for the Luster Heights facility for the purpose of certification of a substance abuse program at that facility.

[1] See chapter 181, §109 herein

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
. . . . . $ 58,646,095
d. For the operation of the Newton correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
. . . . . $ 28,033,393
e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
. . . . . $ 27,216,182
f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
. . . . . $ 9,392,186
g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
. . . . . $ 23,421,051
Moneys received by the department of corrections as reimbursement for services provided to the Clarinda youth corporation are appropriated to the department and shall be used for the purpose of operating the Clarinda correctional facility.
h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
. . . . . $ 15,836,794
i. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
. . . . . $ 29,999,036
j. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 901.7, 904.908, and 906.17, and for offenders confined pursuant to section 904.513:
. . . . . $ 861,213
k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:
. . . . . $ 239,411
2. The department of corrections shall use funds appropriated in subsection 1 to continue to contract for the services of a Muslim imam.

Sec. 4. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.
1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:
a. For general administration, including salaries, support, maintenance, employment of an education director to administer a centralized education program for the correctional system, and miscellaneous purposes:
. . . . . $ 4,810,048
(1) It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph the department of corrections shall not, except as otherwise provided in subparagraph (3), enter into a new contract, unless the contract is a renewal of an existing contract, for the expenditure of moneys in excess of $100,000 during the fiscal year beginning July 1, 2009, for the privatization of services performed by the department using state employees as of July 1, 2009, or for the privatization of new services by the department without prior consultation with any applicable state employee organization affected by the proposed new contract and prior notification of the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system.
(2) It is the intent of the general assembly that each lease negotiated by the department of corrections with a private corporation for the purpose of providing private industry employment of inmates in a correctional institution shall prohibit the private corporation from utiliz-

ing inmate labor for partisan political purposes for any person seeking election to public office in this state and that a violation of this requirement shall result in a termination of the lease agreement.

(3) It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph the department of corrections shall not enter into a lease or contractual agreement pursuant to section 904.809 with a private corporation for the use of building space for the purpose of providing inmate employment without providing that the terms of the lease or contract establish safeguards to restrict, to the greatest extent feasible, access by inmates working for the private corporation to personal identifying information of citizens.

b. For educational programs for inmates at state penal institutions:

..... $ 1,558,109

As a condition of receiving the appropriation in this lettered paragraph, the department of corrections shall transfer at least $300,000 from the canteen operating funds established pursuant to section 904.310 to be used for correctional educational programs funded in this lettered paragraph.

It is the intent of the general assembly that moneys appropriated in this lettered paragraph shall be used solely for the purpose indicated and that the moneys shall not be transferred for any other purpose. In addition, it is the intent of the general assembly that the department shall consult with the community colleges in the areas in which the institutions are located to utilize moneys appropriated in this lettered paragraph to fund the high school completion, high school equivalency diploma, adult literacy, and adult basic education programs in a manner so as to maintain these programs at the institutions.

To maximize the funding for educational programs, the department shall establish guidelines and procedures to prioritize the availability of educational and vocational training for inmates based upon the goal of facilitating an inmate's successful release from the correctional institution.

The director of the department of corrections may transfer moneys from Iowa prison industries for use in educational programs for inmates.

Notwithstanding section 8.33, moneys appropriated in this lettered paragraph that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available for expenditure only for the purpose designated in this lettered paragraph until the close of the succeeding fiscal year.

c. For the development of the Iowa corrections offender network (ICON) data system:

..... $ 424,364

d. For offender mental health and substance abuse treatment:

..... $ 24,799

e. For viral hepatitis prevention and treatment:

..... $ 186,534

2. It is the intent of the general assembly that the department of corrections shall continue to operate the correctional farms under the control of the department at the same or greater level of participation and involvement as existed as of January 1, 2009; shall not enter into any rental agreement or contract concerning any farmland under the control of the department that is not subject to a rental agreement or contract as of January 1, 2009, without prior legislative approval; and shall further attempt to provide job opportunities at the farms for inmates. The department shall attempt to provide job opportunities at the farms for inmates by encouraging labor-intensive farming or gardening where appropriate; using inmates to grow produce and meat for institutional consumption; researching the possibility of instituting food canning and cook-and-chill operations; and exploring opportunities for organic farming and gardening, livestock ventures, horticulture, and specialized crops.

3. The department of corrections shall provide a smoking cessation program to offenders committed to the custody of the director or who are otherwise detained by the department, that complies with legislation enacted restricting or prohibiting smoking on the grounds of correctional institutions.

4. As a condition of receiving the appropriations made in this section, the department of corrections shall develop and implement offender reentry centers in Black Hawk and Polk counties to provide transitional planning and release primarily for offenders released from the Iowa correctional institution for women at Mitchellville and the Fort Dodge correctional facility. Programming shall include minority and gender-specific responsivity, employment, substance abuse treatment, mental health services, housing, and family reintegration. The department of corrections shall collaborate with the first and fifth judicial district departments of correctional services, the Iowa department of workforce development, the department of human services, community-based providers and faith-based organizations, and local law enforcement.

*5. *The chief security officer position within the department of corrections shall be eliminated by June 30, 2011.**

6. The department of corrections shall study the use of paramedics at correctional institutions, and file a report with the chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative services agency, detailing the study by January 15, 2010.

7. The department of corrections shall implement a centralized pharmacy during the fiscal year beginning July 1, 2009, and file a report with the chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative services agency. The department shall submit the report by September 1, 2010.

Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2009, and ending June 30, 2010, for the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amounts, or so much thereof as is necessary, to be allocated as follows:

a. For the first judicial district department of correctional services:
..... $ 12,883,094

As a condition of the funds appropriated in this lettered paragraph, the department of corrections shall replace expired federal funding by expending at least $140,000 for the dual diagnosis program and maintaining 1.25 full-time equivalent positions for the program.

b. For the second judicial district department of correctional services:
..... $ 10,843,473

c. For the third judicial district department of correctional services:
..... $ 5,718,746

d. For the fourth judicial district department of correctional services:
..... $ 5,436,248

e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:
..... $ 18,958,665

As a condition of receiving the appropriation in this lettered paragraph, the fifth judicial district department of correctional services shall reinstate 67 beds in buildings 65 and 66 at the fort Des Moines facility and resume operating the buildings, in addition to maintaining the 199 beds in buildings 68 and 70 at the fort Des Moines facility. The district department may use inmate labor to upgrade and renovate the buildings, if renovation and updating are required.

f. For the sixth judicial district department of correctional services:
..... $ 13,417,533

g. For the seventh judicial district department of correctional services:
..... $ 6,995,044

h. For the eighth judicial district department of correctional services:
..... $ 6,919,964

2. Each judicial district department of correctional services, within the funding available, shall continue programs and plans established within that district to provide for intensive su-

* Item veto; see message at end of the Act

pervision, sex offender treatment, diversion of low-risk offenders to the least restrictive sanction available, job development, and expanded use of intermediate criminal sanctions.

3. Each judicial district department of correctional services shall provide alternatives to prison consistent with chapter 901B. The alternatives to prison shall ensure public safety while providing maximum rehabilitation to the offender. A judicial district department of correctional services may also establish a day program.

4. The governor's office of drug control policy shall consider federal grants made to the department of corrections for the benefit of each of the eight judicial district departments of correctional services as local government grants, as defined pursuant to federal regulations.

5. The department of corrections shall continue to contract with a judicial district department of correctional services to provide for the rental of electronic monitoring equipment which shall be available statewide.

*6. *A judicial district department of correctional services shall accept into the facilities of the district department, offenders assigned from other judicial district departments of correctional services.**

Sec. 6. DEPARTMENT OF CORRECTIONS — REALLOCATION OF APPROPRIATIONS. Notwithstanding section 8.39, within the funds appropriated in this Act to the department of corrections, the department may reallocate the funds appropriated and allocated as necessary to best fulfill the needs of the correctional institutions, administration of the department, and the judicial district departments of correctional services. However, in addition to complying with the requirements of sections 904.116 and 905.8 and providing notice to the legislative services agency, the department of corrections shall also provide notice to the department of management, prior to the effective date of the revision or reallocation of an appropriation made pursuant to this section. The department shall not reallocate an appropriation or allocation for the purpose of eliminating any program.

Sec. 7. INTENT — REPORTS.

1. The department in cooperation with townships, the Iowa cemetery associations, and other nonprofit or governmental entities may use inmate labor during the fiscal year beginning July 1, 2009, to restore or preserve rural cemeteries and historical landmarks. The department in cooperation with the counties may also use inmate labor to clean up roads, major water sources, and other water sources around the state.

2. Each month the department shall provide a status report regarding private-sector employment to the legislative services agency beginning on July 1, 2009. The report shall include the number of offenders employed in the private sector, the combined number of hours worked by the offenders, and the total amount of allowances, and the distribution of allowances pursuant to section 904.702, including any moneys deposited in the general fund of the state.

Sec. 8. ELECTRONIC MONITORING REPORT. The department of corrections shall submit a report on electronic monitoring to the general assembly, to the co-chairpersons and the ranking members of the joint appropriations subcommittee on the justice system, and to the legislative services agency by January 15, 2010. The report shall specifically address the number of persons being electronically monitored and break down the number of persons being electronically monitored by offense committed. The report shall also include a comparison of any data from the prior fiscal year with the current year.

Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

1. As used in this section, unless the context otherwise requires, "state agency" means the government of the state of Iowa, including but not limited to all executive branch departments, agencies, boards, bureaus, and commissions, the judicial branch, the general assembly and all legislative agencies, institutions within the purview of the state board of regents, and any corporation whose primary function is to act as an instrumentality of the state.

* Item veto; see message at end of the Act

2. State agencies are hereby encouraged to purchase products from Iowa state industries, as defined in section 904.802, when purchases are required and the products are available from Iowa state industries. State agencies shall obtain bids from Iowa state industries for purchases of office furniture during the fiscal year beginning July 1, 2009, exceeding $5,000 or in accordance with applicable administrative rules related to purchases for the agency.

Sec. 10. STATE PUBLIC DEFENDER. There is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be allocated as follows for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 21,743,182
..... FTEs 203.00

2. For the fees of court-appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815:

..... $ 24,009,163

Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

1. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:

..... $ 1,166,033
..... FTEs 29.55

It is the intent of the general assembly that the Iowa law enforcement academy may provide training of state and local law enforcement personnel concerning the recognition of and response to persons with Alzheimer's disease.

The Iowa law enforcement academy may temporarily exceed and draw more than the amount appropriated and incur a negative cash balance as long as there are receivables equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

2. The Iowa law enforcement academy may select at least five automobiles of the department of public safety, division of state patrol, prior to turning over the automobiles to the department of administrative services to be disposed of by public auction, and the Iowa law enforcement academy may exchange any automobile owned by the academy for each automobile selected if the selected automobile is used in training law enforcement officers at the academy. However, any automobile exchanged by the academy shall be substituted for the selected vehicle of the department of public safety and sold by public auction with the receipts being deposited in the depreciation fund to the credit of the department of public safety, division of state patrol.

Sec. 12. BOARD OF PAROLE. There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,161,399
..... FTEs 18.50

Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. MILITARY DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

. . . . . $ 6,249,201
. . . . . FTEs 313.30

The military division may temporarily exceed and draw more than the amount appropriated and incur a negative cash balance as long as there are receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

. . . . . $ 2,038,119
. . . . . FTEs 33.10

The homeland security and emergency management division may temporarily exceed and draw more than the amount appropriated and incur a negative cash balance as long as there are receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

It is the intent of the general assembly that the homeland security and emergency management division work in conjunction with the department of public safety, to the extent possible, when gathering and analyzing information related to potential domestic or foreign security threats, and when monitoring such threats.

Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the department's administrative functions, including the criminal justice information system, and for not more than the following full-time equivalent positions:

. . . . . $ 4,391,190
. . . . . FTEs 39.00

2. For the division of criminal investigation, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

. . . . . $ 21,125,270
. . . . . FTEs 287.50

If any of the Indian tribes fail to pay for 1.00 FTE pursuant to the agreements or compacts entered into between the state and the Indian tribes pursuant to section 10A.104, subsection 10, the number of full-time equivalent positions authorized under this subsection is reduced by 1.00 FTE.

The department shall employ one additional special agent and one additional criminalist for the purpose of investigating cold cases. Prior to employing the additional special agent and criminalist authorized in this paragraph, the department shall provide a written statement to prospective employees that states to the effect that the positions are being funded by a temporary federal grant and there are no assurances that funds from other sources will be available after the federal funding expires. If the federal funding for the additional positions expires during the fiscal year, the number of full-time equivalent positions authorized in this subsection is reduced by 2.00 FTEs.

The department of public safety, with the approval of the department of management, may employ no more than two special agents and four gaming enforcement officers for each additional riverboat or gambling structure regulated after July 1, 2009, and one special agent for each racing facility which becomes operational during the fiscal year which begins July 1,

2009. One additional gaming enforcement officer, up to a total of four per riverboat or gambling structure, may be employed for each riverboat or gambling structure that has extended operations to 24 hours and has not previously operated with a 24-hour schedule. Positions authorized in this paragraph are in addition to the full-time equivalent positions otherwise authorized in this subsection.

3. For the criminalistics laboratory fund created in section 691.9:

..... $ 335,939

4. a. For the division of narcotics enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

..... $ 6,386,274
..... FTEs 81.00

b. For the division of narcotics enforcement for undercover purchases:

..... $ 121,158

5. For the division of state fire marshal, for fire protection services as provided through the state fire service and emergency response council as created in the department, and for the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... $ 3,988,892
..... FTEs 59.00

6. For the division of state patrol, for salaries, support, maintenance, workers' compensation costs, and miscellaneous purposes, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... $ 50,068,094
..... FTEs 536.00

It is the intent of the general assembly that members of the state patrol be assigned to patrol the highways and roads in lieu of assignments for inspecting school buses for the school districts.

7. For deposit in the sick leave benefits fund established under section 80.42 for all departmental employees eligible to receive benefits for accrued sick leave under the collective bargaining agreement:

..... $ 310,575

8. For costs associated with the training and equipment needs of volunteer fire fighters:

..... $ 680,421

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure only for the purpose designated in this subsection until the close of the succeeding fiscal year.

Notwithstanding section 8.39, within the funds appropriated in this section the department of public safety may reallocate funds as necessary to best fulfill the needs provided for in the appropriation. However, the department shall not reallocate an appropriation made to the department in this section unless notice of the reallocation is given to the legislative services agency and the department of management prior to the effective date of the reallocation. The notice shall include information about the rationale for reallocating the appropriation. The department shall not reallocate an appropriation made in this section for the purpose of eliminating any program.

Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated from the general fund of

the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,533,179
..... FTEs 29.50

The Iowa state civil rights commission may enter into a contract with a nonprofit organization to provide legal assistance to resolve civil rights complaints.

Sec. 16. IOWA COMMUNICATIONS NETWORK. It is the intent of the general assembly that the executive branch agencies receiving an appropriation in this Act utilize the Iowa communications network or other electronic communications in lieu of traveling for the fiscal year addressed by the appropriations.

Sec. 17. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION. There is appropriated from the wireless E911 emergency communications fund created in section 34A.7A to the administrator of the homeland security and emergency management division of the department of public defense for the fiscal year beginning July 1, 2009, and ending June 30, 2010, an amount not exceeding $200,000 to be used for implementation, support, and maintenance of the functions of the administrator and program manager under chapter 34A and to employ the auditor of the state to perform an annual audit of the wireless E911 emergency communications fund.

Sec. 18. IOWA LAW ENFORCEMENT ACADEMY — FEES. Notwithstanding section 80B.11B, the Iowa law enforcement academy may charge more than one-half the cost of providing the basic training course if a majority of the Iowa law enforcement academy council authorizes charging more than one-half of the cost of providing basic training. This section is repealed on June 30, 2010.

Sec. 19. INTERIM REPORTING — IMPLEMENTATION. The board of parole shall develop and implement the certificate of employability program as provided in section 906.19. The board shall file an interim status report regarding the certificate of employability program development with the general assembly and the legislative services agency by January 1, 2010.

Sec. 20. CONSUMER EDUCATION AND LITIGATION FUND. Notwithstanding section 714.16C, for each fiscal year of the period beginning July 1, 2008, and ending June 30, 2011, the annual appropriations in section 714.16C, are increased from $1,125,000 to $1,875,000, and $75,000 to $125,000 respectively. Moneys appropriated from the consumer education and litigation fund may be allocated for cash flow purposes to the victim compensation fund established in section 915.94 during each of the fiscal years enumerated, provided that any moneys so allocated are returned to the consumer education and litigation fund by the end of each fiscal year an allocation occurs.

Sec. 21. SUPERVISOR AND EMPLOYEE RATIO. The department of administrative services and the executive branch agencies receiving appropriations in this Act shall pursue a goal of achieving a ratio of fourteen employees per supervisor in such agencies, by December 31, 2009.[2]

Sec. 22. CORRECTIONAL OFFICER AND PEACE OFFICER — PRIORITY. As a condition of receiving an appropriation in this Act, the department of corrections and the department of public safety shall make every effort to preserve correctional officer and peace officer positions through the reduction of administrative and related overhead costs.

Sec. 23. Section 13B.4, subsection 2, Code 2009, is amended to read as follows:

2. The state public defender shall file a notice with the clerk of the district court in each

[2] See chapter 179, §28 herein

county served by a public defender designating which public defender office shall receive notice of appointment of cases. The state public defender may also ~~designate~~ enter into a contract with a nonprofit organization ~~which has a contract with the state public defender to~~ or an attorney, designating that the nonprofit organization or attorney provide legal services to eligible indigent persons as the state public defender's designee. In each county in which the state public defender files a designation, the state public defender's designee shall be appointed by the court to represent all eligible persons or to serve as guardian ad litem for eligible children in juvenile court in all cases and proceedings specified in the designation. The appointment shall not be made if the state public defender or the state public defender's designee notifies the court that the state public defender's designee will not provide services in certain cases as identified in the designation by the state public defender.

Sec. 24. Section 13B.4, subsection 4, paragraph c, subparagraph (2), subparagraph division (d), Code 2009, is amended to read as follows:

(d) If the claimant was appointed contrary to section 814.11 or 815.10, or the claimant failed to comply with section 814.11, subsection 7, or section 815.10, subsection 5.

Sec. 25. Section 216.15, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. After the filing of a verified complaint, a true copy shall be served within twenty days on the person against whom the complaint is filed, except as provided in subsection 3A. ~~If the first named respondent on a complaint is not a governmental entity, service of a true copy on the respondent shall be by certified mail.~~ An authorized member of the commission staff shall make a prompt investigation and shall issue a recommendation to an administrative law judge employed either by the commission or by the division of administrative hearings created by section 10A.801, who shall then issue a determination of probable cause or no probable cause.

Sec. 26. Section 216.15, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. a. The commission may permit service of a complaint on a respondent by regular or electronic mail. If the respondent does not respond to the service by regular or electronic mail after ninety days, the commission shall serve the complaint on the respondent by certified mail within twenty days after the expiration of the ninety-day response period to service by regular or electronic mail.

b. The commission may also permit a party to file a response to a complaint, a document, information, or other material, by electronic mail.

c. The commission may issue a notice, determination, order, subpoena, request, correspondence, or any other document issued by the commission, by electronic mail.

Sec. 27. NEW SECTION. 216.21 DOCUMENTS TO ATTORNEY OR PARTY.

If a party is represented by an attorney during the proceedings of the commission, with permission of the attorney for the party or of the party, the commission shall provide copies of all relevant documents including an order or decision to either the attorney for the party or the party, but not to both.

Sec. 28. Section 904.315, unnumbered paragraph 2, Code 2009, is amended to read as follows:

A contract is not required for improvements at a state institution where the labor of inmates is to be used if the contract is not for a construction, reconstruction, demolition, or repair project or improvement with an estimated cost in excess of ~~twenty-five~~ fifty thousand dollars.

Sec. 29. Section 915.86, subsection 1, Code 2009, is amended by adding the following new paragraphs:

NEW PARAGRAPH. a. The department shall establish the rates at which it will pay charges for medical care.

NEW PARAGRAPH. b. If the department awards compensation, in full, at the established rate for medical care, and the medical provider accepts the payment, the medical provider shall hold harmless the victim for any amount not collected that is more than the rate established by the department.

Sec. 30. EFFECTIVE DATE. The section of this Act increasing appropriations pursuant to section 714.16C, being deemed of immediate importance, takes effect upon enactment and applies retroactively to April 1, 2009.

Approved May 26, 2009, with exceptions noted.

CHESTER J. CULVER, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 475, an Act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions. Senate File 475 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 5 in its entirety. Subsection 5 calls for the Department of Corrections to eliminate the chief security officer position by June 30, 2011. My Administration last year made establishment of this position a high priority in order to maintain consistent security procedures and policies within the Department of Corrections. I disapprove this language because it infringes upon the Executive Branch authority to staff this much-needed position.

I am unable to approve the item designated as Section 5, subsection 6 in its entirety. This provision would require all Community Based Correctional (CBC) Facilities to accept offenders transferred from other judicial districts without consideration of evidence-based practices regarding supervisional status. I disapprove this language because it would cause each CBC facility to lose control of the types and number of offenders whom they serve in their residential program.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 475 are hereby approved this date.

Sincerely,
CHESTER J. CULVER, *Governor*

CHAPTER 179

STATE AND LOCAL GOVERNMENT
FINANCIAL AND REGULATORY MATTERS —
APPROPRIATIONS AND MISCELLANEOUS CHANGES

S.F. 478

†**AN ACT** relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters and including effective date and retroactive and other applicability provisions.

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

DIVISION I
MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2010-2011

Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED GROWTH APPROPRIATION AND ALLOCATIONS — FISCAL YEAR 2010-2011.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment for fiscal year 2010-2011:

. . . . . $ 62,157,491

2. The amount appropriated in this section shall be allocated as provided in a later enactment of the general assembly.

DIVISION II
STANDING APPROPRIATIONS AND RELATED MATTERS

Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2010-2011.

1. For the budget process applicable to the fiscal year beginning July 1, 2010, on or before October 1, 2009, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and paragraph "a", all departments and establishments of the government shall transmit to the director of the department of management, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, together with supporting data and explanations as called for by the director of the department of management after consultation with the legislative services agency.

2. The estimates of expenditure requirements shall be in a form specified by the director of the department of management, and the expenditure requirements shall include all proposed expenditures and shall be prioritized by program or the results to be achieved. The estimates shall be accompanied by performance measures for evaluating the effectiveness of the programs or results.

Sec. 3. GENERAL ASSEMBLY.

1. The appropriations made pursuant to section 2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are reduced by the following amount:

. . . . . $ 4,439,653

† Estimate of additional local revenue expenditures required by state mandate on file with the Secretary of State

2. The budgeted amounts for the general assembly for the fiscal year beginning July 1, 2009, may be adjusted to reflect unexpended budgeted amounts from the previous fiscal year.

Sec. 4. LIMITATION OF STANDING APPROPRIATIONS. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the amounts appropriated from the general fund of the state pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For payment for nonpublic school transportation under section 285.2:
. . . . . $ 7,845,479
If total approved claims for reimbursement for nonpublic school pupil transportation exceed the amount appropriated in accordance with this subsection, the department of education shall prorate the amount of each approved claim.

2. For the state's share of the cost of the peace officers' retirement benefits under section 411.20:
. . . . . $ 2,503,510

3. For operational support grants and community cultural grants under section 99F.11, subsection 3, paragraph "e", subparagraph (1):
. . . . . $ 452,783

4. For regional tourism marketing under section 99F.11, subsection 3, paragraph "e", subparagraph (2):
. . . . . $ 957,809

5. For the Iowa power fund under section 469.10, subsection 1:
. . . . . $ 20,000,000

6. For the enforcement of chapter 453D relating to tobacco product manufacturers under section 453D.8:
. . . . . $ 21,768

7. For the center for congenital and inherited disorders central registry under section 144.13A, subsection 4, paragraph "a":
. . . . . $ 182,044

8. For primary and secondary child abuse prevention programs under section 144.13A, subsection 4, paragraph "a":
. . . . . $ 217,772

9. For programs for at-risk children under section 279.51:
. . . . . $ 11,493,891
The amount of any reduction in this subsection shall be prorated among the programs specified in section 279.51, subsection 1, paragraphs "a", "b", and "c".

Sec. 5. INSTRUCTIONAL SUPPORT STATE AID. Notwithstanding the standing appropriation provided under section 257.20, an appropriation from the general fund of the state to the department of education for the fiscal year beginning July 1, 2009, and ending June 30, 2010, shall not be made for purposes of paying instructional support state aid.

Sec. 6. VETERANS HOME MEDICAL CLINIC. Of moneys received on or after July 1, 2008, by the Iowa veterans home from the federal government relating to the costs to improve and renovate a medical clinic at the home in a previous fiscal year, the first $727,000 shall be credited to the general fund of the state on or after July 1, 2009.

Sec. 7. FEDERAL ECONOMIC STIMULUS AND JOBS HOLDING ACCOUNT.

1. Any unobligated moneys in the federal economic stimulus and jobs holding account on July 1, 2009, shall be transferred to the general fund of the state on July 1, 2009.

2. Unobligated moneys in the federal economic stimulus and jobs holding account on the effective date of this section shall not be obligated after the effective date of this section.

3. This section shall not apply to moneys appropriated from the federal economic stimulus and jobs holding account in 2009 Iowa Acts, Senate File 469,[1] if enacted.

[1] Chapter 176 herein

Sec. 8. IOWA MATHEMATICS AND SCIENCE COALITION. For the fiscal year beginning July 1, 2009, the university of northern Iowa shall maintain the efforts of the Iowa mathematics and science coalition that were initiated pursuant to section 294A.25, subsection 11, Code 2009.

Sec. 9. PROPERTY TAX CREDIT FUND — PAYMENTS IN LIEU OF GENERAL FUND REIMBURSEMENT.

1. a. A property tax credit fund shall be created in the office of the treasurer of state to be used for the purposes of this section.

b. There is appropriated from the general fund of the state to the property tax credit fund created in paragraph "a" for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the sum of $101,395,597.

c. Notwithstanding the requirements in section 8.56, subsections 3 and 4, there is appropriated from the cash reserve fund to the property tax credit fund created in paragraph "a" for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the sum of $54,684,481.

d. Notwithstanding section 8.33, the surplus existing in the property tax credit fund created pursuant to 2008 Iowa Acts, chapter 1191, section 5, at the conclusion of the fiscal year beginning July 1, 2008, and ending June 30, 2009, is transferred to the property tax credit fund created in paragraph "a".

2. There is appropriated from the property tax credit fund for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts for the following designated purposes:

a. For reimbursement for the homestead property tax credit under section 425.1:
. . . . . $ 100,658,781

b. For reimbursement for the family farm and agricultural land tax credits under sections 425A.1 and 426.1:
. . . . . $ 34,610,183

c. For reimbursement for the military service tax credit under section 426A.1A:
. . . . . $ 2,400,000

d. For implementing the elderly and disabled tax credit and reimbursement pursuant to sections 425.16 through 425.39:
. . . . . $ 22,200,000

If the director of revenue determines that the amount of claims for credit for property taxes due pursuant to paragraphs "a", "b", "c", and "d", plus the amount of claims for reimbursement for rent constituting property taxes paid which are to be paid during the fiscal year may exceed the total amount appropriated, the director shall estimate the percentage of the credits and reimbursements which will be funded by the appropriation. The county treasurer shall notify the director of the amount of property tax credits claimed by June 8, 2009. The director shall estimate the percentage of the property tax credits and rent reimbursement claims that will be funded by the appropriation and notify the county treasurer of the percentage estimate by June 15, 2009. The estimated percentage shall be used in computing for each claim the amount of property tax credit and reimbursement for rent constituting property taxes paid for that fiscal year. If the director overestimates the percentage of funding, claims for reimbursement for rent constituting property taxes paid shall be paid until they can no longer be paid at the estimated percentage of funding. Rent reimbursement claims filed after that point in time shall receive priority and shall be paid in the following fiscal year.

Sec. 10. PERFORMANCE OF DUTY. There is appropriated from the cash reserve fund created in section 8.56 to the executive council for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For performance of duty by the executive council in sections 7D.29 and 29C.20:
. . . . . $ 25,600,000

The funding from the appropriation made in this section shall be utilized before any funding from the general fund of the state.

Sec. 11. GENERAL FUND. There is appropriated from the cash reserve fund created in section 8.56 to the general fund of the state for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount:

. . . . . $ 65,000,000

The moneys appropriated in this section shall not be considered new revenues under section 8.54 for purposes of the state general fund expenditure limitation.

Sec. 12. CASH RESERVE FUND APPROPRIATIONS. Section 8.56, subsections 3 and 4, shall not apply to any appropriation made in this division of this Act from the cash reserve fund created in section 8.56.

Sec. 13. CASH RESERVE FUND APPROPRIATION FOR FISCAL YEAR 2009-2010. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, the appropriation to the cash reserve fund provided in section 8.57, subsection 1, paragraph "a", shall not be made.

Sec. 14. Section 331.660, Code 2009, is repealed.

Sec. 15. EFFECTIVE DATES.

1. The section of this division of this Act creating the property tax credit fund, being deemed of immediate importance, takes effect upon enactment.

2. The section of this division of this Act transferring moneys from the federal economic stimulus and jobs holding account, being deemed of immediate importance, takes effect upon enactment.

Sec. 16. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. The section of this division of this Act providing for crediting of certain moneys received by the Iowa veterans home to the general fund of the state, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to July 1, 2008, and is applicable on and after that date.

DIVISION III
SALARIES, COMPENSATION, AND RELATED MATTERS

Sec. 17. APPOINTED STATE OFFICERS.

1. The governor shall establish a salary for appointed nonelected persons in the executive branch of state government holding a position enumerated in and within the salary ranges provided in 2008 Iowa Acts, chapter 1191, section 14, by considering, among other items, the experience of the individual in the position, changes in the duties of the position, the incumbent's performance of assigned duties, and subordinates' salaries. However, the attorney general shall establish the salary for the consumer advocate, the chief justice of the supreme court shall establish the salary for the state court administrator, the ethics and campaign disclosure board shall establish the salary of the executive director, and the Iowa public broadcasting board shall establish the salary of the administrator of the public broadcasting division of the department of education, each within the salary range provided in 2008 Iowa Acts, chapter 1191, section 14.

2. The governor, in establishing salaries as provided in this section, shall take into consideration other employee benefits which may be provided for an individual including but not limited to housing.

3. A person whose salary is established pursuant to this section and who is a full-time, year-round employee of the state shall not receive any other remuneration from the state or from any other source for the performance of that person's duties unless the additional remuneration is first approved by the governor or authorized by law. However, this provision does not exclude the reimbursement for necessary travel and expenses incurred in the performance of duties or fringe benefits normally provided to employees of the state.

Sec. 18. COLLECTIVE BARGAINING AGREEMENTS FUNDED. The various state departments, boards, commissions, councils, and agencies, including the state board of regents, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, shall provide from avail-

able sources pay adjustments, expense reimbursements, and related benefits to fully fund the following:

1. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the blue collar bargaining unit.

2. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the public safety bargaining unit.

3. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the security bargaining unit.

4. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the technical bargaining unit.

5. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the professional fiscal and staff bargaining unit.

6. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the clerical bargaining unit.

7. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the professional social services bargaining unit.

8. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the community-based corrections bargaining unit.

9. The collective bargaining agreements negotiated pursuant to chapter 20 for employees in the judicial branch of government bargaining units.

10. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the patient care bargaining unit.

11. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the science bargaining unit.

12. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the university of northern Iowa faculty bargaining unit.

13. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the state university of Iowa graduate student bargaining unit.

14. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the state university of Iowa hospital and clinics tertiary health care bargaining unit.

15. The annual pay adjustments, related benefits, and expense reimbursements referred to in the sections of this division of this Act addressing noncontract state and state board of regents employees who are not covered by a collective bargaining agreement.

Sec. 19. NONCONTRACT STATE EMPLOYEES — GENERAL.

1. For the fiscal year beginning July 1, 2009:

a. The maximum and minimum salary levels of all pay plans provided for in section 8A.413, subsection 3, as they exist for the fiscal year ending June 30, 2009, shall not increase.

b. Employees may receive a step increase or the equivalent of a step increase.

c. The pay plan for noncontract judicial branch employees shall not be increased.

d. The pay plans for state employees who are exempt from chapter 8A, subchapter IV, and who are included in the department of administrative services' centralized payroll system shall not be increased, and any additional changes in any executive branch pay plans shall be approved by the governor.

2. This section does not apply to members of the general assembly, board members, commission members, persons whose salaries are set by the general assembly pursuant to this Act or are set by the governor, or other persons designated in the section of this division of this Act addressing appointed state officers, employees designated under section 8A.412, subsection 5, and employees covered by 11 IAC 53.6(3).

3. The pay plans for the bargaining eligible employees of the state shall not be increased, and any additional changes in such executive branch pay plans shall be approved by the governor. As used in this section, "bargaining eligible employee" means an employee who is eligible to organize under chapter 20, but has not done so.

4. The policies for implementation of this section shall be approved by the governor.

Sec. 20. STATE EMPLOYEES — STATE BOARD OF REGENTS. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, funds shall be provided from available sources of the state board of regents for funding of collective bargaining agreements for state board of regents employees covered by such agreements and for the following state board of regents employees not covered by a collective bargaining agreement:

1. Regents merit system employees and merit supervisory employees.
2. Faculty members and professional and scientific employees.

**Sec. 21. DEPARTMENT OF ADMINISTRATIVE SERVICES — JOB EVALUATION AND CLASSIFICATION STUDY.*

1. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, the department of administrative services shall conduct a job evaluation study of state employees for the purpose of determining whether the job classification and pay grade level of selected state employees are properly determined.

*2. In conducting the study, the department shall provide a job evaluation questionnaire to a randomly selected sample of state employees within particular job classifications. The department shall examine each questionnaire and determine, based upon an evaluation system established by the department, whether the particular state employee is properly classified and assigned an appropriate pay grade. If the department makes an initial determination that the state employee is improperly classified, the department shall allow the employer of the state employee a reasonable opportunity to respond to the alleged misclassification. If the department makes a final determination that the state employee is misclassified, the department shall direct the employer of the state employee, within fourteen days of the determination by the department, to properly classify the state employee within the proper job classification and pay grade.**

Sec. 22. BONUS PAY. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, employees of the executive branch, judicial branch, and legislative branch shall not receive bonus pay unless otherwise authorized by law, required pursuant to a contract of employment entered into before July 1, 2009, or required pursuant to a collective bargaining agreement. This section does not apply to employees of the state board of regents. For purposes of this section, "bonus pay" means any additional remuneration provided an employee in the form of a bonus, including but not limited to a retention bonus, recruitment bonus, exceptional job performance pay, extraordinary job performance pay, exceptional performance pay, extraordinary duty pay, or extraordinary or special duty pay, and any extra benefit not otherwise provided to other similarly situated employees.

Sec. 23. SPECIAL FUNDS. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, salary adjustments otherwise provided for in this division of this Act may be funded using departmental revolving, trust, or special funds for which the general assembly has established an operating budget, provided doing so does not exceed the operating budget established by the general assembly.

Sec. 24. FEDERAL FUNDS APPROPRIATED. For the fiscal year beginning July 1, 2009, all federal grants to and the federal receipts of the agencies affected by this division of this Act which are received and may be expended for purposes of this division of this Act are appropriated for those purposes and as set forth in the federal grants or receipts.

Sec. 25. STATE TROOPER MEAL ALLOWANCE. For the fiscal year beginning July 1, 2009, the sworn peace officers in the department of public safety who are not covered by a collective bargaining agreement negotiated pursuant to chapter 20 shall receive the same per diem meal allowance as the sworn peace officers in the department of public safety who are covered by a collective bargaining agreement negotiated pursuant to chapter 20.

Sec. 26. SALARY MODEL ADMINISTRATOR. The salary model administrator shall work

* Item veto; see message at end of the Act

in conjunction with the legislative services agency to maintain the state's salary model used for analyzing, comparing, and projecting state employee salary and benefit information, including information relating to employees of the state board of regents. The department of revenue, the department of administrative services, the five institutions under the jurisdiction of the state board of regents, the judicial district departments of correctional services, and the state department of transportation shall provide salary data to the department of management and the legislative services agency to operate the state's salary model. The format and frequency of provision of the salary data shall be determined by the department of management and the legislative services agency. The information shall be used in collective bargaining processes under chapter 20 and in calculating the funding needs contained within the annual salary adjustment legislation. A state employee organization as defined in section 20.3, subsection 4, may request information produced by the model, but the information provided shall not contain information attributable to individual employees.

Sec. 27. Section 8A.402, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. (1) (a) Consult with the department of management and discuss and collaborate with executive branch agencies to implement and maintain a policy for increasing the aggregate ratio in the number of employees per supervisor in executive branch agencies to be fourteen employees for one supervisor. For purposes of determining the effects of the policy on the state employee workforce, the base date of July 1, 2008, shall be used and the target date for full implementation shall be July 1, 2011.

(b) The policy shall allow appropriation units with twenty-eight or fewer full-time equivalent employee positions to apply for an exception to the policy through the executive council.

*(c) *Before any reduction in supervisory layers is implemented as a result of this paragraph "g", the department shall notify the legislative fiscal committee of the legislative council regarding the proposed reduction. The notification shall include a list of the positions and employment responsibilities to be eliminated or reduced, a list of activities to be eliminated or reduced, and an estimate of the savings expected to result from the elimination or reduction. The legislative fiscal committee shall report to the legislative council concerning the notifications received.**

(d) The department shall present an interim report to the governor and general assembly on or before April 1, 2010, and a final report on or before April 1, 2011, detailing the effects of the policy on the composition of the workforce, cost savings, government efficiency, and outcomes.

(e) The policy developed pursuant to this paragraph "g" shall not encompass employees under the state board of regents, the department of human services, or a judicial district department of correctional services. However, the department of administrative services shall work with the state board of regents, the department of human services, and the judicial district departments of correctional services to advance the policy as a goal for the supervisory staff of these units of state government.

(2) Evaluate the state's systems for job classification of executive branch employees in order to ensure the existence of technical skill-based career paths for such employees which do not depend upon an employee gaining supervisory responsibility for advancement, and which provide incentives for such employees to broaden their knowledge and skill base. The evaluation shall include but is not limited to options for eliminating obsolete, duplicative, or unnecessary job classifications. The department shall present interim reports to the general assembly on or before January 15, 2010, and January 14, 2011, concerning the department's progress in completing the evaluation and associated outcomes.

**(3) *In implementing this paragraph "g", give priority to elimination or reduction of middle management employee positions. In addition, prior to the elimination of employee positions other than middle management positions or positions eliminated due to early retirement, priority shall be given to elimination or deferral by executive branch agencies of purchases and out-of-state travel. The department of management shall report quarterly to the legislative fiscal*

* Item veto; see message at end of the Act

*committee of the legislative council and to the legislative services agency regarding out-of-state travel authorized by executive branch agencies including a listing by agency of personnel authorized to travel, and the cost and purpose of the travel authorized.**

Sec. 28. 2009 Iowa Acts, Senate File 475,[2] section 21, if enacted, is amended to read as follows:

~~SEC. 21. SUPERVISOR AND EMPLOYEE RATIO. The department of administrative services and the executive branch agencies receiving appropriations in this Act shall pursue a goal of achieving a ratio of fourteen employees per supervisor in such agencies, by December 31, 2009.~~

DIVISION IV
CORRECTIVE PROVISIONS

Sec. 29. Section 8.57, subsection 6, paragraph e, subparagraphs (2) and (3), if enacted by 2009 Iowa Acts, Senate File 376,[3] are amended by striking the subparagraphs and inserting in lieu thereof the following:

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

~~(2)~~ (3) ~~If~~ After the deposit of moneys directed to be deposited in the general fund of the state and the revenue bonds debt service fund as provided in subparagraph (1), subparagraph division (a), if the total amount of moneys directed to be deposited in the general fund of the state under sections 99D.17 and 99F.11 in a fiscal year is less than the total amount of moneys directed to be deposited in the vision Iowa fund and the school infrastructure fund in the fiscal year pursuant to this paragraph "e", the difference shall be paid from lottery revenues in the manner provided in section 99G.39, subsection 3.

Sec. 30. Section 12.90C, subsection 2, paragraph a, if enacted by 2009 Iowa Acts, Senate File 477,[4] is amended to read as follows:

3.[5] The net proceeds of bonds issued pursuant to section 12.90A other than bonds issued for the purpose of refunding such bonds and investment earnings on the net proceeds.

Sec. 31. Section 21.2, subsection 1, paragraph i, if enacted by 2009 Iowa Acts, Senate File 437,[6] is amended to read as follows:

i. The governing body of a drainage or ~~levy~~ levee district as provided in chapter 468, including a board as defined in section 468.3, regardless of how the district is organized.

Sec. 32. Section 22.1, subsection 1, as amended by 2009 Iowa Acts, Senate File 437,[7] if enacted, is amended to read as follows:

1. The term "government body" means this state, or any county, city, township, school corporation, political subdivision, tax-supported district, nonprofit corporation other than a fair conducting a fair event as provided in chapter 174, whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct parimutuel wagering pursuant to chapter 99D; the governing body of a drainage or ~~levy~~ levee district as provided in chapter 468, including a board as defined in section 468.3, regardless of how the district is organized; or other entity of this state, or any branch, department, board, bureau, commission, council, committee, official, or officer of any of the foregoing or any employee delegated the responsibility for implementing the requirements of this chapter.

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* Item veto; see message at end of the Act

[2] Chapter 178 herein

[3] Chapter 173, §26 herein

[4] Chapter 174, §3 herein

[5] According to enrolled Act; the letter "a." probably intended

[6] Chapter 132, §1 herein

[7] Chapter 132, §2 herein

Sec. 33. Section 80D.3, subsection 3, paragraph b, if enacted by 2009 Iowa Acts, House File 762,[8] section 1, is amended to read as follows:

b. A person appointed to serve as a reserve peace officer who has met the one-hundred-fifty-hour training requirement ~~obtained~~ by obtaining training at a community college or other facility selected by the individual and approved by the law enforcement agency prior to July 1, 2007, shall be exempted from completing the minimum training course at the discretion of the appointing authority and shall continue to hold certification with the appointing authority.

Sec. 34. Section 89.3, subsection 5, paragraph a, subparagraph (4), if enacted by 2009 Iowa Acts, House File 720,[9] section 2, is amended to read as follows:

(4) The owner or user is a participant in good standing in the Iowa occupational safety and health voluntary protection program and ~~have~~ has achieved star status within the program, which is administered by the division of labor in the department of workforce development.

Sec. 35. Section 216A.132A, subsection 5, paragraph i, as enacted by 2009 Iowa Acts, House File 315,[10] section 1, is amended to read as follows:

i. Iowa cooperative extension service in agriculture and home economics.

Sec. 36. Section 321A.1, subsection 3, Code 2009, is amended to read as follows:

3. JUDGMENT. A judgment which has become final by expiration without appeal during the time within which an appeal might have been perfected, or a judgment if an appeal from the judgment has been perfected, which has not been stayed by the execution, filing and approval of a bond as provided in rule of appellate procedure ~~6.7(1)~~ 6.601(1), or a judgment which has become final by affirmation on appeal, rendered by a court of competent jurisdiction of a state or of the United States, upon a cause of action arising out of the ownership, maintenance, or use of a motor vehicle, as defined in this section, for damages, including damages for care and loss of services, because of bodily injury to or death of a person, or for damages because of injury to or destruction of property, including the loss of use of property, or upon a cause of action on an agreement of settlement for such damages.

Sec. 37. Section 321A.3, subsection 8, paragraph a, subparagraph (1), if enacted by 2009 Iowa Acts, Senate File 374,[11] section 1, is amended to read as follows:

(1) A person who purchases a certified abstract of an operating record directly from the department under this section shall only use, sell, disclose, or distribute the abstract or any portion of the abstract one time, for one purpose, and the person shall not supply that abstract or any portion of that abstract to more than one other person. The person shall make a subsequent request for the ~~record or~~ abstract and pay an additional fee for the request in the same manner as provided for the initial request for any subsequent use, sale, disclosure, or distribution of the same certified abstract or any portion of the abstract or to supply the same certified abstract or any portion of the abstract to another person, except as provided in subparagraph (2).

Sec. 38. Section 347.7, subsection 4, paragraph a, if enacted by 2009 Iowa Acts, House File 260,[12] section 5, is amended to read as follows:

a. The tax levy authorized by this section for operation and maintenance of the hospital may be available in whole or in part to any county with or without a county hospital organized under this chapter, to be used to enhance rural health services in the county. However, the tax levied may be expended for enhancement of rural health care services only following a local planning process. The Iowa department of public health shall establish guidelines to be followed by counties in implementing the local planning process which shall require legal notice, public hearings, and a referendum in accordance with this subsection prior to the authorization of

[8] Chapter 78 herein
[9] Chapter 94 herein
[10] Chapter 53 herein
[11] Chapter 126 herein
[12] Chapter 110 herein

any new levy or a change in the use of a levy. The notice shall describe the new levy or the change in the use of the levy, indicate the date and location of the hearing, and shall be published ~~as~~ at least once each week for two consecutive weeks in a newspaper having general circulation in the county. The hearing shall not take place prior to two weeks after the second publication.

Sec. 39. Section 423.4, subsection 5, paragraph f, Code 2009, as amended by 2009 Iowa Acts, Senate File 322,[13] section 7, is amended to read as follows:

f. Notwithstanding the state sales tax imposed in section 423.2, a rebate issued pursuant to this ~~section~~ subsection shall not exceed an amount equal to five percent of the sales price of the tangible personal property or services furnished to purchasers at the automobile racetrack facility. Any local option taxes paid and collected shall not be subject to rebate under this subsection.

Sec. 40. Section 533.329, subsection 2, paragraph m, Code 2009, is amended to read as follows:

m. The moneys and credits tax imposed under this section shall be reduced by a redevelopment tax credit allowed under chapter 15, subchapter II, part 9.

Sec. 41. Section 533A.2, subsection 2, paragraph h, if enacted by 2009 Iowa Acts, Senate File 311,[14] section 2, is amended to read as follows:

h. A person licensed under chapter 533C, including that person's authorized delegates as defined in section 533C.102, or a person exempt from licensing under section 533C.103, when engaging in money transmission or currency exchange as defined in ~~chapter~~ section 533C.102.

Sec. 42. Section 535D.4A, subsection 1, if enacted by 2009 Iowa Acts, Senate File 355,[15] section 5, is amended to read as follows:

1. A registered mortgage loan originator when acting for an employer described in section 535D.3, subsection ~~11~~ 12.

Sec. 43. Section 535B.7A, as enacted by 2009 Iowa Acts, Senate File 355,[16] section 30, is amended to read as follows:

535B.7A PROHIBITED ACTS.

It is a violation of this chapter for a licensee to engage in any of the prohibited acts or practices in section ~~535D.16~~ 535D.17.

Sec. 44. Section 598.21, subsection 2, Code 2009, as amended by 2009 Iowa Acts, Senate File 288,[17] section 36, is amended to read as follows:

2. DUTIES OF COUNTY RECORDER. The county recorder shall record each quitclaim deed or change of title and shall collect the ~~fees~~ fee specified in section 331.507, subsection 2, paragraph "a", and the ~~fee~~ fees specified in section 331.604.

Sec. 45. Section 633A.5107, subsection 5, if enacted by 2009 Iowa Acts, Senate File 320,[18] section 1, is amended to read as follows:

5. For a charitable trust described in subsection 1, created prior to the effective date of this Act and still in existence, the trustee shall register the trust with and submit a current copy of the trust instrument and financial report to the attorney general not later than one hundred thirty-five days after the close of the trust's next fiscal year following the effective date of this Act. The trustee shall comply with the remainder of this ~~Act~~ section as if the charitable trust were created on or after the effective date of this Act.

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[13] Chapter 60 herein
[14] Chapter 34 herein
[15] Chapter 61 herein
[16] Chapter 61 herein
[17] Chapter 27 herein; see also chapter 159, §14 herein
[18] Chapter 35 herein

Sec. 46. Section 637.421, subsection 6, as enacted by 2009 Iowa Acts, Senate File 365,[19] section 12, is amended to read as follows:

6. A trustee shall determine the internal income of each separate fund for the accounting period as if the separate fund were a trust subject to this chapter. Upon request of the surviving spouse, the trustee shall demand that the person administering the separate fund ~~to~~ distribute such internal income to the trust. The trustee shall allocate a payment from the separate fund to income to the extent of the internal income of the separate fund and distribute that amount to the surviving spouse. The trustee shall allocate the balance to principal. Upon request of the surviving spouse, the trustee shall allocate principal to income to the extent the internal income of the separate fund exceeds payments made from the separate fund to the trust during the accounting period.

Sec. 47. Section 915.86, subsections 8 and 12, Code 2009, are amended to read as follows:

8. In the event of a victim's death, reasonable charges incurred for counseling the victim's spouse, children, parents, siblings, or persons cohabiting with or related by blood or affinity to the victim if the counseling services are provided by a psychologist licensed under chapter 154B, a victim counselor as defined in section 915.20A, subsection 1, or an individual holding at least a master's degree in social work or counseling and guidance, and reasonable charges incurred by such persons for medical care counseling provided by a psychiatrist licensed under chapter ~~147 or 150A~~ 148. The allowable charges under this subsection shall not exceed five thousand dollars per person.

12. Reasonable charges incurred for mental health care for secondary victims which include the services provided by a psychologist licensed under chapter 154B, a person holding at least a master's degree in social work, counseling, or a related field, a victim counselor as defined in section 915.20A, or a psychiatrist licensed under chapter ~~147,~~ 148~~, or 150A~~. The allowable charges under this subsection shall not exceed two thousand dollars per secondary victim.

Sec. 48. 2009 Iowa Acts, Senate File 197,[20] section 9, is amended to read as follows:

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

Sec. 49. 2009 Iowa Acts, Senate File 364,[21] section 17, subsection 5, is amended to read as follows:

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

Sec. 50. 2009 Iowa Acts, Senate File 445,[22] section 10, amending section 294A.9, subsection 9, if enacted, being deemed of immediate importance, takes effect upon enactment.

Sec. 51. 2009 Iowa Acts, Senate File 446,[23] section 82, is repealed.

Sec. 52. CONTINGENT REPEAL. If 2009 Iowa Acts, Senate File 438,[24] is enacted and amends section 235B.2, subsection 5, paragraph "a", subparagraph (3), 2009 Iowa Acts, Senate File 446,[25] sections 95 and 96, are repealed.

Sec. 53. EFFECTIVE DATES AND RETROACTIVITY. The section of this division of this

[19] Chapter 52 herein
[20] Chapter 22 herein
[21] Chapter 51 herein
[22] Chapter 68 herein
[23] Chapter 41 herein
[24] Chapter 107, §1 herein
[25] Chapter 41 herein

Act relating to 2009 Iowa Acts, Senate File 445,[26] section 10, and amending section 294A.9, subsection 9, being deemed of immediate importance, takes effect upon enactment.

DIVISION V
JUDICIAL BRANCH FEES — APPROPRIATIONS

Sec. 54. Section 602.8105, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. ~~For~~ Except as otherwise provided in this subsection, for filing and docketing a petition, ~~other than a modification of a dissolution decree to which a written stipulation is attached at the time of filing containing the agreement of the parties to the terms of modification,~~ one hundred eighty-five dollars. In counties having a population of ninety-eight thousand or over, an additional five dollars shall be charged and collected to be known as the journal publication fee and used for the purposes provided for in section 618.13. ~~For multiple adoption petitions filed at the same time by the same petitioner under section 600.3, the filing fee and any court costs for any petition filed in addition to the first petition filed are waived.~~

Sec. 55. Section 602.8105, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. aa. For filing and docketing a petition pursuant to chapter 598 other than a dissolution of marriage petition, one hundred dollars.

Sec. 56. Section 602.8105, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. For filing and docketing an application for modification of a dissolution decree to which a written stipulation is attached at the time of filing containing the agreement of the parties to the terms of modification, ~~fifty~~ one hundred dollars.

Sec. 57. Section 602.8105, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. cc. For filing and docketing a petition for adoption pursuant to chapter 600, one hundred dollars. For multiple adoption petitions filed at the same time by the same petitioner under section 600.3, the filing fee and any court costs for any petition filed in addition to the first petition filed are waived.

Sec. 58. Section 602.8105, subsection 1, paragraph e, Code 2009, is amended to read as follows:

e. For an appeal from a judgment in small claims or for filing and docketing a writ of error, ~~seventy-five~~ one hundred eighty-five dollars.

Sec. 59. Section 602.8105, subsection 2, paragraphs a, b, c, and d, Code 2009, are amended to read as follows:

a. For filing, entering, and endorsing a mechanic's lien, ~~twenty~~ fifty dollars, and if a suit is brought, the fee is taxable as other costs in the action.

b. For filing and entering any other statutory lien, ~~twenty~~ fifty dollars.

c. For a certificate and seal, ~~ten~~ twenty dollars. However, there shall be no charge for a certificate and seal to an application to procure a pension, bounty, or back pay for a member of the armed services or other person.

d. For certifying a change in title of real estate, ~~twenty~~ fifty dollars.

Sec. 60. Section 602.8105, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. gg. For filing a lis pendens, fifty dollars.

[26] Chapter 68 herein

Sec. 61. Section 602.8106, subsection 1, paragraphs b, d, e, and f, Code 2009, are amended to read as follows:

b. For filing and docketing of a complaint or information for a simple misdemeanor and a complaint or information for a nonscheduled simple misdemeanor under chapter 321, ~~fifty~~ sixty dollars.

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

e. For court costs in scheduled violation cases where a court appearance is not required, ~~fifty~~ sixty dollars.

f. For an appeal of a simple misdemeanor to the district court, ~~fifty~~ seventy-five dollars.

Sec. 62. Section 625.8, subsection 2, Code 2009, is amended to read as follows:

2. The clerk of the district court shall tax as a court cost a fee of ~~fifteen~~ forty dollars per day for the services of a court reporter.

Sec. 63. Section 631.6, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. Fees for filing and docketing shall be ~~fifty~~ eighty-five dollars.

Sec. 64. Section 633.31, subsection 2, paragraph k, unnumbered paragraph 8, Code 2009, is amended to read as follows:

For each additional $25,000.00 or major
fraction thereof ..... ~~25.00~~
50.00

Sec. 65. Section 911.1, subsection 1, Code 2009, is amended to read as follows:

1. A criminal penalty surcharge shall be levied against law violators as provided in this section. When a court imposes a fine or forfeiture for a violation of state law, or a city or county ordinance, except an ordinance regulating the parking of motor vehicles, the court or the clerk of the district court shall assess an additional penalty in the form of a criminal penalty surcharge equal to ~~thirty-two~~ thirty-five percent of the fine or forfeiture imposed.

Sec. 66. 2009 Iowa Acts, Senate File 472,[27] section 1, subsection 1, unnumbered paragraph 2, if enacted, is amended to read as follows:

For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission; receipt and disbursement of child support payments; reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2009; and maintenance, equipment, and miscellaneous purposes:

..... ~~$149,184,957~~
160,184,957

As a condition of receiving an increase to the appropriation made in this section, the judicial branch shall allocate the first $5,400,000 of the increased amount as follows: $4,800,000 for the state's required contribution under section 602.9104 to the judicial retirement fund, $350,000 for court debt collection, and $250,000 for judicial officer and court employee travel reimbursement for civil trials.

Sec. 67. JUDICIAL BRANCH. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

[27] Chapter 172 herein

For the operations and duties of the judicial branch, and maintenance, equipment, and miscellaneous purposes:
. . . . . $ 760,000

Sec. 68. DRUG COURT PROGRAMS. In addition to the appropriations in 2009 Iowa Acts, Senate File 475,[28] section 5, if enacted, and any other appropriations, there is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, for maintaining drug court programs in each county in which such a program exists as of April 1, 2009, within a judicial district department of correctional services, to be allocated as follows:

1. For the first judicial district department of correctional services:
. . . . . $ 359,895
2. For the second judicial district department of correctional services:
. . . . . $ 252,799
3. For the third judicial district department of correctional services:
. . . . . $ 220,856
4. For the fourth judicial district department of correctional services:
. . . . . $ 318,752
5. For the fifth judicial district department of correctional services:
. . . . . $ 319,582
6. For the sixth judicial district department of correctional services:
. . . . . $ 369,486
7. For the seventh judicial district department of correctional services:
. . . . . $ 157,173
8. For the eighth judicial district department of correctional services:
. . . . . $ 182,066

It is the intent of the general assembly that each judicial district department of correctional services shall cooperate with and utilize local community-based treatment providers licensed under chapter 125. Each judicial district department of correctional services shall submit a report to the general assembly and to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, and the legislative services agency by December 15, 2009, detailing the utilization of drug court funds allocated in this section.

Sec. 69. ADDITIONAL APPROPRIATION — DEPARTMENT OF PUBLIC SAFETY. In addition to the appropriations in 2009 Iowa Acts, Senate File 475,[29] section 14, if enacted, and any other appropriations, there is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For performing the duties of the department:
. . . . . $ 1,576,987

Sec. 70. VICTIM ASSISTANCE GRANTS. In addition to the appropriation in 2009 Iowa Acts, Senate File 475,[30] section 1, if enacted, and any other appropriations, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For victim assistance grants:
. . . . . $ 1,000,000

Sec. 71. FAMILY LAW MEDIATION. Each judicial district is encouraged to implement a family law mediation program pursuant to section 598.7, to encourage the resolution of do-

[28] Chapter 178 herein
[29] Chapter 178 herein
[30] Chapter 178 herein

mestic relations disputes through facilitation of communication and negotiation between parties in reaching voluntary agreements, rather than prolonged judicial, administrative, arbitral, or other adjudicative processes or proceedings. Each judicial district shall report to the supreme court by January 15, 2010, its decision regarding such implementation.

Sec. 72. EFFECTIVE DATES.

1. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

2. Notwithstanding subsection 1, the sections of this division of this Act amending 2009 Iowa Acts, Senate File 472,[31] section 1, subsection 1, unnumbered paragraph 2, appropriating moneys to the department of corrections for drug court programs, supplementing appropriations to the department of public safety for duties of the department, and supplementing appropriations to the department of justice for victim assistance grants, take effect July 1, 2009.

DIVISION VI
TRANSPORTATION PROVISIONS

Sec. 73. DEPARTMENT OF TRANSPORTATION.

1. There is appropriated from the primary road fund to the department of transportation for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the purchase of salt:

. . . . . $ 2,271,600

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the designated purpose until the close of the succeeding fiscal year.

Sec. 74. Section 321H.3, subsection 2, Code 2009, as amended by 2009 Acts, Senate File 419,[32] if enacted, is amended to read as follows:

2. Dismantling, scrapping, recycling, or salvaging~~, or obtaining a junking certificate for~~ more than six vehicles subject to registration in a twelve-month period.

Sec. 75. REIMBURSEMENT TO CITY OF MUSCATINE. There is appropriated from the road use tax fund to the department of transportation for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To reimburse the city of Muscatine for costs associated with implementation of section 314.29:

. . . . . $ 1,072

Sec. 76. PAYMENT OF CEDAR FALLS ASSESSMENT. There is appropriated from the road use tax fund to the department of transportation for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For payment pursuant to section 307.45, to the city of Cedar Falls for improvements to west twenty-third street adjoining university of northern Iowa property:

. . . . . $ 317,906

Sec. 77. Section 307.45, unnumbered paragraph 4, Code 2009, is amended by striking the unnumbered paragraph.

**Sec. 78. Section 321J.12, subsection 2, paragraph d, Code 2009, is amended to read as follows:*

d. A person whose license or privileges have been revoked under subsection 1, paragraph "b", for one year shall not be eligible for any temporary restricted license for forty-five days after

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[31] Chapter 172 herein

[32] Chapter 130, §31 herein

* Item veto; see message at end of the Act

*the effective date of the revocation if the person has had one previous revocation under this chapter, or for one year after the effective date of the revocation, and the if the person has had more than one previous revocation under this chapter. The person shall be ordered to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license at the end of the minimum period of ineligibility. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.**

Sec. 79. EFFECTIVE DATE. The section of this division of this Act relating to the appropriation from the primary road fund to the department of transportation for the purchase of salt, being deemed of immediate importance, takes effect upon enactment.

DIVISION VII
MISCELLANEOUS APPROPRIATIONS

Sec. 80. There is appropriated from the general fund of the state to the council on homelessness for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the payment of expenses provided under section 16.100A, subsection 6, paragraph "d":
..... $ 5,000

Sec. 81. FARMERS WITH DISABILITIES. There is appropriated from the general fund of the state to the department of education, vocational rehabilitation services division for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For a program for farmers with disabilities:
..... $ 108,000

Moneys appropriated for purposes of this section shall be used for the public purpose of providing a grant to a national nonprofit organization with over 80 years of experience in assisting children and adults with disabilities and special needs. The funds shall be used for a nationally recognized program that began in 1986 and has been replicated in at least 30 other states, but which is not available through any other entity in this state, that provides assistance to farmers with disabilities in all 99 counties to allow the farmers to remain in their own homes and be gainfully engaged in farming through provision of agricultural worksite and home modification consultations, peer support services, services to families, information and referral, and equipment loan services.

Sec. 82. RACING AND GAMING COMMISSION. There is appropriated from the general fund of the state to the racing and gaming commission for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. RACETRACK REGULATION

For salaries, support, maintenance, and miscellaneous purposes and for the regulation of pari-mutuel racetracks:
..... $ 277,374

2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

For salaries, support, maintenance, and miscellaneous purposes and for administration and enforcement of the excursion boat gambling and gambling structure laws:
..... $ 321,316

Sec. 83. 2009 Iowa Acts, Senate File 470,[33] section 10, subsection 2, paragraph b, if enacted, is amended to read as follows:

~~b. Center for disabilities and development~~

* Item veto; see message at end of the Act

[33] Chapter 177 herein

~~For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:~~

~~. . . . . $ 6,335,993~~

~~. . . . . FTEs 130.37~~

~~From the moneys appropriated in this lettered paragraph, $182,140 shall be allocated for purposes of the employment policy group.~~

Sec. 84. 2009 Iowa Acts, House File 811,[34] section 9, unnumbered paragraph 2, if enacted, is amended to read as follows:

For medical assistance reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2009, except as otherwise expressly authorized by law, including reimbursement for abortion services which shall be available under the medical assistance program only for those abortions which are medically necessary:

. . . . . $ ~~677,613,847~~
681,949,840

Sec. 85. 2009 Iowa Acts, House File 811,[35] section 9, subsection 12, if enacted, is amended to read as follows:

12. a. Of the funds appropriated in this section, ~~$2,687,889~~ $7,023,882 is allocated for state match for disproportionate share hospital payment of ~~$7,321,954~~ $19,133,430 to hospitals that meet both of the following conditions:

(1) The hospital qualifies for disproportionate share and graduate medical education payments.

(2) The hospital is an Iowa state-owned hospital with more than 500 beds and eight or more distinct residency specialty or subspecialty programs recognized by the American college of graduate medical education.

b. Distribution of the disproportionate share payment shall be made on a monthly basis. The total amount of disproportionate share payments including graduate medical education, enhanced disproportionate share, and Iowa state-owned teaching hospital payments shall not exceed the amount of the state's allotment under Pub. L. No. 102-234. In addition, the total amount of all disproportionate share payments shall not exceed the hospital-specific disproportionate share limits under Pub. L. No. 103-66.

c. The department shall amend the medical assistance state plan as necessary to implement the provisions of this subsection. If the state plan amendment is not approved as submitted or there are changes in federal policies or application of federal policies that impact the distribution of disproportionate share hospital payments, the department shall immediately notify the governor and the general assembly.

Sec. 86. TUITION GRANTS — APPROPRIATION. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For tuition grants as provided under section 261.25, subsection 1:

. . . . . $ 2,000,000

Sec. 87. 2009 Iowa Acts, Senate File 467,[36] section 1, if enacted, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Of the amount appropriated in this section, $238,000 is transferred to Iowa state university of science and technology, to be used for the university's midwest grape and wine industry institute.

Sec. 88. DEPARTMENT OF REVENUE. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 2009, and ending

[34] Chapter 182 herein
[35] Chapter 182 herein
[36] Chapter 175 herein

June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

. . . . . $ 2,500,000

Sec. 89. GOVERNOR AND LIEUTENANT GOVERNOR. There is appropriated from the general fund of the state to the offices of the governor and the lieutenant governor for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for the general office of the governor and the general office of the lieutenant governor:

. . . . . $ 400,000

Sec. 90. WORKFORCE DEVELOPMENT — FIELD OFFICES. There is appropriated from the special employment security contingency fund to the department of workforce development for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For field offices:

. . . . . $ 360,000

Sec. 91. IOWA POWER FUND. There is appropriated from the general fund of the state to the office of energy independence for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the Iowa power fund:

. . . . . $ 4,000,000

Sec. 92. COMMERCIAL SERVICE AIRPORTS. There is appropriated from the general fund of the state to the department of transportation for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For infrastructure improvements at the commercial service airports within the state:

. . . . . $ 1,500,000

Fifty percent of the moneys appropriated in this section shall be allocated equally between each commercial air service airport, 40 percent of the moneys shall be allocated based on the percentage that the number of enplaned passengers at each commercial air service airport bears to the total number of enplaned passengers in the state during the previous fiscal year, and 10 percent of the moneys shall be allocated based on the percentage that the air cargo tonnage at each commercial air service airport bears to the total air cargo tonnage in the state during the previous fiscal year. In order for a commercial air service airport to receive funding under this section, the airport shall be required to submit applications for funding of specific projects to the department for approval by the state transportation commission.

Sec. 93. JOBS FOR AMERICA'S GRADUATES. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For school districts to provide direct services to the most at-risk senior high school students enrolled in school districts through direct intervention by a jobs for America's graduates specialist:

. . . . . $ 600,000

Sec. 94. EMPLOYEE MISCLASSIFICATION PROGRAM — GENERAL FUND. There is appropriated from the general fund of the state to the department of workforce development

for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For enhancing efforts to investigate employers that misclassify workers:

. . . . . $ 500,000

Sec. 95. EMPLOYEE MISCLASSIFICATION PROGRAM — SPECIAL EMPLOYMENT SECURITY CONTINGENCY FUND. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, the department of workforce development may use up to $250,000 from the employment security contingency fund for enhancing efforts to investigate employers that misclassify workers.

Sec. 96. INDIGENT DEFENSE PROGRAM. There is appropriated from the general fund of the state to the office of state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purposes designated:

For the indigent defense program:

. . . . . $ 2,200,000

Sec. 97. EFFECTIVE DATE. The section of this division of this Act, relating to an appropriation to the office of state public defender of the department of inspections and appeals, being deemed of immediate importance, takes effect upon enactment.

DIVISION VIII
MISCELLANEOUS STATUTORY CHANGES

Sec. 98. COUNTY LAND RECORD INFORMATION SYSTEM — PROJECT MANAGER. If Senate File 465,[37] relating to the duties of county recorders, fees collected by the county recorders, and the county land record information system, is enacted by the Eighty-third General Assembly and signed into law by the governor, the governing board of the county land record information system shall immediately terminate any existing contract with a project manager if such termination prior to the end of the contract term is permitted under the contract. Following such termination the governing board of the county land record information system shall initiate a new request for proposals for a project manager.

Sec. 99. GLENWOOD STATE PRESERVE. Portions of the property of the Glenwood state resource center that are not necessary to the operation of the center and that have been determined to be archaeologically and environmentally significant by the state archaeologist, shall be transferred to the jurisdiction of the department of natural resources. The director of the department of human services shall execute such real estate transfer documents as are necessary to transfer such real property of the Glenwood state resource center, as identified in contract completion report No. 1553 (2007) of the state archaeologist, to the department of natural resources. The state advisory board for preserves shall assess the natural condition, character, and features of the transferred property and make recommendations for the establishment of a state preserve on the property. The department of natural resources may establish agreements with governmental bodies and independent nonprofit agencies to construct recreational and educational facilities on the transferred property, such as, but not limited to, event facilities and interpretive centers.

Sec. 100. DISASTER-IMPACTED EXEMPTION. Notwithstanding the requirement for the filing of a claim for property tax exemption by February 1, and notwithstanding any other provisions to the contrary, a society or organization claiming an exemption under section 427.1, subsection 14, may file for an exemption with the local assessor by May 1, 2009, for property that is located in a county declared a disaster area in calendar year 2008, if the society or organization was unable to file for the exemption as a result of the inability or failure to file for the exemption caused by the need to respond to a natural disaster occurring in calendar year 2008.

[37] Chapter 159 herein

Sec. 101. NEW SECTION. 7D.16 ALCOHOLIC BEVERAGES IN STATE CAPITOL OR ON COMPLEX GROUNDS.

Notwithstanding any contrary provision of law prohibiting the use and consumption of alcoholic beverages in a public place, the executive council may authorize, by resolution, the temporary use and consumption of alcoholic beverages, as defined in section 123.3, in the state capitol or on the state capitol complex grounds, as if the state capitol or state capitol complex grounds were a private place. The authorization by resolution shall be limited to the use and consumption of alcoholic beverages as an accompaniment to food at a single award ceremony, social event, or other occasion deemed appropriate by the executive council. The authorization shall require that the person providing the food and alcoholic beverages possess an appropriate liquor control license in accordance with section 123.95. The secretary of the executive council shall inform the secretary of the legislative council and the director of the department of administrative services of the approval of any such resolution.

Sec. 102. Section 15.335, subsection 4, paragraph b, Code 2009, is amended to read as follows:

b. For purposes of this section, "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, ~~2008~~ 2009.

Sec. 103. Section 15A.9, subsection 8, paragraph e, subparagraph (2), Code 2009, is amended to read as follows:

(2) For purposes of this subsection, "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, ~~2008~~ 2009.

Sec. 104. Section 15E.196, subsection 1, paragraph b, Code 2009, is amended by striking the paragraph.

Sec. 105. Section 15E.305, subsection 1, Code 2009, is amended to read as follows:

1. For tax years beginning on or after January 1, 2003, a tax credit shall be allowed against the taxes imposed in chapter 422, divisions II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329 equal to ~~twenty~~ twenty-five percent of a taxpayer's endowment gift to an endow Iowa qualified community foundation. An individual may claim a tax credit under this section of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust. A tax credit shall be allowed only for an endowment gift made to an endow Iowa qualified community foundation for a permanent endowment fund established to benefit a charitable cause in this state. The amount of the endowment gift for which the tax credit is claimed shall not be deductible in determining taxable income for state income tax purposes. Any tax credit in excess of the taxpayer's tax liability for the tax year may be credited to the tax liability for the following five years or until depleted, whichever occurs first. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer claims the tax credit.

Sec. 106. Section 15E.305, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The aggregate amount of tax credits authorized pursuant to this section shall not exceed a total of ~~two~~ three million dollars plus such additional credit amount as provided by this section annually. The maximum amount of tax credits granted to a taxpayer shall not exceed five percent of the aggregate amount of tax credits authorized.

Sec. 107. Section 26.3, subsection 2, Code 2009, is amended to read as follows:

2. A governmental entity shall have an engineer licensed under chapter 542B, a landscape architect licensed under chapter 544B, or an architect registered under chapter 544A prepare plans and specifications, and calculate the estimated total cost of a proposed public improve-

ment. A governmental entity shall ensure that sufficient paper copies of the plans, specifications, and estimated total costs of the proposed public improvement are available for prospective bidders.

Sec. 108. Section 35C.1, subsection 1, Code 2009, as amended by 2009 Iowa Acts, Senate File 186,[38] section 1, if enacted, is amended by striking the subsection and inserting in lieu thereof the following:

1. In every public department and upon all public works in the state, and of the counties, cities, and school corporations of the state, veterans who are citizens and residents of the United States are entitled to preference in appointment and employment over other applicants of no greater qualifications. The preference in appointment and employment for employees of cities under a municipal civil service is the same as provided in section 400.10. For purposes of this section, "veteran" means as defined in section 35.1 except that the requirement that the person be a resident of this state shall not apply.

Sec. 109. Section 85.71, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. The employer has a place of business in this state and the employee regularly works at or from that place of business, or the employer has a place of business in this state and the employee is domiciled in this state.

Sec. 110. Section 86.13, Code 2009, is amended to read as follows:

86.13 COMPENSATION PAYMENTS.

1. If an employer or insurance carrier pays weekly compensation benefits to an employee, the employer or insurance carrier shall file with the workers' compensation commissioner in the form and manner required by the workers' compensation commissioner a notice of the commencement of the payments. The payments establish conclusively that the employer and insurance carrier have notice of the injury for which benefits are claimed but the payments do not constitute an admission of liability under this chapter or chapter 85, 85A, or 85B.

2. If an employer or insurance carrier fails to file the notice required by this section, the failure stops the running of the time periods in section 85.26 as of the date of the first payment. If commenced, the payments shall be terminated only when the employee has returned to work, or upon thirty days' notice stating the reason for the termination and advising the employee of the right to file a claim with the workers' compensation commissioner.

3. This section does not prevent the parties from reaching an agreement for settlement regarding compensation. However, the agreement is valid only if signed by all parties and approved by the workers' compensation commissioner.

4. a. If a denial, a delay in ~~commencement~~ payment, or a termination of benefits occurs without reasonable or probable cause or excuse known to the employer or insurance carrier at the time of the denial, delay in payment, or termination of benefits, the workers' compensation commissioner shall award benefits in addition to those benefits payable under this chapter, or chapter 85, 85A, or 85B, up to fifty percent of the amount of benefits that were ~~unreasonably~~ denied, delayed, or ~~denied~~ terminated without reasonable or probable cause or excuse.

b. The workers' compensation commissioner shall award benefits under this subsection if the commissioner finds both of the following facts:

(1) The employee has demonstrated a denial, delay in payment, or termination of benefits.

(2) The employer has failed to prove a reasonable or probable cause or excuse for the denial, delay in payment, or termination of benefits.

c. In order to be considered a reasonable or probable cause or excuse under paragraph "b", an excuse shall satisfy all of the following criteria:

(1) The excuse was preceded by a reasonable investigation and evaluation by the employer or insurance carrier into whether benefits were owed to the employee.

(2) The results of the reasonable investigation and evaluation were the actual basis upon which the employer or insurance carrier contemporaneously relied to deny, delay payment of, or terminate benefits.

[38] Chapter 150 herein

(3) The employer or insurance carrier contemporaneously conveyed the basis for the denial, delay in payment, or termination of benefits to the employee at the time of the denial, delay, or termination of benefits.

Sec. 111. Section 96.40, subsection 2, paragraph i, Code 2009, is amended to read as follows:

i. The duration of the shared work plan will not exceed ~~twenty-six~~ fifty-two weeks. An employing unit is eligible for approval of only one plan during a twenty-four-month period.

Sec. 112. Section 96.40, subsection 8, Code 2009, is amended to read as follows:

8. An individual shall not be entitled to receive shared work benefits and regular unemployment compensation benefits in an aggregate amount which exceeds the maximum total amount of benefits payable to that individual in a benefit year as provided under section 96.3, subsection 5. ~~Notwithstanding any other provisions of this chapter, an individual shall not be eligible to receive shared work benefits for more than twenty-six calendar weeks during the individual's benefit year.~~

Sec. 113. Section 99B.10, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. A prize of merchandise exceeding ~~five~~ fifty dollars in value shall not be awarded for use of the device. However, a mechanical or amusement device may be designed or adapted to award a prize or one or more free games or portions of games without payment of additional consideration by the participant.

Sec. 114. Section 103.1, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. "Farm" means land, buildings and structures used for agricultural purposes including but not limited to the storage, handling, and drying of grain and the care, feeding, and housing of livestock.

Sec. 115. Section 103.22, subsection 2, Code 2009, is amended to read as follows:

2. Require employees of municipal utilities, electric membership or cooperative associations, investor-owned utilities, rural water associations or districts, railroads, telecommunications companies, franchised cable television operators, farms, or commercial or industrial companies performing manufacturing, installation, and repair work for such employer to hold licenses while acting within the scope of their employment. An employee of a farm does not include a person who is employed for the primary purpose of installing a new electrical installation.

Sec. 116. Section 103.29, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A county shall not perform electrical inspections on a farm or farm residence.

Sec. 117. Section 103.32, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A state electrical inspection fee shall not be assessed for an event benefiting a nonprofit association representing volunteer service providers. An electrical inspection fee shall not be assessed by a political subdivision for an annual event benefiting a nonprofit association representing volunteer service providers.

Sec. 118. Section 214A.2, subsection 5, Code 2009, is amended to read as follows:

5. Ethanol blended gasoline shall be designated E-xx where "xx" is the volume percent of ethanol in the ethanol blended gasoline and biodiesel fuel shall be designated B-xx where "xx" is the volume percent of biodiesel.

Sec. 119. Section 214A.3, subsection 2, paragraph b, subparagraph (2), Code 2009, is amended to read as follows:

(2) ~~Biodiesel fuel shall be designated according to its classification as provided in section~~

~~214A.2.~~ A person shall not knowingly falsely advertise biodiesel ~~blended~~ fuel by using an inaccurate designation ~~in violation of this subparagraph~~ as provided in section 214A.2.

Sec. 120. Section 214A.5, Code 2009, is amended to read as follows:

214A.5 ~~SALES SLIP ON DEMAND~~ DOCUMENTATION.

1. A wholesale dealer or retail dealer shall, when making a sale of motor fuel, give to a purchaser upon demand a sales slip.

2. A wholesale dealer selling ethanol blended gasoline or biodiesel blended fuel to a purchaser shall provide the purchaser with a statement indicating its designation as provided in section 214A.2. The statement may be on the sales slip provided in this section or a similar document, including but not limited to a bill of lading or invoice.

Sec. 121. Section 214A.16, subsection 1, Code 2009, is amended to read as follows:

1. a. If ~~motor fuel containing a renewable fuel~~ ethanol blended gasoline is sold from a motor fuel pump, the motor fuel pump shall have affixed a decal identifying the ~~name of the renewable fuel~~ ethanol blended gasoline. ~~The decal shall be different based on the type of renewable fuel dispensed.~~ If the motor fuel pump dispenses ethanol blended gasoline classified as higher than standard ethanol blended gasoline pursuant to section 214A.2, the decal shall contain the following notice: "FOR FLEXIBLE FUEL VEHICLES ONLY".

b. If biodiesel fuel is sold from a motor fuel pump, the motor fuel pump shall have affixed a decal identifying the biodiesel fuel as provided in 16 C.F.R. pt. 306.

Sec. 122. Section 321.105A, subsection 2, paragraph c, subparagraph (25), unnumbered paragraph 1, Code 2009, is amended to read as follows:

Vehicles subject to registration under this chapter with a gross vehicle weight rating of less than sixteen thousand pounds~~, excluding motorcycles and motorized bicycles,~~ when purchased for lease and titled by the lessor licensed pursuant to chapter 321F and actually leased for a period of twelve months or more if the lease of the vehicle is subject to the fee for new registration under subsection 3.

Sec. 123. Section 321.105A, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. A fee for new registration is imposed in an amount equal to five percent of the leased price for each vehicle subject to registration with a gross vehicle weight rating of less than sixteen thousand pounds~~, excluding motorcycles and motorized bicycles,~~ which is leased by a lessor licensed pursuant to chapter 321F for a period of twelve months or more. The fee for new registration shall be paid by the owner of the vehicle to the county treasurer from whom the registration receipt or certificate of title is obtained. A registration receipt for a vehicle subject to registration or issuance of a certificate of title shall not be issued until the fee for new registration is paid in the initial instance.

Sec. 124. Section 321.105A, subsection 5, paragraph a, Code 2009, is amended by striking the paragraph.

Sec. 125. Section 321I.10, subsection 2, Code 2009, is amended to read as follows:

2. A registered all-terrain vehicle may be operated on the roadways of that portion of county highways designated by the county board of supervisors for such use during a specified period. The county board of supervisors shall evaluate the traffic conditions on all county highways and designate roadways on which all-terrain vehicles may be operated for the specified period without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic. ~~Signs warning of the operation of all-terrain vehicles on the roadway shall be placed and maintained on the portions of highway thus designated during the period specified for the operation.~~

Sec. 126. Section 331.907, subsection 2, Code 2009, is amended to read as follows:

2. At the public hearing held on the county budget as provided in section 331.434, the county

compensation board shall submit its recommended compensation schedule for the next fiscal year to the board of supervisors for inclusion in the county budget. The board of supervisors shall review the recommended compensation schedule for the elected county officers and determine the final compensation schedule which shall not exceed the compensation schedule recommended by the county compensation board. In determining the final compensation schedule if the board of supervisors wishes to reduce the amount of the recommended compensation schedule, the amount of salary increase proposed for each elected county officer, except as provided in subsection 2A, shall be reduced an equal percentage. A copy of the final compensation schedule shall be filed with the county budget at the office of the director of the department of management. The final compensation schedule takes effect on July 1 following its adoption by the board of supervisors.

Sec. 127. Section 331.907, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. The board of supervisors may adopt a decrease in compensation paid to supervisors irrespective of the county compensation board's recommended compensation schedule or other approved changes in compensation paid to other elected county officers. A decrease in compensation paid to supervisors shall be adopted by the board of supervisors no less than thirty days before the county budget is certified under section 24.17.

Sec. 128. Section 400.10, Code 2009, as amended by 2009 Iowa Acts, Senate File 186,[39] section 2, if enacted, is amended by striking the section and inserting in lieu thereof the following:

400.10 PREFERENCES.

In all examinations and appointments under this chapter, other than promotions and appointments of chief of the police department and chief of the fire department, veterans who are citizens and residents of the United States, shall have five percentage points added to the veteran's grade or score attained in qualifying examinations for appointment to positions and five additional percentage points added to the grade or score if the veteran has a service-connected disability or is receiving compensation, disability benefits or pension under laws administered by the veterans administration. An honorably discharged veteran who has been awarded the Purple Heart incurred in action shall be considered to have a service-connected disability. However, the percentage points shall be given only upon passing the exam and shall not be the determining factor in passing. Veteran's preference percentage points shall be applied once to the final scores used to rank applicants for selection for an interview. For purposes of this section, "veteran" means as defined in section 35.1 except that the requirement that the person be a resident of this state shall not apply.

Sec. 129. Section 412.2, subsection 1, Code 2009, is amended to read as follows:

1. From the proceeds of the assessments on the wages and salaries of employees, of any such waterworks system, or other municipally owned and operated public utility, eligible to receive the benefits thereof. Notwithstanding any provisions of section 20.9 to the contrary, a council, board of waterworks, or other board or commission which establishes a pension and annuity retirement system pursuant to this chapter, shall negotiate in good faith with a certified employee organization as defined in section 20.3, which is the collective bargaining representative of the employees, with respect to the amount or rate of the assessment on the wages and salaries of employees and the method or methods for payment of the assessment by the employees.

Sec. 130. Section 412.3, Code 2009, is amended to read as follows:

412.3 RULES.

The council, board of waterworks trustees, or other board or commission, whichever is authorized by law to manage and operate such waterworks, or other municipally owned and operated public utility, may formulate and establish such pension and annuity retirement system, and may make and establish such rules for the operation thereof as may be deemed necessary or appropriate, subject to the provision of section 412.2, subsection 1.

[39] Chapter 150 herein

Sec. 131. Section 422.10, subsection 3, unnumbered paragraph 2, Code 2009, is amended to read as follows:

For purposes of this section, "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, ~~2008~~ 2009.

Sec. 132. Section 422.13, subsection 5, Code 2009, is amended to read as follows:

5. a. Notwithstanding subsections 1 through 4 and sections 422.15 and 422.36, a partnership, a limited liability company whose members are taxed on the company's income under provisions of the Internal Revenue Code, trust, or corporation whose stockholders are taxed on the corporation's income under the provisions of the Internal Revenue Code may, not later than the due date for filing its return for the taxable year, including any extension thereof, elect to file a composite return for the nonresident partners, members, beneficiaries, or shareholders. Nonresident trusts or estates which are partners, members, beneficiaries, or shareholders in partnerships, limited liability companies, trusts, or S corporations may also be included on a composite return. The director may require that a composite return be filed under the conditions deemed appropriate by the director. A partnership, limited liability company, trust, or corporation filing a composite return is liable for tax required to be shown due on the return.

b. Notwithstanding subsection[40] 1 through 4 and sections 422.15 and 422.36, if the director determines that it is necessary for the efficient administration of this chapter, the director may require that a composite return be filed for nonresidents other than nonresident partners, members, beneficiaries or shareholders in partnerships, limited liability companies, trusts, or S corporations.

c. All powers of the director and requirements of the director apply to returns filed under this subsection including, but not limited to, the provisions of this division and division VI of this chapter.

Sec. 133. Section 422.33, subsection 5, paragraph d, unnumbered paragraph 2, Code 2009, is amended to read as follows:

For purposes of this subsection, "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, ~~2008~~ 2009.

Sec. 134. Section 422.33, subsection 9, Code 2009, is amended by striking the subsection.

Sec. 135. Section 422.88, subsections 2 and 3, Code 2009, are amended to read as follows:

2. The amount of the underpayment shall be the excess of the amount of the installment which would be required to be paid if the estimated tax was equal to ~~ninety~~ one hundred percent of the tax shown on the return of the taxpayer for the taxable year over the amount of installments paid on or before the date prescribed for payment.

3. If the taxpayer did not file a return during the taxable year, the amount of the underpayment shall be equal to ~~ninety~~ one hundred percent of the taxpayer's tax liability for the taxable year over the amount of installments paid on or before the date prescribed for payment.

Sec. 136. Section 423.3, subsection 39, Code 2009, is amended to read as follows:

39. The sales price from "casual sales".

a. "Casual sales" means:

~~a.~~ (1) Sales of tangible personal property, or the furnishing of services, of a nonrecurring nature, by the owner, if the seller, at the time of the sale, is not engaged for profit in the business of selling tangible personal property or services taxed under section 423.2.

~~b.~~ (2) The sale of all or substantially all of the tangible personal property or services held or used by a seller in the course of the seller's trade or business for which the seller is required to hold a sales tax permit when the seller sells or otherwise transfers the trade or business to another person who shall engage in a similar trade or business.

~~c.~~ (3) Notwithstanding ~~paragraph "a"~~ subparagraph (1), the sale, furnishing, or performance of a service that is of a recurring nature by the owner if, at the time of the sale, all of the following apply:

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[40] According to enrolled Act; the word "subsections" probably intended

* Item veto; see message at end of the Act

~~(1)~~ (a) The seller is not engaged for profit in the business of the selling, furnishing, or performance of services taxed under section 423.2. For purposes of this subparagraph, the fact of the recurring nature of selling, furnishing, or performance of services does not constitute by itself engaging for profit in the business of selling, furnishing, or performance of services.

~~(2)~~ (b) The owner of the business is the only person performing the service.

~~(3)~~ (c) The owner of the business is a full-time student.

~~(4)~~ (d) The total gross receipts from the sales, furnishing, or performance of services during the calendar year does not exceed five thousand dollars.

b. The exemption under this subsection does not apply to vehicles subject to registration, all-terrain vehicles, snowmobiles, off-road motorcycles, off-road utility vehicles, aircraft, or commercial or pleasure watercraft or water vessels.

Sec. 137. Section 423A.2, subsection 3, Code 2009, is amended to read as follows:

3. "Lodging" means rooms, apartments, or sleeping quarters in a hotel, motel, inn, public lodging house, rooming house, or manufactured or mobile home which is tangible personal property, or in a tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals. Lodging does not include rooms that are not used for sleeping accommodations.

Sec. 138. Section 423A.5, subsection 1, paragraph c, Code 2009, is amended by striking the paragraph.

Sec. 139. Section 423A.5, subsection 2, paragraph c, Code 2009, is amended by striking the paragraph.

Sec. 140. Section 452A.12, subsection 2, Code 2009, is amended to read as follows:

2. A person while transporting motor fuel or undyed special fuel from a refinery or marine or pipeline terminal in this state or from a point outside this state over the highways of this state in service other than that under subsection 1 shall carry in the vehicle a loading invoice showing the name and address of the seller or consignor, the date and place of loading, and the kind and quantity of motor fuel or special fuel loaded, together with invoices showing the kind and quantity of each delivery and the name and address of each purchaser or consignee. An invoice carried pursuant to this subsection for ethanol blended gasoline or biodiesel blended fuel shall state its designation as provided in section 214A.2.

Sec. 141. Section 452A.74A, subsections 1, 2, and 5, Code 2009, are amended to read as follows:

1. ILLEGAL USE OF DYED FUEL. The illegal use of dyed fuel in the supply tank of a motor vehicle shall result in a civil penalty assessed against the owner or operator of the motor vehicle as follows:

a. A ~~two~~ five hundred dollar ~~fine~~ penalty for the first violation.

b. A ~~five hundred~~ one thousand dollar ~~fine~~ penalty for a second violation within three years of the first violation.

c. A ~~one~~ two thousand dollar ~~fine~~ penalty for third and subsequent violations within three years of the first violation.

2. ILLEGAL IMPORTATION OF UNTAXED FUEL. A person who imports motor fuel or undyed special fuel without a valid importer's license or supplier's license shall be assessed a civil penalty as provided in this subsection. However, the owner or operator of the importing vehicle shall not be guilty of violating this subsection if it is shown by the owner or operator that the owner or operator reasonably did not know or reasonably should not have known of the illegal importation.

a. For a first violation, the importing vehicle shall be detained and a ~~fine~~ penalty of ~~two~~ four thousand dollars shall be paid before the vehicle will be released. The owner or operator of the importing vehicle or the owner of the fuel may be held liable for payment of the ~~fine~~ penalty.

b. For a second violation, the importing vehicle shall be detained and a ~~fine~~ penalty of ~~five~~ ten thousand dollars shall be paid before the vehicle will be released. The owner or operator of the importing vehicle or the owner of the fuel may be held liable to pay the ~~fine~~ penalty.

c. For third and subsequent violations, the importing vehicle and the fuel shall be seized and a ~~fine~~ penalty of ~~ten~~ twenty thousand dollars shall be paid before the vehicle will be released. The owner or operator of the importing vehicle or the owner of the fuel may be held liable to pay the ~~fine~~ penalty.

d. If the owner or operator of the importing vehicle or the owner of the fuel fails to pay the tax and ~~fine~~ penalty for a first or second offense, the importing vehicle and the fuel may be seized. The department of revenue, the state department of transportation, or any peace officer, at the request of either department, may seize the vehicle and the fuel.

e. If the operator or owner of the importing vehicle or the owner of the fuel ~~move~~ moves the vehicle or the fuel after the vehicle has been detained and a sticker has been placed on the vehicle stating that "This vehicle cannot be moved until the tax, penalty, and interest have been paid to the Department of Revenue", an additional penalty of ~~five~~ ten thousand dollars shall be assessed against the operator or owner of the importing vehicle or the owner of the fuel.

f. For purposes of this subsection, "vehicle" means as defined in section 321.1.

5. PREVENTION OF INSPECTION. The department of revenue or the state department of transportation may conduct inspections for coloration, markers, and shipping papers at any place where taxable fuel is or may be loaded into transport vehicles, produced, or stored. Any attempts by a person to prevent, stop, or delay an inspection of fuel or shipping papers by authorized personnel shall be subject to a civil penalty of not more than ~~one~~ two thousand dollars per occurrence. Any law enforcement officer or department of revenue or state department of transportation employee may physically inspect, examine, or otherwise search any tank, reservoir, or other container that can or may be used for the production, storage, or transportation of any type of fuel.

Sec. 142. Section 466A.4, subsection 1, Code 2009, is amended to read as follows:

1. Public water supply utilities, counties, county conservation boards, and cities may also be eligible and apply for and receive local watershed improvement grants for water quality improvement projects. An applicant shall coordinate with a local watershed improvement committee or a soil and water conservation district and shall include in the application a description of existing projects and any potential impact the proposed project may have on existing or planned water quality improvement projects.

Sec. 143. NEW SECTION. 476B.6A ALTERNATIVE TAX CREDIT QUALIFICATION — PILOT PROJECT.

Notwithstanding any other provision of this chapter to the contrary, the board shall establish a pilot project which will allow for a wind energy production tax credit of one and one-half cents multiplied by the number of kilowatt-hours of qualified electricity sold or used for on-site consumption by up to two qualified facilities selected for participation in the project. To be eligible for the project, a qualified facility shall meet all eligibility requirements otherwise applicable pursuant to this chapter, and in addition shall be located in a county in this state with a population of between forty-four thousand one hundred fifty and forty-four thousand five hundred based on the 2006 census, and with a combined nameplate generating capacity of at least one megawatt per applicant. For purposes of the pilot project, the two megawatt minimum requirement for qualification pursuant to section 476B.1, subsection 4, paragraph "d", shall not be applicable. The board shall reduce the remaining credits available under this chapter by a dollar amount equal to the amount of credits awarded pursuant to the project.

Sec. 144. Section 523I.316, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 7. ADVERSE POSSESSION. A cemetery or a pioneer cemetery is exempt from seizure, appropriation, or acquisition of title under any claim of adverse possession,

unless it is shown that all remains in the cemetery or pioneer cemetery have been disinterred and removed to another location.

Sec. 145. Section 602.6404, subsection 3, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

3. A magistrate shall be an attorney licensed to practice law in this state. However, a magistrate not admitted to the practice of law in this state and who is holding office on April 1, 2009, shall be eligible to be reappointed as a magistrate in the same county for a term commencing August 1, 2009, and subsequent successive terms.

Sec. 146. 2009 Iowa Acts, House File 809,[41] if enacted, is amended by adding the following new section:

SEC. __. NEW SECTION. FUTURE REPEAL OF DEPARTMENT OF COMMERCE REVOLVING FUND — COMPLIANCE.

1. Division VIII[42] of this Act, relating to the creation of a department of commerce revolving fund, is repealed July 1, 2011. The Code editor shall restore the language in the sections of the Code of Iowa amended by the division to the language present in those sections in the 2009 Code of Iowa.

2. The divisions of the department of commerce shall comply with appropriate provisions of section 8.31 and with directions by the governor to executive branch departments regarding restrictions on out-of-state travel, hiring justifications, association memberships, equipment purchases, consulting contracts, and any other expenditure efficiencies that the governor deems appropriate.

Sec. 147. EFFECTIVE DATE. Section 483A.1, subsection 2, paragraph "ee", as enacted by 2009 Iowa Acts, House File 722,[43] section 33, if enacted, and section 483A.7, subsection 3, as amended by 2009 Iowa Acts, House File 722,[44] section 37, if enacted, and this section, being deemed of immediate importance, take effect immediately upon enactment of this Act.

Sec. 148. 2009 Iowa Acts, Senate File 415,[45] section 1, if enacted, is amended by striking the section and inserting in lieu thereof the following:

SECTION 1. PROPERTY RIGHTS DEFENSE ACCOUNT.

1. A city may establish a property rights defense account within the city's general fund. If a property rights defense account is established under this section, moneys which remain unclaimed under section 2, subsection 11, paragraph "d", of this Act, may be deposited in the account. Interest or earnings on moneys in the property rights defense account shall be credited to the account. Moneys in the property rights defense account are not subject to transfer, appropriation, or reversion to any other account or fund, or any other use except as provided in this section.

2. Moneys in the account shall be used for the reimbursement of reasonable attorney fees and reasonable costs incurred by a property owner as the result of proceedings initiated under this Act, chapters 6A and 6B, and section 657A.10A.

3. Property owners shall apply to the city council on a form prescribed by the city council. If sufficient funds exist in the account, the city council shall reimburse each property owner who applies for all reasonable attorney fees and reasonable costs incurred. If insufficient funds exist in the account to reimburse a property owner for all reasonable attorney fees and reasonable costs incurred, the city council shall reimburse the property owner for the fees and costs in an amount equal to the remaining balance in account.[46]

Sec. 149. 2007 Iowa Acts, chapter 186, section 29, is amended to read as follows:

SEC. 29. REFUND OF PROPERTY TAXES. Notwithstanding the deadline for filing a claim for property tax exemption for property described in section 427.1, subsection 8 or 9, and not-

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41 Chapter 181 herein

42 According to enrolled Act; the phrase "Division VII" probably intended

43 Chapter 144 herein

44 Chapter 144 herein

45 Chapter 129 herein

46 According to enrolled Act; the phrase "balance in the account" probably intended

withstanding any other provision to the contrary, the board of supervisors of a county having a population based upon the latest federal decennial census of more than eighty-eight thousand but not more than ninety-five thousand shall refund the property taxes paid, with all interest, penalties, fees, and costs which were due and payable in the fiscal year beginning July 1, 2002, and in the fiscal year beginning July 1, ~~2005~~ 2006, on the land and buildings of an institution that purchased property and that did not receive a property tax exemption for the property due to the inability or failure to file for the exemption. To receive the refund provided for in this section, the institution shall apply to the county board of supervisors by October 1, ~~2007~~ 2009, and provide appropriate information establishing that the land and buildings for which the refund is sought were used by the institution for its appropriate objectives during the fiscal year beginning July 1, 2002, and during the fiscal year beginning July 1, ~~2005~~ 2006. The refund allowed under this section only applies to property taxes, with all interest, penalties, fees, and costs, due and payable in the fiscal year beginning July 1, 2002, and in the fiscal year beginning July 1, ~~2005~~ 2006.

Sec. 150. 2007 Iowa Acts, chapter 186, section 30, is amended to read as follows:

SEC. 30. IMMEDIATE EFFECTIVE DATE. ~~The section~~ Section 29 of this division of this Act, ~~amending section 427.3,~~ being deemed of immediate importance, takes effect upon enactment and applies retroactively to property taxes due and payable in the fiscal year beginning July 1, 2002, and in the fiscal year beginning July 1, ~~2005~~ 2006.

Sec. 151. Section 422.11E, Code 2009, is repealed.

Sec. 152. Sections 422.120 through 422.122, Code 2009, are repealed.

Sec. 153. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

1. The section of this division of this Act concerning the county land record information system, being deemed of immediate importance, takes effect upon enactment.

2. The section of this division of this Act amending 2009 Iowa Acts, Senate File 415,[47] being deemed of immediate importance, takes effect upon enactment.

3. The section of this division of this Act repealing sections 422.120 through 422.122, being deemed of immediate importance, takes effect upon enactment and applies retroactively to November 1, 2008, for refund claims filed on or after that date.

4. The section of this division of this Act relating to property tax exemption filings for disaster-impacted property, being deemed of immediate importance, takes effect upon enactment.

5. The section[48] of this division of this Act amending section 15E.305, takes effect January 1, 2010, and applies to the tax years beginning on or after that date.

6. The section of this division of this Act amending section 422.88, subsections 2 and 3, applies retroactively to January 1, 2009, for tax years beginning on or after that date.

7. The sections of this division of this Act amending 2007 Iowa Acts, chapter 186, sections 29 and 30, being deemed of immediate importance, take effect upon enactment.

8. The sections of this division of this Act amending section 15.335, subsection 4, paragraph "b", section 15A.9, subsection 8, paragraph "e", subparagraph (2), section 422.10, subsection 3, unnumbered paragraph 2, section 422.33, subsection 5, paragraph "d", unnumbered paragraph 2, being deemed of immediate importance, take effect upon enactment and apply retroactively to January 1, 2008, for tax years beginning on or after that date.

DIVISION IX
EDUCATION

Sec. 154. REGENTS — APPROPRIATIONS. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

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[47] Chapter 129 herein

[48] According to enrolled Act; the word "sections" probably intended

1. STATE SCHOOL FOR THE DEAF
For salaries, support, maintenance, miscellaneous purposes:
. . . . . $ 398,980
2. IOWA BRAILLE AND SIGHT SAVING SCHOOL
For salaries, support, maintenance, miscellaneous purposes:
. . . . . $ 225,602

Sec. 155. DEPARTMENT OF EDUCATION — APPROPRIATION. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as may be necessary, to be used for general administration:
. . . . . $ 167,096

Sec. 156. EDUCATIONAL EXCELLENCE PROGRAM-RELATED APPROPRIATIONS. There is appropriated from the general fund of the state to the indicated departments and agencies for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To the department of human services for distribution to its licensed classroom teachers at institutions under the control of the department of human services based upon the average student yearly enrollment at each institution as determined by the department of human services:
. . . . . $ 115,500

2. To the state board of regents:

a. For distribution to licensed classroom teachers at the Iowa braille and sight saving school and the Iowa school for the deaf based upon the average yearly enrollment at each school as determined by the state board of regents:
. . . . . $ 94,600

b. For the Iowa braille and sight saving school:
. . . . . $ 68,000

c. For the state school for the deaf:
. . . . . $ 102,000

3. To the department of education:

a. For distribution to the tribal council of the Sac and Fox Indian settlement located on land held in trust by the secretary of the interior of the United States. Moneys allocated under this lettered paragraph shall be used for the purposes specified in section 256.30:
. . . . . $ 100,000

b. For the kindergarten to grade twelve management information system:
. . . . . $ 230,000

Sec. 157. INTERPRETERS FOR THE DEAF. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For allocation for deaf interpreters for arrangements made between the state school for the deaf and Iowa western community college due to the high numbers of articulation agreements between the state school for the deaf and the community college:
. . . . . $ 200,000

Sec. 158. CENTER FOR INDEPENDENT LIVING. There is appropriated from the general fund of the state to the department of education, vocational rehabilitation services division, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For costs associated with centers for independent living:
. . . . . $ 50,000

Sec. 159. 2006 Iowa Acts, chapter 1182, section 1, unnumbered paragraph 2, as amended by 2007 Iowa Acts, chapter 108, section 59, is amended to read as follows:

For purposes, as provided in law, of the student achievement and teacher quality program established pursuant to chapter 284:

FY 2006-2007	$	104,343,894
FY 2007-2008	$	173,943,894
FY 2008-2009	$	~~248,943,894~~
		249,502,894

Sec. 160. COMPULSORY SCHOOL ATTENDANCE AGE — WORKING GROUP.

1. Of the amount appropriated from the human services reinvestment fund created in 2009 Iowa Acts, House File 820,[49] if enacted, to the legislative services agency for the fiscal year beginning July 1, 2009, and ending June 30, 2010, $115,000 is transferred to the department of education to be used for costs associated with the working group convened pursuant to subsection 2.

2. The department of education shall convene a working group comprised of the director of the department of education, or the director's designee, and other education stakeholders appointed by the department to review supports for students affected by an increase in the compulsory attendance age from sixteen to eighteen years of age. The working group shall consider, at a minimum, the necessity of expansion of support programs and services for such students, online at-risk academy courses, career academies, and current at-risk allowable growth provisions, and full funding of the instructional support levy. The working group shall submit its findings and recommendations, including any proposed changes in policy or statute, to the state board of education and the general assembly by January 15, 2010.

Sec. 161. Section 273.3, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 23. By October 1 of each year, submit to the department of education the following information:

a. The contracted salary including bonus wages and benefits, annuity payments, or any other benefit for the administrators of the area education agency.

b. The contracted salary and benefits and any other expenses related to support for governmental affairs efforts, including expenditures for lobbyists and lobbying activities for the area education agency.

Sec. 162. DES MOINES UNIVERSITY — OSTEOPATHIC MEDICAL CENTER. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, the college student aid commission shall pay a fee to Des Moines university — osteopathic medical center for the administration of the initiative in primary health care to direct primary care physicians to shortage areas in the state. A portion of the fee paid shall be based upon the number of physicians recruited in accordance with section 261.19, subsection 4. However, the fee amount paid shall not exceed $41,862 for the fiscal year. Such amount shall be subject to any budgetary reductions ordered by the governor or enacted by the general assembly.

Sec. 163. EFFECTIVE DATE. The section of this division of this Act amending 2006 Iowa Acts, chapter 1182, being deemed of immediate importance, takes effect upon enactment.

DIVISION X
JUDICIAL BRANCH — COMMISSION ELECTIONS

Sec. 164. Section 46.5, unnumbered paragraph 5, Code 2009, is amended to read as follows:

When a vacancy in an office of an elective judicial nominating commissioner occurs, the ~~clerk of the supreme court~~ state court administrator shall cause to be mailed to each member of the bar whose name appears on the certified list prepared pursuant to section 46.8 for the

[49] Chapter 183 herein

district or districts affected, a notice stating the existence of the vacancy, the requirements for eligibility, and the manner in which the vacancy will be filled. Other items may be included in the same mailing if they are on sheets separate from the notice. The election of a district judicial nominating commissioner or the close of nominations for a state judicial nominating commissioner shall not occur until thirty days after the mailing of the notice.

Sec. 165. Section 46.7, Code 2009, is amended to read as follows:

46.7 ELIGIBILITY TO VOTE.

To be eligible to vote in elections of judicial nominating commissioners, a member of the bar must be eligible to practice and must be a resident of the state of Iowa and of the appropriate congressional district or judicial election district as shown by the member's most recent filing with the supreme court for the purposes of showing compliance with the court's continuing legal education requirements, or for members of the bar eligible to practice who are not required to file such compliance, any paper on file by July 1 with the ~~clerk of the supreme court~~ state court administrator, for the purpose of establishing eligibility to vote under this section, which the court determines to show the requisite residency requirements. A judge who has been admitted to the bar of the state of Iowa shall be considered a member of the bar.

Sec. 166. Section 46.8, Code 2009, is amended to read as follows:

46.8 CERTIFIED LIST.

~~On July 15 of each~~ Each year the ~~clerk of the supreme court~~ state court administrator shall certify a list of the names, addresses, and years of admission of members of the bar who are eligible to vote for state and district judicial nominating commissioners. ~~The clerk of the supreme court shall provide a copy of the list of the members for a county to the clerk of the district court for that county.~~

Sec. 167. Section 46.9, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

46.9 CONDUCT OF ELECTIONS.

When an election of judicial nominating commissioners is to be held, the state court administrator shall administer the voting. The state court administrator may administer the voting by electronic notification and voting or by paper ballot mailed to each eligible attorney. The state court administrator shall mail paper ballots to eligible attorneys or electronically notify and enable eligible attorneys to vote. The elector receiving the most votes shall be elected. When more than one commissioner is to be elected, the electors receiving the most votes shall be elected, in the same number as the offices to be filled.

Sec. 168. Section 46.9A, Code 2009, is amended to read as follows:

46.9A NOTICE PRECEDING NOMINATION OF ELECTIVE NOMINATING COMMISSIONERS.

At least sixty days prior to the expiration of the term of an elective state or district judicial nominating commissioner, the ~~clerk of the supreme court~~ state court administrator shall ~~cause to be mailed to each member of the bar whose name appears on the certified list prepared pursuant to section 46.8 for the district or districts affected, a notice stating the date the term of office will expire, the requirements for eligibility to the office for the succeeding term, and the procedure for filing nominating petitions, including the last date for filing~~ mail paper ballots to eligible attorneys or electronically notify and enable eligible attorneys to vote. An eligible attorney is a member of the bar whose name appears on the certified list prepared pursuant to section 46.8 for the district or districts affected. ~~Other items may be included in the same mailing if they are on sheets separate from the notice.~~

Sec. 169. Section 46.10, Code 2009, is amended to read as follows:

46.10 NOMINATION OF ELECTIVE NOMINATING COMMISSIONERS.

In order to have an eligible elector's name printed on the ballot for state or district judicial

nominating commissioner, the eligible elector must file in the office of the ~~clerk of the supreme court~~ state court administrator at least thirty days prior to expiration of the period within which the election must be held a nominating petition signed by at least fifty resident members of the bar of the congressional district in case of a candidate for state judicial nominating commissioner, or at least ten resident members of the bar of the judicial district in case of a candidate for district judicial nominating commissioner. No member of the bar may sign more nominating petitions for state or district judicial nominating commissioner than there are such commissioners to be elected.

Ballots or electronic voting forms for state and district judicial nominating commissioners shall contain blank lines equal to the number of such commissioners to be elected, where names may be written in.

Sec. 170. Section 46.11, Code 2009, is amended to read as follows:

46.11 CERTIFICATION OF COMMISSIONERS.

The governor and the ~~clerk of the supreme court~~ state court administrator respectively shall promptly certify the names and addresses of appointive and elective judicial nominating commissioners to the state commissioner of elections and the chairperson of the respective nominating commissions.

Sec. 171. EFFECTIVE DATE. This division of this Act takes effect February 10, 2010.

DIVISION XI
JUDICIAL OFFICER VACANCIES

Sec. 172. 2009 Iowa Acts, House File 414,[50] section 54, is amended to read as follows:

SEC. 54. JUDICIAL APPOINTMENT — DELAY.

1. Notwithstanding section 46.12, the chief justice may order the state commissioner of elections to delay, for up to one hundred eighty days for budgetary reasons, the sending of a notification to the proper judicial nominating commission that a vacancy in the supreme court, court of appeals, or district court has occurred or will occur.

2. Notwithstanding sections 602.6304, 602.7103B, and 633.20B, the chief justice may order any county magistrate appointing commission to delay, for up to one hundred eighty days for budgetary reasons, the certification of nominees to the chief judge of the judicial district for a district associate judgeship, associate juvenile judgeship, or associate probate judgeship.

3. Notwithstanding section 602.6403, subsection 3, the chief justice may order any county magistrate appointing commission to delay, for up to one hundred eighty days for budgetary reasons, the appointment of a magistrate to serve the remainder of an unexpired term.

4. ~~The section~~ Subsection 3, relating to magistrate vacancies, is applicable for the period beginning on the effective date of this section and ending June 30, 2009. Subsections 1 and 2 are applicable for the period beginning on the effective date of this section and ending on June 30, 2010.

Sec. 173. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. The section of this division of this Act amending 2009 Iowa Acts, House File 414,[51] section 54, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to March 16, 2009.

DIVISION XII
DISASTER ASSISTANCE

Sec. 174. 2009 Iowa Acts, House File 64,[52] section 1, subsection 2, paragraph b, is amended to read as follows:

b. Forgivable loans awarded after the effective date of this division of this Act shall be awarded pursuant to the following priorities:

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[50] Chapter 170 herein

[51] Chapter 170 herein

[52] Chapter 169 herein

(1) First priority shall be given to eligible residents who have not received any moneys under the jumpstart housing assistance program ~~prior to the effective date of this division of this Act~~.

(2) Second priority shall be given to eligible residents who have received less than twenty-four thousand nine hundred ninety-nine dollars under the jumpstart housing assistance program ~~prior to the effective date of this division of this Act~~.

(3) Third priority shall be given to eligible residents who have received twenty-four thousand nine hundred ninety-nine dollars under the jumpstart housing assistance program ~~prior to the effective date of this division of this Act~~ and who continue to have unmet needs for down payment assistance, emergency housing repair or rehabilitation, interim mortgage assistance, or energy efficiency assistance. An eligible resident shall not receive more than an additional twenty-four thousand nine hundred ninety-nine dollars under this subparagraph.

Sec. 175. 2009 Iowa Acts, House File 64,[53] section 4, subsection 1, is amended to read as follows:

1. There is appropriated from the Iowa economic emergency fund created in section 8.55 to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For providing individual disaster grants for unmet needs pursuant to the requirements in this section:

. . . . . $ ~~10,000,000~~
7,850,000

Sec. 176. 2009 Iowa Acts, House File 64,[54] section 4, subsection 6, is amended to read as follows:

6. An area long-term ~~disaster~~ recovery committee shall be reimbursed for ~~administrative expenses incurred in an amount not to exceed three percent of the grant moneys awarded for the area pursuant to an intergovernmental agreement to be established between the department of human services and the agency of record responsible for the long-term disaster committee in each area~~ unreimbursed grants made to persons for eligible expenses authorized in subsection 5, not to exceed two thousand five hundred dollars per household, made by a committee since September 1, 2008. The department of human services shall not be reimbursed for using moneys appropriated in this section for administrative costs associated with administering the Iowa unmet needs disaster grant program.

Sec. 177. REBUILD IOWA OFFICE — APPROPRIATION.

1. There is appropriated from the Iowa economic emergency fund created in section 8.55 to the rebuild Iowa office for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for purposes of this section:

. . . . . $ 1,150,000

2. From the moneys appropriated in this section, the rebuild Iowa office shall distribute $1,150,000 to cities adversely impacted by tornadoes during the incident period identified by Presidential Disaster DR 1763-IA. The rebuild Iowa office shall distribute moneys to all of the following adversely impacted political subdivisions:

a. For Marion county for the benefit of Attica:

. . . . . $ 25,000

b. For Dunkerton:

. . . . . $ 50,000

c. For Fairbank:

. . . . . $ 50,000

d. For Hazleton:

. . . . . $ 50,000

[53] Chapter 169 herein

[54] Chapter 169 herein

e. For New Hartford:
. . . . . $ 200,000
f. For Delaware county for the benefit of Oneida:
. . . . . $ 25,000
g. For Parkersburg:
. . . . . $ 750,000

3. Notwithstanding section 8.33 and section 8.55, subsection 3, paragraph "a", moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 178. REBUILD IOWA OFFICE — APPROPRIATION.

1. There is appropriated from the Iowa economic emergency fund created in section 8.55 to the rebuild Iowa office for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For distribution to area long-term recovery committees pursuant to this section:
. . . . . $ 1,000,000

2. The rebuild Iowa office shall distribute the moneys appropriated under this section in the form of grants to area long-term recovery committees with a signed memorandum of understanding with the department of human services.

3. Notwithstanding section 8.33 and section 8.55, subsection 3, paragraph "a", moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 179. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XIII
HEALTH AND HUMAN SERVICES

Sec. 180. MEDICAID ENTERPRISE STUDY. The department of human services shall explore incorporating data mining, predictive modeling, and data analytics which may include automated claims review, to address provider overpayments, underpayments, and fraud within the Iowa Medicaid enterprise for the fiscal period beginning July 1, 2006, and ending June 30, 2009. The review shall assume only Iowa-specific models, patterns, and trend data. The department shall issue a request for proposals to competitively procure such services no later than August 1, 2009. If the results from the request for proposals demonstrate that such an approach will provide a net benefit to the state, the department shall enter into a contract for such services no later than September 30, 2009.

Sec. 181. RISK POOL — FISCAL YEAR 2009-2010. For purposes of the timeframes for applying for and receiving risk pool assistance under section 426B.5, for the fiscal year beginning July 1, 2009, notwithstanding contrary provisions of section 426B.5, subsection 2, a county must apply to the risk pool board for assistance from the risk pool on or before July 1, 2009. The risk pool board shall make its final decisions on or before August 15, 2009, regarding acceptance or rejection of the applications for assistance and the total amount of assistance applied for and approved shall be considered obligated. The department of human services shall authorize the issuance of warrants payable to the county treasurer for the amounts due and the warrants shall be issued on or before September 15, 2009.

Sec. 182. Section 135H.3, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a child is diagnosed with a biologically based mental illness as defined in section 514C.22 and meets the medical assistance program criteria for

admission to a psychiatric medical institution for children, the child shall be deemed to meet the acuity criteria for medically necessary inpatient benefits under a group policy, contract, or plan providing for third-party payment or prepayment of health, medical, and surgical coverage benefits issued by a carrier, as defined in section 513B.2, or by an organized delivery system authorized under 1993 Iowa Acts, chapter 158, that is subject to section 514C.22. Such medically necessary benefits shall not be excluded or denied as care that is substantially custodial in nature under section 514C.22, subsection 8, paragraph "b".

Sec. 183. NEW SECTION. 514C.24 CANCER TREATMENT — COVERAGE.

1. Notwithstanding the uniformity of treatment requirements of section 514C.6, a contract, policy, or plan providing for third-party payment or prepayment for cancer treatment shall not discriminate between coverage benefits for prescribed, orally administered anticancer medication used to kill or slow the growth of cancerous cells and intravenously administered or injected cancer medications that are covered, regardless of formulation or benefit category determination by the contract, policy, or plan.

2. The provisions of this section shall apply to all of the following classes of third-party payment provider contracts, policies, or plans delivered, issued for delivery, continued, or renewed in this state on or after July 1, 2009:

a. Individual or group accident and sickness insurance providing coverage on an expense-incurred basis.

b. An individual or group hospital or medical service contract issued pursuant to chapter 509, 514, or 514A.

c. An individual or group health maintenance organization contract regulated under chapter 514B.

d. An individual or group Medicare supplemental policy, unless coverage pursuant to such policy is preempted by federal law.

e. A plan established pursuant to chapter 509A for public employees.

3. This section shall not apply to accident-only, specified disease, short-term hospital or medical, hospital confinement indemnity, credit, dental, vision, long-term care, basic hospital, and medical-surgical expense coverage as defined by the commissioner, disability income insurance coverage, coverage issued as a supplement to liability insurance, workers' compensation or similar insurance, or automobile medical payment insurance.

4. The commissioner of insurance shall adopt rules pursuant to chapter 17A as necessary to administer this section.

Sec. 184. 2008 Iowa Acts, chapter 1187, section 29, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purpose designated until the close of the fiscal year beginning July 1, 2010.

Sec. 185. 2009 Iowa Acts, House File 811,[55] section 40, subsection 2, if enacted, is amended to read as follows:

2. The study committee shall consist of members of the general assembly, and representatives of the department of public health, the Iowa pharmacy association, the Iowa medical society, the Iowa nurses association, ~~wellmark blue cross blue shield, the principal financial group,~~ the federation of Iowa insurers, the university of Iowa college of public health, the Iowa retail federation, the prevention and chronic care management advisory council established in section 135.161, the medical home system advisory council established in section 135.159, the Iowa healthcare collaborative, as defined in section 135.40, the health policy corporation of Iowa, and the Iowa foundation for medical care.

Sec. 186. EFFECTIVE DATE.

1. The section of this division of this Act relating to a Medicaid enterprise study, being deemed of immediate importance, takes effect upon enactment.

[55] Chapter 182 herein

2. The section of this division of this Act amending 2008 Iowa Acts, chapter 1187, section 29, being deemed of immediate importance, takes effect upon enactment.

DIVISION XIV
ECONOMIC DEVELOPMENT — WORKFORCE DEVELOPMENT

Sec. 187. DISASTER ASSISTANCE LOAN AND CREDIT GUARANTEE PROGRAM.

1. The department of economic development shall establish and administer a disaster assistance loan and credit guarantee program by investing the assets of the disaster assistance loan and credit guarantee fund in order to provide loan and credit guarantees to all of the following qualifying businesses:

a. Businesses directly impacted by a natural disaster occurring after May 24, 2008, and before August 14, 2008.

b. Businesses either locating an existing business or starting a new business in a disaster-impacted space in an area which was declared a natural disaster area by the president of the United States due to a natural disaster occurring after May 24, 2008, and before August 14, 2008. For purposes of this paragraph, "disaster-impacted space" means a building damaged by a natural disaster occurring after May 24, 2008, and before August 14, 2008, including undamaged upper floors of a building that was damaged by the natural disaster.

c. Businesses filling a critical community need in conformance with the comprehensive plan of the city as determined by resolution of the city council of the city in which the business is located. For purposes of this paragraph, a business shall be deemed to be located in a city if it is located within two miles of the city limits.

2. a. The department, pursuant to agreements with financial institutions, shall provide loan and credit guarantees to qualifying businesses described in subsection 1. A loan or credit guarantee under the program shall not exceed ten percent of the loan amount or twenty-five thousand dollars, whichever is less. Not more than one loan or credit guarantee shall be awarded per federal employer identification number.

b. A loan or credit guarantee provided under the program may stand alone or may be used in conjunction with or to enhance other loan or credit guarantees offered by a financial institution. The department may purchase insurance to cover defaulted loans meeting the requirements of the program. However, the department shall not in any manner directly or indirectly pledge the credit of the state.

c. Eligible project costs include expenditures for productive equipment and machinery, land and real estate, working capital for operations, research and development, marketing, engineering and architectural fees, and such other costs as the department may so designate.

d. A loan or credit guarantee under the program shall not be used for purposes of debt refinancing.

3. Each participating financial institution shall identify and underwrite potential lending opportunities with qualifying businesses. Upon a determination by a participating financial institution that a qualifying business meets the underwriting standards of the financial institution, subject to the approval of a loan or credit guarantee, the financial institution shall submit the underwriting information and a loan or credit guarantee application to the department.

4. Upon approval of a loan or credit guarantee, the department shall enter into a loan or credit guarantee agreement with the participating financial institution. The agreement shall specify all of the following:

a. The fee to be charged to the financial institution.

b. The evidence of debt assurance of, and security for, the loan or credit guarantee.

c. A loan or credit guarantee that does not exceed fifteen years.

d. Any other terms and conditions considered necessary or desirable by the department.

e. That the loan or credit guarantee does not invoke or pledge the credit or the taxing power of the state and that any claim made pursuant to the loan or credit guarantee shall be limited to the terms and amount of the loan or credit guarantee and to the moneys in the disaster assistance loan and credit guarantee fund.

5. The department shall charge a nonrefundable application fee for each application under the program. The department shall include the fee information in the application materials. The fee is payable upon submission of an application for a loan or credit guarantee from a financial institution or a qualifying business. The application fee shall be not less than five hundred dollars and not more than one thousand dollars. Moneys received from fees are appropriated to the department for purposes of administering this section.

6. The department may adopt loan and credit guarantee application procedures that allow a qualifying business to apply directly to the department for a preliminary guarantee commitment. A preliminary guarantee commitment may be issued by the department subject to the qualifying business securing a commitment for financing from a financial institution. The application procedures shall specify the process by which a financial institution may obtain a final loan or credit guarantee.

7. a. A disaster assistance loan and credit guarantee fund is created and established as a separate and distinct fund in the state treasury. Moneys in the fund shall only be used for purposes provided in this section. The moneys in the fund are appropriated to the department to be used for all of the following purposes:

(1) Payment of claims pursuant to loan and credit guarantee agreements entered into under this section.

(2) Payment of administrative costs of the department for actual and necessary administrative expenses incurred by the department in administering the disaster assistance loan and credit guarantee program.

(3) Purchase or buyout of superior or prior liens, mortgages, or security interests.

(4) Purchase of insurance to cover the default of loans made pursuant to the requirements of the disaster assistance loan and credit guarantee program.

b. Moneys in the disaster assistance loan and credit guarantee fund shall consist of all of the following:

(1) Moneys appropriated by the general assembly for that purpose and any other moneys available to and obtained or accepted by the department for placement in the fund.

(2) Proceeds from collateral assigned to the department, fees for guarantees, gifts, and moneys from any grant made to the fund by any federal agency.

c. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, interest or earnings on the moneys in the fund shall be credited to the fund.

d. (1) The department shall only pledge moneys in the disaster assistance loan and credit guarantee fund and not any other moneys under the control of the department. In a fiscal year, the department may pledge an amount not to exceed the total amount appropriated to the fund for the same fiscal year to assure the repayment of loan and credit guarantees or other extensions of credit made to or on behalf of qualified businesses for eligible project costs.

(2) The department shall not pledge the credit or taxing power of this state or any political subdivision of this state or make debts payable out of any moneys except for those in the disaster assistance loan and credit guarantee fund.

8. For purposes of this section, "financial institution" means a bank incorporated pursuant to chapter 524 or a credit union organized pursuant to chapter 533.

9. For the fiscal year beginning July 1, 2008, and ending June 30, 2009, the Iowa power fund board may allocate up to $1.8 million for purposes of the disaster assistance loan and credit guarantee fund.

Sec. 188. JOB TRAINING INTERIM STUDY COMMITTEE.

1. The legislative council shall establish a job training interim study committee to examine job training issues during the 2009 legislative interim period.

2. The study committee shall examine and make recommendations concerning job training needs in Iowa. The study committee shall focus on job training mechanisms that provide services to underserved populations in Iowa. Underserved populations include people making less than twenty thousand dollars per year, minorities, women, persons with disabilities, the elderly, and people convicted of felonies trying to re-enter society after release from prison.

3. The legislative council shall consider providing funding for the hiring of a private consultant to identify duplicative programs that contribute to the fragmentation of job training efforts. The study committee shall make recommendations for the removal of any such duplicative programs.

4. The committee shall submit a report to the general assembly.

Sec. 189. Section 15.421, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The directors of the department of economic development and the department of workforce development, or their designees, shall serve as nonvoting, ex officio members.

Sec. 190. Section 15.421, subsection 4, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

4. a. The chairperson and vice chairperson of the commission shall be selected by the governor and shall serve at the pleasure of the governor.

b. An executive council of the commission shall consist of the chairperson and vice chairperson, and three members elected by the commission on an annual basis. The executive council shall meet on a monthly basis.

Sec. 191. Section 15.421, subsection 5, paragraphs b and c, Code 2009, are amended to read as follows:

b. Advise and assist ~~the department~~ state agencies in activities designed to retain and attract the young adult population.

c. Develop and make available best practices guidelines for employers to retain and attract ~~and retain~~ young adult employees.

Sec. 192. Section 15.421, subsection 5, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Conduct meetings on at least a bimonthly basis.

Sec. 193. NEW SECTION. 15E.70 FINANCIAL STATEMENTS — AUDITOR OF STATE.

By July 1 of each year, the Iowa fund of funds, the Iowa capital investment corporation, and designated investors shall submit a financial statement for the previous calendar year to the auditor of state.

Sec. 194. 2009 Iowa Acts, Senate File 469,[56] section 15, subsection 2, unnumbered paragraph 2, if enacted, is amended to read as follows:

The division of workers' compensation shall ~~continue charging~~ charge a ~~$65~~ $100 filing fee for workers' compensation cases. The filing fee shall be paid by the petitioner of a claim. However, the fee can be taxed as a cost and paid by the losing party, except in cases where it would impose an undue hardship or be unjust under the circumstances. The moneys generated by the filing fee allowed under this subsection are appropriated to the department of workforce development to be used for purposes of administering the division of workers' compensation.

Sec. 195. 2008 Iowa Acts, chapter 1178, section 18, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 196. EFFECTIVE DATE.

1. The section of this division of this Act amending 2008 Iowa Acts, chapter 1178, section 18, being deemed of immediate importance, takes effect upon enactment.

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[56] Chapter 176 herein

2. The section of this division of this Act creating the disaster assistance loan and credit guarantee program, being deemed of immediate importance, takes effect upon enactment.

DIVISION XV
DATA CENTERS

Sec. 197. Section 423.3, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 95. a. (1) The sales price from the sale or rental of computers and equipment that are necessary for the maintenance and operation of a data center business and property whether directly or indirectly connected to the computers, including but not limited to cooling systems, cooling towers, and other temperature control infrastructure; power infrastructure for transformation, distribution, or management of electricity used for the maintenance and operation of the data center business, including but not limited to exterior dedicated business-owned substations, backup power generation systems, battery systems, and related infrastructure; and racking systems, cabling, and trays, which are necessary for the maintenance and operation of the data center business.

(2) The sales price of backup power generation fuel that is purchased by a data center business for use in the items listed in subparagraph (1).

(3) The sales price of electricity purchased for use by a data center business.

b. For the purpose of claiming this exemption, all of the following requirements shall be met:

(1) The purchaser or renter shall be a data center business.

(2) The data center business shall have a physical location in the state that is, in the aggregate, at least five thousand square feet in size that is used for the operations and maintenance of the data center business.

(3) The data center business shall make a minimum investment in an Iowa physical location of two hundred million dollars within the first six years of operation in Iowa beginning with the date the data center business initiates site preparation activities. The minimum investment includes the initial investment, including land and subsequent acquisition of additional adjacent land and subsequent investment at the Iowa location.

(4) The data center business shall comply with the sustainable design and construction standards established by the state building code commissioner pursuant to section 103A.8B.

c. This exemption applies from the date of the initial investment in or the initiation of site preparation activities for the data center business facility as described in paragraph "b".

d. Failure to meet eighty percent of the minimum investment amount requirement specified in paragraph "b" within the first six years of operation from the date the data center business initiates site preparation activities will result in the data center business losing the right to claim this data center business exemption and the data center business shall pay all sales or use tax that would have been due on the purchase or rental or use of the items listed in this exemption, plus any applicable penalty and interest imposed by statute.

e. For purposes of this subsection:

(1) "Data center" means a building rehabilitated or constructed to house a group of networked server computers in one physical location in order to centralize the storage, management, and dissemination of data and information pertaining to a particular business, taxonomy, or body of knowledge. A data center business's facility typically includes the mechanical and electrical systems, redundant or backup power supplies, redundant data communications connections, environmental controls, and fire suppression systems. A data center business's facility also includes a restricted access area employing advanced physical security measures such as video surveillance systems and card-based security or biometric security access systems.

(2) "Data center business" means an entity whose business among other businesses, is to operate a data center.

Sec. 198. Section 423.4, subsection 8, Code 2009, is amended to read as follows:

8. a. The owner of ~~an information technology facility~~ a data center business, as defined in

section 423.3, subsection 95, located in this state ~~on July 1, 2007, and having a primary business with a North American industry classification system number 518210 or 541519 as verified by the department of economic development using nationally recognized third-party sources such as Hoovers, Harris Directory or others designated by the department of economic development,~~ may make an annual application for up to five consecutive years to the department for the refund of fifty percent of the sales or use tax upon the sales price of all sales of fuel used in creating heat, power, and steam for processing or generating electrical current, or from the sale of electricity consumed by computers, machinery, or other equipment for operation of the ~~technology~~ data center business facility.

b. ~~An information technology facility~~ A data center business shall qualify for the refund in this subsection if all of the following criteria are met:

(1) The ~~facility's six-digit North American industry classification system number 518210 or 541519 indicates that the facility is primarily engaged in providing computer-related services~~ data center business shall make an investment in an Iowa physical location within the first three years of operation in Iowa beginning with the date on which the data center business initiates site preparation activities.

(2) The amount of the investment in an Iowa physical location, including the value of a lease agreement, or an investment in land or buildings, and the capital expenditures for computers, machinery, and other equipment used in the operation of the ~~facility equals~~ data center business shall equal at least one million dollars, but shall not exceed ten million dollars for a newly constructed building or five million dollars for a rehabilitated building.

(3) If the data center business is leasing a building to house operations, the data center business shall enter into a lease that is at least five years in duration.

~~(3)~~ (4) The ~~facility is certified as meeting the Leadership in Energy and Environmental Design (LEED) standards~~ data center business shall comply with the sustainable design and construction standards established by the state building code commissioner pursuant to section 103A.8B.

c. The refund may be obtained only in the following manner and under the following conditions:

(1) The applicant shall use forms furnished by the department.

(2) The applicant shall separately list the amounts of sales and use tax paid during the reporting period.

(3) The applicant may request when the refund begins, but it must start on the first day of a month and proceed for a continuous twelve-month period.

d. In determining the amount to be refunded, if the dates of the utility billing or meter reading cycle for the sale or furnishing of metered gas and electricity are on or after the first day of the first month through the last day of the last month of the refund year, ~~the full~~ fifty percent of the amount of tax charged in the billings shall be refunded. In determining the amount to be refunded, if the dates of the sale or furnishing of fuel for purposes of commercial energy and the delivery of the fuel are on or after the first day of the first month through the last day of the last month of the refund year, ~~the full~~ fifty percent of the amount of tax charged in the billings shall be refunded.

e. To receive refunds during the five-year period, the applicant shall file a refund claim within three months after the end of each refund year.

f. The refund in this subsection applies only to state sales and use tax paid and does not apply to local option sales and services taxes imposed pursuant to ~~chapters~~ chapter 423B ~~and 423E~~. Notwithstanding the state sales tax imposed in section 423.2, a refund issued pursuant to this section shall not exceed an amount equal to five percent of the sales price of the fuel used to create heat, power, and steam for processing or generating electrical current or from the sale price of electricity consumed by computers, machinery, or other equipment for operation of the data center business facility.

Sec. 199. Section 423.4, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 9. a. The owner of a data center business, as defined in section 423.3,

subsection 95, paragraph "e", located in this state that is not eligible for the exemption under section 423.3, subsection 95, may make an annual application to the department for the refund of fifty percent of the sales or use tax upon all of the following:

(1) The sales price from the sale or rental of computers and equipment that are necessary for the maintenance and operation of a data center business and property whether directly or indirectly connected to the computers, including but not limited to cooling systems, cooling towers, and other temperature control infrastructure; power infrastructure for transformation, distribution, or management of electricity used for the maintenance and operation of the data center business including but not limited to exterior dedicated business-owned substations, backup power generation systems, battery systems, and related infrastructure; and racking systems, cabling, and trays, which are necessary for the maintenance and operation of the data center business.

(2) The sales price of backup power generation fuel that is purchased by a data center business for use in the items listed in subparagraph (1).

(3) The sales price of electricity purchased for use in providing data center services.

b. A data center business shall qualify for the partial refund in this subsection if all of the following criteria are met:

(1) The data center business shall have a physical location in the state which is at least five thousand square feet in size.

(2) The data center business shall make a minimum investment of at least ten million dollars, in the case of new construction, or at least five million dollars in the case of a rehabilitated building, in an Iowa physical location within the first six years of operation in Iowa, beginning with the date on which the data center business initiates site preparation activities. The minimum investment includes the initial investment, including the value of a lease agreement or the amount invested in land and subsequent acquisition of additional adjacent land and subsequent investment at the Iowa location.

(3) If the data center business is leasing a building to house operations, the data center business shall enter into a lease that is at least five years in duration.

(4) The data center business shall comply with the sustainable design and construction standards established by the state building code commissioner pursuant to section 103A.8B.

c. The refund allowed under this subsection shall be available for the following periods of time:

(1) For an investment of at least ten million dollars, in the case of new construction, or at least five million dollars, in the case of a rehabilitated building, but less than one hundred thirty-six million dollars, ten years.

(2) For an investment of at least one hundred thirty-six million dollars, but less than two hundred million dollars, seven years.

d. The refund may be obtained only in the following manner and under the following conditions:

(1) The applicant shall use forms furnished by the department.

(2) The applicant shall separately list the amounts of sales and use tax paid during the reporting period.

(3) The applicant may request when the refund begins, but it must start on the first day of a month and proceed for a continuous twelve-month period.

e. In determining the amount to be refunded, if the dates of the utility billing or meter reading cycle for the sale or furnishing of metered gas and electricity are on or after the first day of the first month through the last day of the last month of the refund year, fifty percent of the amount of tax charged in the billings shall be refunded. In determining the amount to be refunded, if the dates of the sale or furnishing of fuel for purposes of commercial energy and the delivery of the fuel are on or after the first day of the first month through the last day of the last month of the refund year, fifty percent of the amount of tax charged in the billings shall be refunded.

f. To receive refunds during the applicable refund period, the applicant shall file a refund claim within three months after the end of each refund year.

g. The refund in this subsection applies only to state sales and use tax paid and does not apply to local option sales and services taxes imposed pursuant to chapter 423B. Notwithstanding the state sales tax imposed in section 423.2, a refund issued pursuant to this section shall not exceed an amount equal to five percent of the sales price of the items listed in paragraph "a", subparagraphs (1), (2), and (3).

Sec. 200. Section 427.1, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 37. DATA CENTER BUSINESS PROPERTY.

a. Property, other than land and buildings and other improvements, that is utilized by a data center business as defined in and meeting the requirements of section 423.3, subsection 95, including computers and equipment that are necessary for the maintenance and operation of a data center business and other property whether directly or indirectly connected to the computers, including but not limited to cooling systems, cooling towers, and other temperature control infrastructure; power infrastructure for transformation, distribution, or management of electricity, including but not limited to exterior dedicated business-owned substations, and power distribution systems which are not subject to assessment under chapter 437A; racking systems, cabling, and trays; and backup power generation systems, battery systems, and related infrastructure all of which are necessary for the maintenance and operation of the data center business.

b. This data center business exemption applies beginning with the assessment year the investment in or construction of the facility utilizing the materials, equipment, and systems set forth in paragraph "a" are first assessed.

Sec. 201. IMPLEMENTATION. Section 25B.7 does not apply to the property tax exemption enacted in this Act.[57]

Sec. 202. APPLICABILITY DATE PROVISION. The sections of this Act[58] providing sales and use tax refunds apply to sales and use tax paid on or after July 1, 2009.

DIVISION XVI
CONTRACTOR REGISTRATION

Sec. 203. Section 91C.4, Code 2009, is amended to read as follows:
91C.4 FEES
The labor commissioner shall prescribe the fee for registration, which fee shall not exceed ~~twenty-five~~ fifty dollars every ~~two years~~ year. ~~All fees collected shall be deposited in the general fund of the state.~~

Sec. 204. Section 91C.7, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. An out-of-state contractor may file a blanket bond in an amount at least equal to fifty thousand dollars for ~~the registration~~ a two-year period ~~established under section 91C.4~~ in lieu of filing an individual bond for each contract. The division of labor services of the department of workforce development may increase the bond amount after a hearing.

Sec. 205. NEW SECTION. 91C.9 REGISTRATION FUND.

1. A contractor registration revolving fund is created in the state treasury. The revolving fund shall be administered by the commissioner and shall consist of moneys collected by the commissioner as fees. The commissioner shall remit all fees collected pursuant to this chapter to the revolving fund. The moneys in the revolving fund are appropriated to and shall be used by the commissioner to pay the actual costs and expenses necessary to perform the duties of the commissioner and the division of labor[59] as described in this chapter. All salaries and expenses properly chargeable to the revolving fund shall be paid from the revolving fund.

2. Section 8.33 does not apply to any moneys in the revolving fund. Notwithstanding section

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[57] According to enrolled Act; the phrase "enacted in this division of this Act" probably intended
[58] According to enrolled Act; the phrase "sections of this division of this Act" probably intended
[59] According to enrolled Act; the phrase "division of labor services" probably intended

12C.7, subsection 2, earnings or interest on moneys deposited in the fund shall be credited to the revolving fund.

Sec. 206. EMERGENCY RULES. The commissioner may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this Act amending chapter 91C, and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 207. REGISTRATION FUND — CASH FLOW. Notwithstanding contrary provisions of section 89.8, and of section 91C.9 as enacted in this Act, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the commissioner may allocate, for cash flow purposes, up to one hundred thousand dollars from moneys in the boiler and pressure vessel safety revolving fund created in section 89.8, to the contractor registration revolving fund created in section 91C.9 as enacted in this Act, provided that such moneys are returned to the boiler and pressure vessel safety revolving fund by June 30, 2010.

DIVISION XVII
CHILD CARE REGULATORY FEE

Sec. 208. NEW SECTION. 237A.4A CHILD CARE REGULATORY FEE — CHILD CARE FACILITY FUND.

1. a. The department shall implement a regulatory fee for licensure of child care facilities. The fee requirements shall provide for tiered amounts based upon a child care facility's capacity and a child development home's regulatory category at the time of licensure.

b. The regulatory fee for centers shall not exceed one hundred fifty dollars.

c. The regulatory fee for category "A" and "B" child development homes shall not exceed one hundred fifty dollars and the fee for category "C" child development homes shall not exceed one hundred eighty-seven dollars.

d. The department shall adopt rules for implementation of the fee.

2. Regulatory fees collected shall augment existing funding for regulation of child care facilities in order to phase in annual inspections of child development homes and improve inspections of child care centers. The department shall not supplant existing funding for regulation of child care with funding derived from the regulatory fee. The department shall seek to meet the following target percentages of the total number of child development homes in the state inspected annually in phasing in the annual inspection of all child development homes:

a. For the fiscal year beginning July 1, 2009, twenty percent.

b. For the fiscal year beginning July 1, 2010, forty percent.

c. For the fiscal year beginning July 1, 2011, sixty percent.

d. For the fiscal year beginning July 1, 2012, eighty percent.

e. For the fiscal year beginning July 1, 2013, and succeeding fiscal years, one hundred percent.

3. a. In phasing in the inspection of child development homes, the department shall give priority to child development homes that have recently become licensed and have paid the regulatory fee implemented pursuant to this section.

b. The results of an inspection of a child care facility shall be made publicly available on the internet page or site implemented by the department in accordance with section 237A.25 and through other means.

4. The target time frame for the department's issuance of the report concerning an inspection or other regulatory visit to a child care facility is sixty calendar days.

5. A child care facility fund is created in the state treasury under the authority of the department. The fund is separate from the general fund of the state. Regulatory fees collected under subsection 1 shall be credited to the fund. Moneys credited to the fund shall not revert to any other fund and are not subject to transfer except as specifically provided by law. Notwith-

standing section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund. Moneys in the fund are annually appropriated to the department to be used for staffing dedicated to monitoring and regulation of child care facilities, contracting, related technology costs, record checks, grants and fee waivers, and other expenses for inspection and regulation of child care facilities. Any full-time equivalent positions paid for out of the fund shall be in addition to other such positions authorized for the department.

Sec. 209. Section 237A.5, subsection 2, paragraphs b and c, Code 2009, are amended to read as follows:

b. If an individual person subject to a record check is being considered for employment by a child care facility or child care home provider, in lieu of requesting a record check in this state to be conducted by the department under paragraph "c", the child care facility or child care home may access the single contact repository established pursuant to section 135C.33 as necessary to conduct a criminal and child abuse record check of the individual in this state. A copy of the results of the record check conducted through the single contact repository shall also be provided to the department. If the record check indicates the individual is a person subject to an evaluation, the child care facility or child care home may request that the department perform an evaluation as provided in this subsection. Otherwise, the individual shall not be employed by the child care facility or child care home.

c. Unless a record check has already been conducted in accordance with paragraph "b", the department shall conduct a criminal and child abuse record check in this state for a person who is subject to a record check and may conduct such a check in other states. In addition, the department may conduct a dependent adult abuse, sex offender registry, or other public or civil offense record check in this state or in other states for a person who is subject to a record check.

cc. (1) For a person subject to a record check, in addition to any other record check conducted pursuant to this subsection, the person's fingerprints shall be provided to the department of public safety for submission through the state criminal history repository to the United States department of justice, federal bureau of investigation for a national criminal history check. The national criminal history check shall be repeated every four years.

(2) Except as otherwise provided by law, the cost of a national criminal history check conducted in accordance with subparagraph (1) and the state record checks conducted in accordance with paragraph "c" that are conducted in connection with a person's involvement with a child care center are not the responsibility of the department. The department is responsible for the cost of such checks conducted in connection with a person's involvement with a child development home or child care home.

(3) If record checks under paragraph "b" or "c" have been conducted on a person subject to a record check and the results do not warrant prohibition of the person's involvement with child care or otherwise present protective concerns, the person may be involved with child care on a provisional basis until the record check under subparagraph (1) has been completed.

(4) For the period beginning July 1, 2009, and ending June 30, 2013:

(a) The requirement in subparagraph (1) shall only apply to owners and employees of licensed child care centers and licensed child development homes and is applicable beginning on and after January 1, 2010, at the time of initial application for or renewal of a center's or home's license and the cost provisions of subparagraph (2) are applicable to owners and employees of centers beginning at the same time.

(b) Except for child development home providers who voluntarily license and are addressed by subparagraph division (a), and child development home providers participating in the child care quality rating system at a level under which national records checks are required in accordance with departmental rule, the national record check requirement in subparagraph (1) is not applicable in connection with a child development home or child care home throughout the period.

(c) This subparagraph (4) is repealed on July 1, 2013.

ccc. (1) If a record check performed pursuant to this ~~paragraph~~ subsection identifies an in-

dividual as a person subject to an evaluation, an evaluation shall be performed to determine whether prohibition of the person's involvement with child care is warranted. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

(2) Prior to performing an evaluation, the department shall notify the affected person, licensee, registrant, or child care home applying for or receiving public funding for providing child care, that an evaluation will be conducted to determine whether prohibition of the person's involvement with child care is warranted.

Sec. 210. IMPLEMENTATION.

1. The department of human services shall adopt administrative rules to begin implementation of the regulatory fee authorized to be imposed by this division of this Act on or after January 1, 2010.

2. It is the intent of the general assembly to enact required licensure of child development homes commencing on July 1, 2013, and for the licensure requirement to provide exemptions for child care provided by a relative to only related children, a person providing before or after school child care without charge to only children of friends or neighbors, or a person providing child care to only children from a single unrelated family. Beginning on the effective date of this division of this Act, the department of human services shall begin transition activities for such implementation of child development home licensure. The transition activities may include all of the following:

a. Implementation of an ongoing public awareness campaign to inform child care providers and consumers of child care services of the intended licensure requirement.

b. Implementation of a voluntary child development home licensing program on or after July 1, 2010. The department shall adopt rules for the voluntary program. The rules may include but are not limited to provisions to limit the number of voluntary licensure applications accepted as necessary to limit related expenditures within the funding available. The rules shall address all qualification levels of providers who apply for licensure under the voluntary program. However, a prelicensure inspection shall not be required for initial licensure of a child development home provider who meets all of the following requirements:

(1) The provider's registration is in good standing at the time of application for a license.

(2) The provider has a rating of 3, 4, or 5 under the child care quality rating system implemented pursuant to section 237A.30 as of the application date. The provider must either maintain or achieve a higher rating, throughout the period of voluntary licensure.

(3) The provider has passed a registration compliance check by the department or achieved a rating specified in subparagraph (2) within the two-year period preceding the application date.

c. Any cost savings realized by the department during the transition period due to licensed child care centers or their employees assuming responsibility for the cost of required record checks in place of the department shall be transferred to the child care facility fund created by this division of this Act.

d. The department, in collaboration with representatives of the community empowerment initiative, the state child care advisory council, the early childhood Iowa council, child care providers active with the Iowa affiliate of the American federation of state, county, and municipal employees, and others involved with early care, shall develop a plan for creating sustainable funding sources to support home-based child care providers in meeting the intended child development home licensing requirement. The plan shall be submitted to the governor and general assembly on or before December 15, 2010.

DIVISION XVIII
AUTOMOBILE RACETRACK FACILITIES

Sec. 211. Section 423.4, subsection 5, paragraph a, subparagraphs (2), (3), and (4), Code 2009, are amended to read as follows:

(2) "Change of control" means any of the following:

(a) Any change in the ownership of the original or any subsequent legal entity that is the owner or operator of the automobile racetrack facility such that ~~at least sixty~~ less than twenty-five percent of the equity interests in the legal entity ~~cease to be~~ is owned by individuals who are residents of Iowa, an Iowa corporation, or combination of both.

(b) The original owners of the legal entity that is the owner or operator of the automobile racetrack facility shall collectively cease to own ~~more than fifty~~ at least twenty-five percent of the voting equity interests of such legal entity ~~or shall otherwise cease to have effective control of such legal entity~~.

(3) "Iowa corporation" means a corporation incorporated under the laws of Iowa where at least ~~sixty~~ twenty-five percent of the corporation's equity interests are owned by individuals who are residents of Iowa.

(4) "Owner or operator" means a for-profit legal entity where at least ~~sixty~~ twenty-five percent of its equity interests are owned by individuals who are residents of Iowa, an Iowa corporation, or combination of both and that is the owner or operator of an automobile racetrack facility and is primarily a promoter of motor vehicle races.

Sec. 212. Section 423.4, subsection 5, paragraph c, subparagraph (4), Code 2009, is amended to read as follows:

(4) Notwithstanding subparagraph (3), the rebate of sales tax shall cease for transactions occurring on or after the date of the ~~sale or other transfer, whether voluntarily or involuntarily, of the automobile racetrack facility to a party other than the original owner of the facility or upon a~~ change of control of ~~such~~ the automobile racetrack facility.

DIVISION XIX
HUNTING

Sec. 213. Section 481A.21, Code 2009, is amended to read as follows:

481A.21 BIRDS AS TARGETS.

A person shall not keep or use any live pigeon or other bird as a target, to be shot at for amusement or as a test of skill in marksmanship, or shoot at a bird kept or used for such purpose, or be a party to such shooting, or lease any building, room, field, or premises, or knowingly permit the use thereof, for the purpose of such shooting. This section does not prevent any person from shooting at live pigeons, sparrows, and starlings when used in the training of hunting dogs. This section does not prevent any person from shooting at a bird that is released a minimum of fifty yards from that person on a licensed hunting preserve.

Sec. 214. Section 483A.1, subsection 2, paragraphs c, d, e, f, and g, Code 2009, are amended to read as follows:

c. Hunting license, eighteen years of age or older ..... $ ~~80.00~~ 110.00

d. Hunting license, under eighteen years of age ..... $ 30.00

e. Deer hunting license, antlered or any sex deer ..... $ ~~220.00~~ 295.00

f. Deer hunting license, antlerless deer only, required with the purchase of an antlered or any sex deer hunting license ..... $ ~~100.00~~ 125.00

g. Deer hunting license, antlerless deer only ..... $ ~~150.00~~ 225.00

Sec. 215. Section 483A.1, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. gg. Holiday deer hunting license
issued under section 483A.8, subsection 6,
antlerless deer only ..... $ 75.00

Sec. 216. Section 483A.8, subsection 6, Code 2009, is amended to read as follows:

6. The commission shall provide by rule for the annual issuance to a nonresident of a nonresident antlerless deer hunting license that is valid for use only during the period beginning on December 24 and ending at sunset on January 2 of the following year, and costs ~~fifty~~ seventy-five dollars. A nonresident hunting deer with a license issued under this subsection shall be otherwise qualified to hunt deer in this state and shall have a nonresident hunting license, pay the wildlife habitat fee, and pay the one dollar fee for the purpose of deer herd population management as provided in subsection 3. Pursuant to this subsection, the commission shall make available for issuance only the remaining nonresident antlerless deer hunting licenses allocated under subsection 3 that have not yet been issued for the current year's nonresident antlerless deer hunting seasons.

Sec. 217. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XX
NONPROFIT YOUTH ATHLETIC GROUPS

Sec. 218. Section 423.3, subsection 78, Code 2009, is amended to read as follows:

78. a. The sales price from sales or rental of tangible personal property, or services rendered by any entity where the profits from the sales or rental of the tangible personal property, or services rendered, are used by or donated to a nonprofit entity ~~which~~ that is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code, a government entity, or a nonprofit private educational institution, and where the entire proceeds from the sales, rental, or services are expended for any of the following purposes:

~~a.~~ (1) Educational.

~~b.~~ (2) Religious.

~~c.~~ (3) Charitable. A charitable act is an act done out of goodwill, benevolence, and a desire to add to or to improve the good of humankind in general or any class or portion of humankind, with no pecuniary profit inuring to the person performing the service or giving the gift.

b. For purposes of this exemption, an organization that meets the requirements of paragraph "a" and which is created for the sole or primary purpose of providing athletic activities to youth shall be considered created for an educational purpose.

c. This exemption does not apply to the sales price from games of skill, games of chance, raffles, and bingo games as defined in chapter 99B. This exemption is disallowed on the amount of the sales price only to the extent the profits from the sales, rental, or services are not used by or donated to the appropriate entity and expended for educational, religious, or charitable purposes.

Sec. 219. REFUNDS. Refunds of taxes, interest, or penalties which arise from claims resulting from the provisions of this division of this Act enacting section 423.3, subsection 78, new paragraph "b", for the sales price from sales or rental of tangible personal property, or services occurring between July 1, 1998, and the effective date of section 423.3, subsection 78, new paragraph "b", shall be limited to fifty thousand dollars in the aggregate and shall not be allowed unless refund claims are filed prior to October 1, 2009, notwithstanding any other provision of law. If the amount of claims totals more than fifty thousand dollars in the aggregate, the department of revenue shall prorate the fifty thousand dollars among all claimants in relation to the amounts of the claimants' valid claims.

Sec. 220. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. The section of this division of this Act amending section 423.3, subsection 78, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 1998.

DIVISION XXI
MAGISTRATES

Sec. 221. Section 602.6401, subsection 4, Code 2009, is amended to read as follows:

4. By March of each year in which magistrates' terms expire, the state court administrator shall give notice to the clerks of the district court and to the chief judges of the judicial districts of the number of magistrates to which each county is entitled. If the state court administrator does not give the notice as required in this subsection by March of each year in which magistrates' terms expire, the existing magistrate apportionment in effect shall remain in effect through the succeeding magistrates' terms, and any apportionment performed pursuant to subsection 2 is void until such succeeding terms expire.

Sec. 222. EFFECTIVE DATE — RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2009, to void any apportionment for which notice was not given by March of 2009.

DIVISION XXII
METHANE GAS CONVERSION PROPERTY

Sec. 223. Section 427.1, subsection 29, paragraph a, Code 2009, is amended to read as follows:

a. For purposes of this subsection, "methane gas conversion property" means personal property, real property, and improvements to real property, and machinery, equipment, and computers assessed as real property pursuant to section 427A.1, subsection 1, paragraphs "e" and "j", used in an operation ~~connected with, or in conjunction with, a publicly owned sanitary landfill~~ to decompose waste and convert the waste to gas, to collect methane gas or other gases produced as a by-product of waste decomposition and to convert the gas to energy, or to collect waste ~~that would otherwise be collected by, or deposited with, a publicly owned sanitary landfill~~ in order to decompose the waste to produce methane gas or other gases and to convert the gas to energy. ~~However, property used to decompose the waste and convert the waste to gas is not eligible for this exemption.~~

Sec. 224. Section 427.1, subsection 29, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. With respect to methane gas conversion property other than that used in an operation connected with, or in conjunction with, a publicly owned sanitary landfill, the exemption pursuant to this subsection shall be limited to property originally placed in operation on or after January 1, 2008, and on or before December 31, 2012, and shall be available for the ten-year period following the date the property was originally placed in operation.

Sec. 225. Section 437A.6, subsection 1, paragraph d, Code 2009, is amended to read as follows:

d. Methane gas conversion property subject to section 427.1, subsection 29, to the extent the property is used in connection with, or in conjunction with, a publicly owned sanitary landfill or used to collect waste that would otherwise be collected by, or deposited with, a publicly owned sanitary landfill.

Sec. 226. IMPLEMENTATION. Section 25B.7 does not apply to the property tax exemption amended in this division of this Act.

Sec. 227. EFFECTIVE AND APPLICABILITY DATES. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to assessment years beginning on or after January 1, 2008. Notwithstanding section 427.1, subsection 29, paragraph "c", claims for exemption for the 2008 and 2009 assessment years shall be filed with the appropriate assessing authority on or before June 30, 2009.

DIVISION XXIII
CITY FRANCHISE FEES AND CITY UTILITIES

Sec. 228. Section 364.2, subsection 4, paragraph f, Code 2009, is amended to read as follows:

f. A franchise fee assessed by a city may be based upon a percentage of gross revenues generated from sales of the franchisee within the city not to exceed five percent, without regard to the city's cost of inspecting, supervising, and otherwise regulating the franchise. Franchise fees collected pursuant to an ordinance in effect on the effective date of this division of this Act shall be deposited in the city's general fund and such fees collected in excess of the amounts necessary to inspect, supervise, and otherwise regulate the franchise may be used by the city for any other purpose authorized by law. Franchise fees collected pursuant to an ordinance that is adopted or amended on or after the effective date of this division of this Act to increase the percentage rate at which franchise fees are assessed shall be credited to the franchise fee account within the city's general fund and used pursuant to section 384.3A. If a city franchise fee is assessed to customers of a franchise, the fee shall not be assessed to the city as a customer. Before a city adopts or amends a franchise fee rate ordinance or franchise ordinance to increase the percentage rate at which franchise fees are assessed, a revenue purpose statement shall be prepared specifying the purpose or purposes for which the revenue collected from the increased rate will be expended. If property tax relief is listed as a purpose, the revenue purpose statement shall also include information regarding the amount of the property tax relief to be provided with revenue collected from the increased rate. The revenue purpose statement shall be published as provided in section 362.3.

Sec. 229. Section 364.3, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 10. A city which operates a utility that furnishes gas or electricity shall manage the right-of-way on a competitively neutral and nondiscriminatory basis. Such city utility shall be required to pay the fees and charges computed in the same manner as those fees and charges which are imposed by the city upon any other provider of a similar service within the corporate boundaries of the city. Such city utility shall also comply with the terms of the franchise granted by the city to the provider of a similar service. This subsection shall not be construed to prohibit the city utility from making transfers of surplus as otherwise allowed or from making in-kind contributions as otherwise allowed. However, a city shall not require that transfers from the city utility be in excess of the franchise fee amount imposed upon the provider of a similar service unless otherwise agreed.

Sec. 230. NEW SECTION. 384.3A FRANCHISE FEE ACCOUNT — USE OF FRANCHISE FEE REVENUES.

1. A city that assesses a franchise fee pursuant to an ordinance that is adopted or amended on or after the effective date of this division of this Act to increase the percentage rate at which franchise fees are assessed under section 364.2, subsection 4, paragraph "f", shall establish a franchise fee account within the city's general fund. All revenues collected by a city pursuant to such an ordinance shall be deposited in the account. Interest earned on revenues deposited in the account shall remain in the account and be used for the purposes specified in this section. Moneys in the account are not subject to transfer to any other accounts in the city's general fund or to any other funds established by a city unless such transfer is for a purpose specified in this section.

2. Moneys in the account shall be used for the purposes of inspecting, supervising, and otherwise regulating each franchise approved by the city.

3. Moneys in the account in excess of the amount necessary for the purposes specified in subsection 2 shall be expended for any of the following:

a. Property tax relief.

b. The repair, remediation, restoration, cleanup, replacement, and improvement of existing public improvements and other publicly owned property, buildings, and facilities.

c. Projects designed to prevent or mitigate future disasters as defined in section 29C.2.

d. Energy conservation measures for low-income homeowners, low-income energy assistance programs, and weatherization programs.

e. Public safety, including the equipping of fire, police, emergency services, sanitation, street, and civil defense departments.

f. The establishment, construction, reconstruction, repair, equipping, remodeling, and extension of public works, public utilities, and public transportation systems.

g. The construction, reconstruction, or repair of streets, highways, bridges, sidewalks, pedestrian underpasses and overpasses, street lighting fixtures, and public grounds, and the acquisition of real estate needed for such purposes.

h. Property tax abatements, building permit fee abatements, and abatement of other fees for property damaged by a disaster as defined in section 29C.2.

i. Economic development activities and projects.

Sec. 231. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XXIV
REPORTS OF REFUND CLAIMS

Sec. 232. Section 15.335, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The department of revenue shall by February 15 of each year issue an annual report to the general assembly containing the total amount of all claims made by employers under this section, and the portion of the claims issued as refunds, for all claims processed during the previous calendar year*, *beginning with claims filed on or after January 1, 2009**. The report shall contain the name of each claimant for whom a tax credit in excess of five hundred thousand dollars was issued and the amount of the credit received.

Sec. 233. Section 422.10, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The department shall by February 15 of each year issue an annual report to the general assembly containing the total amount of all claims made by employers under this section and the portion of the claims issued as refunds, for all claims processed during the previous calendar year*, *beginning with claims filed on or after January 1, 2009.** The report shall contain the name of each claimant for whom a tax credit in excess of five hundred thousand dollars was issued and the amount of the credit received.

Sec. 234. Section 422.33, Code 2009, subsection 5, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. The department shall by February 15 of each year issue an annual report to the general assembly containing the total amount of all claims made by employers under this subsection and the portion of the claims issued as refunds, for all claims processed during the previous calendar year*, *beginning with claims filed on or after January 1, 2009.** The report shall contain the name of each claimant for whom a tax credit in excess of five hundred thousand dollars was issued and the amount of the credit received.

Approved May 26, 2009, with exceptions noted.

CHESTER J. CULVER, *Governor*

* Item veto; see message at end of the Act

Dear Mr. Secretary:

I hereby transmit Senate File 478, an Act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters and including effective date and retroactive and other applicability provisions. Senate File 478 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve Section 21 of Senate File 478 in its entirety because this section requires the Department of Administrative Services to perform a job evaluation study of state employees for the purpose of determining whether the job classifications and pay grade levels are properly determined. The Department is to perform this study by randomly selecting state employees but was given no additional funding for such a study. Currently, the Department has in place a system of review to determine if an employee is properly classified, in which an employee can make a request for such a review. Pay grade reviews are handled through the collective bargaining process and should not be included in a random survey.

I am unable to approve the designated portions of lettered paragraph c and numbered paragraph 3 of Section 27 of Senate File 478 in their entirety. Lettered paragraph c requires notification of the Legislative Council before any reduction is made of supervisory positions. This notification has not been required before and is an imposition upon Executive Branch functions. Numbered paragraph 3 requires the Department of Management to report on out-of-state travel. The Legislative Services Agency has access to all of the accounting data that flows through centralized accounting, Executive Council minutes, along with the power to request additional information from those agencies that do not use centralized accounting and; therefore, should be able to generate the type of reports asked for in this section. Further, while I agree that in difficult economic times special attention should be given to the issue of eliminating unnecessary travel, I am approaching this issue in a matter that differs from the approach taken in this section. Accordingly, I have issued Executive Order Thirteen[60] to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I am unable to approve Section 78 of Senate File 478 in its entirety. This section provides that a person whose license has been revoked for an operating while intoxicated (OWI) test failure after a prior OWI revocation for one year may apply after 45 days for a temporary restricted license to be issued by the Court. It is my understanding that this language was based on earlier information from the Iowa Department of Transportation that it would be in compliance with federal requirements. Further review now shows that this section will threaten the state's compliance with federal requirements for repeat offender laws.

I am unable to approve Section 134 of this bill in its entirety. This language would eliminate the tax credit to employers for purchasing assistive technology that allows them to employ persons with disabilities. This is not the time during this economic downturn to eliminate assistance for helping employers hire persons with disabilities, and I strongly encourage employers to use this tax credit.

I am unable to approve the designated portion of the first sentence of Section 232, numbered paragraph 6, the designated portion of the first sentence of Section 233, numbered paragraph 6 and the designated portion of the first sentence of Section 234, lettered paragraph h of Senate File 478. These sections require the Department of Revenue to issue an annual report naming claimants of the research activities tax credit that receive refunds in amounts that exceed $500,000. I strongly support transparency in government and understand the worthy intent

[60] Published in IAB, Vol. XXXII, No. 5, (8/26/09), p. 596

of this provision, but I am concerned that the requirement that would have applied retroactively to tax returns filed on or after January 1, 2009 might be questionably written, might arguably affect taxpayers' due process rights and might, therefore, have opened the way to a lengthy court challenge. Because this is a retroactive tax reporting change, I cannot let such an alteration in longstanding tax policy affect taxpayers that have already legally filed tax returns. Therefore, I am unable to approve the retroactive language.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 478 are hereby approved this date.

Sincerely,
CHESTER J. CULVER, *Governor*

CHAPTER 180

APPROPRIATIONS — TRANSPORTATION

H.F. 805

AN ACT relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

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

Section 1. ROAD USE TAX FUND. There is appropriated from the road use tax fund created in section 312.1 to the department of transportation for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the payment of costs associated with the production of driver's licenses, as defined in section 321.1, subsection 20A:

..... $ 3,714,000

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for subsequent fiscal years for the purposes specified in this subsection.

2. For salaries, support, maintenance, and miscellaneous purposes:

a. Operations:

..... $ 6,654,962

b. Planning:

..... $ 506,127

c. Motor vehicles:

..... $ 36,752,012

3. For payments to the department of administrative services for utility services:

..... $ 225,000

4. Unemployment compensation:

..... $ 7,000

5. For payments to the department of administrative services for paying workers' compensation claims under chapter 85 on behalf of employees of the department of transportation:
..... $ 142,000
6. For payment to the general fund of the state for indirect cost recoveries:
..... $ 78,000
7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:
..... $ 67,319
8. For automation, telecommunications, and related costs associated with the county issuance of driver's licenses and vehicle registrations and titles:
..... $ 1,394,000
9. For transfer to the department of public safety for operating a system providing toll-free telephone road and weather conditions information:
..... $ 100,000
10. For costs associated with the participation in the Mississippi river parkway commission:
..... $ 40,000
11. For membership in North America's supercorridor coalition:
..... $ 50,000
12. For motor vehicle division field facility maintenance projects at various locations:
..... $ 200,000
Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2012.

Sec. 2. PRIMARY ROAD FUND. There is appropriated from the primary road fund created in section 313.3 to the department of transportation for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:
1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
a. Operations:
..... $ 40,876,274
..... FTEs 311.00
b. Planning:
..... $ 9,610,960
..... FTEs 131.00
c. Highways:
..... $ 236,262,726
..... FTEs 2,453.00
d. Motor vehicles:
..... $ 1,555,005
..... FTEs 498.00
Of the total amount appropriated in this paragraph and the total full-time equivalent positions authorized in this paragraph, the expenditure of $1,148,000 and the filling of 20 full-time equivalent positions are contingent upon the need of the department for the additional positions in order to implement federal requirements pursuant to the federal REAL ID Act of 2005 and successor legislation.
2. For payments to the department of administrative services for utility services:
..... $ 1,382,000
3. Unemployment compensation:
..... $ 138,000
4. For payments to the department of administrative services for paying workers' compensation claims under chapter 85 on behalf of the employees of the department of transportation:
..... $ 3,406,000

5. For disposal of hazardous wastes from field locations and the central complex:
..... $ 800,000
6. For payment to the general fund of the state for indirect cost recoveries:
..... $ 572,000
7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:
..... $ 415,181
8. For costs associated with producing transportation maps:
..... $ 242,000
9. For inventory and equipment replacement:
..... $ 2,250,000
10. For utility improvements at various locations:
..... $ 400,000
11. For roofing projects at various locations:
..... $ 200,000
12. For heating, cooling, and exhaust system improvements at various locations:
..... $ 100,000
13. For deferred maintenance projects at field facilities throughout the state:
..... $ 1,000,000
14. For construction of a new Rockwell City garage:
..... $ 3,000,000
15. For federal Americans With Disabilities Act improvements at various locations:
..... $ 120,000
16. For elevator upgrades at the Ames complex:
..... $ 100,000

Notwithstanding section 8.33, moneys appropriated in subsections 10 through 16 that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2012.

Approved May 26, 2009

CHAPTER 181

APPROPRIATIONS —
ADMINISTRATION AND REGULATION

H.F. 809

AN ACT relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective and retroactive applicability dates.

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

DIVISION I
ADMINISTRATION AND REGULATION APPROPRIATIONS

Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.

1. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 5,349,232
..... FTEs 112.28

b. For the payment of utility costs and for not more than the following full-time equivalent positions:

..... $ 3,517,432
..... FTEs 1.00

Notwithstanding section 8.33, any excess funds appropriated for utility costs in this lettered paragraph shall not revert to the general fund of the state at the end of the fiscal year but shall remain available for expenditure for the purposes of this lettered paragraph during the succeeding fiscal year.

It is the intent of the general assembly that the department shall reduce utility costs through energy conservation practices. The goal of the general assembly is to reduce energy use by 10 percent to save money, conserve energy resources, and reduce pollution.

*c. *It is the intent of the general assembly that the state maintain a cost effective, reliable motor vehicle fleet for state operations. It is the goal of the general assembly that the department shall take all available steps to reduce motor vehicle fleet operation and purchasing costs by 7.5 percent. It is also the intent of the general assembly that replacement motor vehicles purchased by the department shall include only those options necessary for the intended purpose of the vehicles purchased unless inclusion of the options are part of the lowest responsible cost package available for the vehicles purchased. In addition, to maximize the cost effectiveness of the motor vehicle fleet given the current fiscal environment, it is also the intent of the general assembly that the department implement a policy, effective July 1, 2009, to extend the time that vehicles in the department's motor vehicle fleet are retained and used by the state with the purpose of reducing the cost of fleet operations for state agencies. The policy change shall incorporate an increase in the overall length of time that a vehicle is retained in addition to an increase in the number of miles that a vehicle is driven prior to being replaced. The department shall submit a report to the general assembly by January 1, 2010, concerning the department's efforts to reduce state motor vehicle fleet costs, including data on the extent of savings realized.*

2. Members of the general assembly serving as members of the deferred compensation advisory board shall be entitled to receive per diem and necessary travel and actual expenses pursuant to section 2.10, subsection 5, while carrying out their official duties as members of the board.

3. Any funds and premiums collected by the department for workers' compensation shall be segregated into a separate workers' compensation fund in the state treasury to be used for payment of state employees' workers' compensation claims and administrative costs. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining in this workers' compensation fund at the end of the fiscal year shall not revert but shall be available for expenditure for purposes of the fund for subsequent fiscal years.

*4. *For the fiscal year beginning July 1, 2009, and ending June 30, 2010, the rate set for a service provided solely by the department of administrative services as determined pursuant to section 8.6, subsection 16, paragraph "c", shall not exceed the rate set for that service as of January 1, 2009.*

Sec. 2. REVOLVING FUNDS. There is appropriated to the department of administrative services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, from the revolving funds designated in chapter 8A and from internal service funds created by the department such amounts as the department deems necessary for the operation of the department consistent with the requirements of chapter 8A.

Sec. 3. FUNDING FOR IOWACCESS.

1. Notwithstanding section 321A.3, subsection 1, for the fiscal year beginning July 1, 2009,

* Item veto; see message at end of the Act

and ending June 30, 2010, the first $1,000,000 collected and transferred by the department of transportation to the treasurer of state with respect to the fees for transactions involving the furnishing of a certified abstract of a vehicle operating record under section 321A.3, subsection 1, shall be transferred to the IowAccess revolving fund established by section 8A.224 and administered by the department of administrative services for the purposes of developing, implementing, maintaining, and expanding electronic access to government records as provided by law.

2. All fees collected with respect to transactions involving IowAccess shall be deposited in the IowAccess revolving fund and shall be used only for the support of IowAccess projects.

Sec. 4. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION CHARGE. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, the monthly per contract administrative charge which may be assessed by the department of administrative services shall be $2 per contract on all health insurance plans administered by the department.

Sec. 5. AUDITOR OF STATE.

1. There is appropriated from the general fund of the state to the office of the auditor of state for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 905,468
..... FTEs 103.00

The auditor of state may retain additional full-time equivalent positions as is reasonable and necessary to perform governmental subdivision audits which are reimbursable pursuant to section 11.20 or 11.21, to perform audits which are requested by and reimbursable from the federal government, and to perform work requested by and reimbursable from departments or agencies pursuant to section 11.5A or 11.5B. The auditor of state shall notify the department of management, the legislative fiscal committee, and the legislative services agency of the additional full-time equivalent positions retained.

2. As a condition of receiving funding appropriated in this section, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the auditor shall comply with all of the following requirements:

a. The rates and fees set by the auditor to conduct audits for the fiscal year shall not exceed the rates and fees set for conducting audits as of January 1, 2009.

b. The auditor shall not seek reimbursement from departments and agencies specified in section 11.5B in an amount that exceeds the total amount reimbursed to the auditor by those departments and agencies for the fiscal year beginning July 1, 2008.

c. The auditor shall not seek reimbursement from governmental subdivisions for audits which are reimbursable pursuant to section 11.20 or 11.21 in an amount that exceeds the total amount reimbursed to the auditor by governmental subdivisions for the fiscal year beginning July 1, 2008.

d. Notwithstanding any provision of this subsection to the contrary, the auditor may seek reimbursement from departments and agencies specified in section 11.5B, and governmental subdivisions, in an amount that exceeds the total amount reimbursed to the auditor by those departments, agencies, or governmental subdivisions for the fiscal year beginning July 1, 2008, for audits required by the federal government and reimbursable from federal funds.

e. For purposes of this subsection, "total amount reimbursed" does not include amounts reimbursed for audits required and reimbursed from federal funds.

Sec. 6. AUDITOR OF STATE — DISCRETIONARY AUDITS. For the fiscal period beginning April 1, 2009, and ending June 30, 2010, the auditor of state, in addition to any other requirements provided in this Act, shall not seek reimbursement from departments and agencies specified in section 11.5B for any discretionary audit that the auditor initiates or has initiated

on the auditor's own authority and which is not specifically required by statute. Notwithstanding the prohibition contained in this section, the auditor shall perform all necessary audit duties related to any financial report required to be compiled by a department or agency that the auditor has previously audited in the normal course of the auditor's duties, whether or not such financial report is required by law. Any amounts reimbursed in association with such audit shall be limited to the amounts reimbursed for the audit of such report during the previous reporting period.

Sec. 7. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There is appropriated from the general fund of the state to the Iowa ethics and campaign disclosure board for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 523,000
..... FTEs 6.00

Sec. 8. DEPARTMENT OF COMMERCE.

1. There is appropriated from the general fund of the state to the department of commerce for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, for the purposes designated:

a. ALCOHOLIC BEVERAGES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,007,160
..... FTEs 37.00

b. PROFESSIONAL LICENSING AND REGULATION BUREAU

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 900,553
..... FTEs 16.00

c. INSURANCE DIVISION — SENIOR HEALTH INSURANCE INFORMATION PROGRAM

For the use of the senior health insurance information program:

..... $ 52,253

2. There is appropriated from the department of commerce revolving fund created in section 546.12, if enacted by this Act,[1] to the department of commerce for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, for the purposes designated:

a. BANKING DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 8,662,670
..... FTEs 73.00

b. CREDIT UNION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,727,995
..... FTEs 19.00

c. INSURANCE DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 4,881,216
..... FTEs 102.00

[1] This chapter, §108

(2) The insurance division may reallocate authorized full-time equivalent positions as necessary to respond to accreditation recommendations or requirements. The insurance division expenditures for examination purposes may exceed the projected receipts, refunds, and reimbursements, estimated pursuant to section 505.7, subsection 7, including the expenditures for retention of additional personnel, if the expenditures are fully reimbursable and the division first does both of the following:

(a) Notifies the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(b) Files with each of the entities named in subparagraph division (a) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

(3) The insurance division shall allocate $10,000 from the examination receipts for the payment of its fees to the national conference of insurance legislators.

d. UTILITIES DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 7,795,527
..... FTEs 79.00

(2) The utilities division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for utility regulation and the expenditures are fully reimbursable. Before the division expends or encumbers an amount in excess of the funds budgeted for regulation, the division shall first do both of the following:

(a) Notify the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(b) File with each of the entities named in subparagraph division (a) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

(3) Notwithstanding sections 8.33 and 476.10 or any other provision to the contrary, any balance of the appropriation made in this paragraph for the utilities division or any other operational appropriation made for the fiscal year beginning July 1, 2009, and ending June 30, 2010, that remains unused, unencumbered, or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for purposes of the energy-efficient building project authorized under section 476.10B, or for relocation costs in succeeding fiscal years.

3. CHARGES — TRAVEL

Each division and the office of consumer advocate shall include in its charges assessed or revenues generated an amount sufficient to cover the amount stated in its appropriation and any state-assessed indirect costs determined by the department of administrative services. The director of the department of commerce shall review on a quarterly basis all out-of-state travel for the previous quarter for officers and employees of each division of the department if the travel is not already authorized by the executive council.

Sec. 9. DEPARTMENT OF COMMERCE — PROFESSIONAL LICENSING AND REGULATION BUREAU. There is appropriated from the housing trust fund of the Iowa finance authority created in section 16.181, to the bureau of professional licensing and regulation of the banking division of the department of commerce for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... $ 62,317

Sec. 10. GOVERNOR AND LIEUTENANT GOVERNOR. There is appropriated from the general fund of the state to the offices of the governor and the lieutenant governor for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL OFFICE

For salaries, support, maintenance, and miscellaneous purposes for the general office of the governor and the general office of the lieutenant governor, and for not more than the following full-time equivalent positions:

.....	$	1,893,857
.....	FTEs	25.25

2. TERRACE HILL QUARTERS

For salaries, support, maintenance, and miscellaneous purposes for the governor's quarters at Terrace Hill, and for not more than the following full-time equivalent positions:

.....	$	438,101
.....	FTEs	10.00

3. ADMINISTRATIVE RULES COORDINATOR

For salaries, support, maintenance, and miscellaneous purposes for the office of administrative rules coordinator, and for not more than the following full-time equivalent positions:

.....	$	141,297
.....	FTEs	3.00

4. NATIONAL GOVERNORS ASSOCIATION

For payment of Iowa's membership in the national governors association:

.....	$	70,783

5. STATE-FEDERAL RELATIONS

For salaries, support, maintenance, and miscellaneous purposes for the office for state-federal relations, and for not more than the following full-time equivalent positions:

.....	$	46,620
.....	FTEs	1.00

Sec. 11. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY. There is appropriated from the general fund of the state to the governor's office of drug control policy for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, including statewide coordination of the drug abuse resistance education (D.A.R.E.) programs or similar programs, and for not more than the following full-time equivalent positions:

.....	$	348,368
.....	FTEs	8.00

Sec. 12. DEPARTMENT OF HUMAN RIGHTS. There is appropriated from the general fund of the state to the department of human rights for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRAL ADMINISTRATION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	$	306,777
.....	FTEs	7.00

2. DEAF SERVICES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	$	378,792
.....	FTEs	6.00

3. STATUS OF IOWANS OF ASIAN AND PACIFIC ISLANDER HERITAGE DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	$	133,430
.....	FTEs	1.00

4. PERSONS WITH DISABILITIES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 208,231
..... FTEs 3.20

5. LATINO AFFAIRS DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 178,100
..... FTEs 3.00

6. STATUS OF WOMEN DIVISION

For salaries, support, maintenance, and miscellaneous purposes, including the domestic violence and sexual assault-related grants, and for not more than the following full-time equivalent positions:

..... $ 315,883
..... FTEs 4.00

7. STATUS OF AFRICAN-AMERICANS DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 166,796
..... FTEs 2.00

8. NATIVE AMERICAN AFFAIRS DIVISION

For operation costs and travel reimbursement for members of the commission on Native American affairs:

..... $ 5,352

9. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,427,472
..... FTEs 11.18

The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall coordinate their efforts in carrying out their respective duties relative to juvenile justice.

10. SHARED STAFF

The divisions of the department of human rights shall retain their individual administrators, but shall share staff to the greatest extent possible.

11. DEPARTMENT STUDY — REPORT

The department of human rights shall conduct a study to examine the organization and duties of the department and whether reorganizing the structure of the department could provide enhanced services to Iowans in a more efficient manner. The department shall submit a written report to the general assembly by January 1, 2010, concerning the results of the study, including its findings and recommendations.

Sec. 13. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. ADMINISTRATION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,005,011
..... FTEs 39.25

As a condition of receiving funding appropriated in this subsection, the department shall maintain the targeted small business certification employee position within the division.

2. ADMINISTRATIVE HEARINGS DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 677,317
..... FTEs 24.00

3. INVESTIGATIONS DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,452,962
..... FTEs 50.00

4. HEALTH FACILITIES DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,235,383
..... FTEs 140.75

*b. *The department shall, in coordination with the health facilities division, make the following information available to the public in a timely manner, to include providing the information on the department's internet website, during the fiscal year beginning July 1, 2009, and ending June 30, 2010:*

(1) The number of inspections conducted by the division annually by type of service provider and type of inspection.

(2) The total annual operations budget for the division, including general fund appropriations and federal contract dollars received by type of service provider inspected.

(3) The total number of full-time equivalent positions in the division, to include the number of full-time equivalent positions serving in a supervisory capacity, and serving as surveyors, inspectors, or monitors in the field by type of service provider inspected.

(4) Identification of state and federal survey trends, cited regulations, the scope and severity of deficiencies identified, and federal and state fines assessed and collected concerning nursing and assisted living facilities and programs.

*c. It is the intent of the general assembly that the department and division continuously solicit input from facilities regulated by the division to assess and improve the division's level of collaboration and to identify new opportunities for cooperation.**

5. EMPLOYMENT APPEAL BOARD

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 51,465
..... FTEs 15.00

The employment appeal board shall be reimbursed by the labor services division of the department of workforce development for all costs associated with hearings conducted under chapter 91C, related to contractor registration. The board may expend, in addition to the amount appropriated under this subsection, additional amounts as are directly billable to the labor services division under this subsection and to retain the additional full-time equivalent positions as needed to conduct hearings required pursuant to chapter 91C.

6. CHILD ADVOCACY BOARD

For foster care review and the court appointed special advocate program, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,920,367
..... FTEs 45.12

a. The department of human services, in coordination with the child advocacy board and the department of inspections and appeals, shall submit an application for funding available pursuant to Title IV-E of the federal Social Security Act for claims for child advocacy board administrative review costs.

* Item veto; see message at end of the Act

b. The court appointed special advocate program shall investigate and develop opportunities for expanding fund-raising for the program.

c. Administrative costs charged by the department of inspections and appeals for items funded under this subsection shall not exceed 4 percent of the amount appropriated in this subsection.

d. Notwithstanding any provision of sections 237.18 and 237.20 to the contrary, the child advocacy board may establish up to six pilot projects using alternative policies to guide the selection of cases and the procedures used by local citizen foster care review boards as they review cases of children who received or are receiving foster care or other out-of-home placement services while under the supervision of the department of human services. Policies to guide the pilot project case selection, review time frames and reporting formats shall be approved by the department of human services, state court administrator, and the chief judge of any judicial district in which a pilot project is to be implemented. The child advocacy board shall report to the governor and general assembly by January 1, 2010, on the progress of any new approaches and their impact on efficiencies and case outcomes.

Sec. 14. RACING AND GAMING COMMISSION.

1. RACETRACK REGULATION

There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for the regulation of parimutuel racetracks, and for not more than the following full-time equivalent positions:

..... $ 2,653,308
..... FTEs 28.53

2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the excursion boat gambling and gambling structure laws, and for not more than the following full-time equivalent positions:

..... $ 3,050,753
..... FTEs 42.22

Sec. 15. ROAD USE TAX FUND APPROPRIATION — DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the road use tax fund to the administrative hearings division of the department of inspections and appeals for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... $ 1,623,897

Sec. 16. DEPARTMENT OF MANAGEMENT. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,811,511
..... FTEs 37.50

Of the moneys appropriated in this section, the department shall use a portion for enterprise

resource planning, providing for a salary model administrator, conducting performance audits, and for the department's LEAN process.

Sec. 17. ROAD USE TAX APPROPRIATION. There is appropriated from the road use tax fund to the department of management for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... $ 56,000

Sec. 18. DEPARTMENT OF REVENUE. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 22,754,688
..... FTEs 400.00

Of the funds appropriated pursuant to this section, $400,000 shall be used to pay the direct costs of compliance related to the collection and distribution of local sales and services taxes imposed pursuant to chapters 423B and 423E.

The director of revenue shall prepare and issue a state appraisal manual and the revisions to the state appraisal manual as provided in section 421.17, subsection 17, without cost to a city or county.

Sec. 19. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is appropriated from the motor fuel tax fund created by section 452A.77 to the department of revenue for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the provisions of chapter 452A and the motor vehicle use tax program:

..... $ 1,305,775

Sec. 20. SECRETARY OF STATE. There is appropriated from the general fund of the state to the office of the secretary of state for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 3,217,317
..... FTEs 44.00

The state department or state agency which provides data processing services to support voter registration file maintenance and storage shall provide those services without charge.

Sec. 21. SECRETARY OF STATE FILING FEES REFUND. Notwithstanding the obligation to collect fees pursuant to the provisions of section 490.122, subsection 1, paragraphs "a" and "s", and section 504.113, subsection 1, paragraphs "a", "c", "d", "j", "k", "l", and "m", for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the secretary of state may refund these fees to the filer pursuant to rules established by the secretary of state. The decision of the secretary of state not to issue a refund under rules established by the secretary of state is final and not subject to review pursuant to the provisions of the Iowa administrative procedure Act, chapter 17A.

Sec. 22. TREASURER. There is appropriated from the general fund of the state to the office of treasurer of state for the fiscal year beginning July 1, 2009, and ending June 30, 2010,

the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 949,210
..... FTEs 28.80

The office of treasurer of state shall supply clerical and secretarial support for the executive council.

Sec. 23. ROAD USE TAX APPROPRIATION. There is appropriated from the road use tax fund to the office of treasurer of state for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as necessary, to be used for the purposes designated:

For enterprise resource management costs related to the distribution of road use tax funds:

..... $ 93,148

Sec. 24. IPERS — GENERAL OFFICE. There is appropriated from the Iowa public employees' retirement system fund to the Iowa public employees' retirement system for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and other operational purposes to pay the costs of the Iowa public employees' retirement system, and for not more than the following full-time equivalent positions:

..... $ 18,001,480
..... FTEs 95.13

Sec. 25. REBUILD IOWA OFFICE. There is appropriated from the general fund of the state to the rebuild Iowa office for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 198,277
..... FTEs 12.00

It is the intent of the general assembly that, pursuant to 2009 Iowa Acts, House File 64,[2] the rebuild Iowa office shall be repealed effective June 30, 2011, and shall not receive an appropriation from the general fund of the state after that date.

Sec. 26. STATE EMPLOYEE POSITIONS. The director of a department or state agency to which appropriations are made pursuant to the provisions of this Act shall implement cost-saving strategies designed to prevent, to the extent possible, permanent layoffs of state employees within that department or state agency.

Sec. 27. EXPENSE REIMBURSEMENT — REQUIREMENTS. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the director of a department or state agency to which appropriations are made pursuant to the provisions of this Act shall require employees, in order to receive reimbursement for expense, to submit actual receipts for meals and other costs and reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted.

Sec. 28. VEHICLE PURCHASES — LIMITATIONS. Except for vehicles utilized for law enforcement purposes, motor vehicles purchased by the department of administrative services shall not, unless inclusion of the item is part of the lowest cost package available for the vehicle purchased, include any of the following items:

1. Tube steps.

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[2] Chapter 169 herein

* Item veto; see message at end of the Act

2. Upgraded floor mats.
3. Winches, unless otherwise necessary for use in an off-road vehicle.
4. Upgraded paint in order to match the topper to the vehicle.
5. Global positioning systems.
6. Satellite radio, compact disc players, bluetooth capability, or upgraded stereo systems.
7. Leather seats.

Sec. 29. VEHICLE PURCHASES. The department of administrative services shall seek to procure motor vehicles for state use at the lowest possible cost to the state. Motor vehicles purchased by the department shall not include optional equipment that results in an increase in the cost of the motor vehicle unless such optional equipment is specifically required by the requesting state agency or unless such equipment is part of the lowest cost package available meeting minimum specifications. A state agency seeking to replace a motor vehicle shall not request any equipment to be added to its motor vehicles except as the state agency determines is necessary for the department's employees in the safe and efficient operation of the motor vehicle. The department shall not seek to have any optional equipment removed or deleted from an order if such action would increase the cost of the vehicle to the state.

Sec. 30. VEHICLE DEPRECIATION FUNDS.

1. DEFINITIONS. For purposes of this section, "applicable fiscal period" means the fiscal period beginning on the effective date of this section and ending June 30, 2010.

2. DEPARTMENT OF ADMINISTRATIVE SERVICES. Notwithstanding any provision of section 8A.365 to the contrary, a department or agency otherwise required to pay depreciation expense pursuant to that section shall not be required to pay depreciation expense during the applicable fiscal period. Notwithstanding section 8.33, moneys credited to a department or agency in the depreciation fund in excess of the amount determined by the department of administrative services is necessary for motor vehicle maintenance and insurance costs for the applicable fiscal period for that department or agency, shall be returned to the department or agency and used for the purposes of that department or agency during the applicable fiscal period.

*3. *STATE DEPARTMENT OF TRANSPORTATION. Notwithstanding section 8.33 and any other provision of law to the contrary, moneys in a depreciation fund for the purchase of motor vehicles by the state department of transportation in excess of the amount determined by the state department of transportation is necessary for motor vehicle maintenance and insurance costs for the applicable fiscal period, shall be returned to the state department of transportation and used for the purposes of that department during the applicable fiscal period.**

Sec. 31. EFFECTIVE DATE. The section of this division of this Act concerning vehicle depreciation funds, being deemed of immediate importance, takes effect upon enactment.

Sec. 32. EFFECTIVE DATE — RETROACTIVE APPLICABILITY. The section of this division of this Act concerning discretionary audits by the auditor of state, being deemed of immediate importance, takes effect upon enactment, and is retroactively applicable to April 1, 2009, and is applicable on and after that date.

Sec. 33. EFFECTIVE DATE. The section of this division of the Act limiting vehicle purchases by the department of administrative services, being deemed of immediate importance, takes effect upon enactment.

DIVISION II
MISCELLANEOUS PROVISIONS

Sec. 34. Section 8A.454, subsection 4, Code 2009, is amended to read as follows:

4. This section is repealed July 1, ~~2009~~ 2010.

* Item veto; see message at end of the Act

Sec. 35. 2008 Iowa Acts, chapter 1176, section 5, subsection 1, is amended to read as follows:

1. If any federal funding is received for the same or similar purposes authorized in section 47.10, as enacted by this Act, of the amount appropriated in this section, $61,000 is allocated for matching such federal funding~~, and an amount equal to the federal funding received shall revert from the amount appropriated to the rebuild Iowa infrastructure fund at the end of the fiscal year~~.

Sec. 36. EFFECTIVE DATES — RETROACTIVE APPLICABILITY.

1. The section of this division of this Act amending section 8A.454, being deemed of immediate importance, takes effect upon enactment.

2. The section of this division of this Act amending 2008 Iowa Acts, chapter 1176, section 5, subsection 1, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to federal funding received on and after April 1, 2008.

DIVISION III
GRANTS MANAGEMENT

**Sec. 37. *Section 8.9, subsection 1, Code 2009, is amended to read as follows:*

*1. The office of grants enterprise management is established in the department of management. The function of the office is to develop and administer a system to track, identify, advocate for, and coordinate nonstate grants as defined in section 8.2, subsections 1 and 3. Staffing for the office of grants enterprise management shall be provided by a facilitator appointed by the director of the department of management. Additional staff may be hired, subject to the availability of funding. ~~Funding for the office is from the appropriation to the department pursuant to section 8A.505, subsection 2.~~**

Sec. 38. Section 8A.505, subsection 2, Code 2009, is amended by striking the subsection.

DIVISION IV
TREASURER OF STATE PROVISIONS

Sec. 39. NEW SECTION. 12.9 EMPLOYEE CLASSIFICATIONS.

In addition to public employees listed in section 20.4, public employees of the treasurer of state who hold positions that are classified in the administrative assistant series and executive officer series are excluded from chapter 20.

Sec. 40. Section 556.17, subsections 1 and 2, Code 2009, are amended to read as follows:

1. All abandoned property other than money delivered to the treasurer of state under this chapter which remains unclaimed one year after the delivery to the treasurer may be sold to the highest bidder ~~at public sale in any city in the state~~ in a manner that affords in the treasurer's judgment the most favorable market for the property involved. The treasurer of state may decline the highest bid and reoffer the property for sale if the treasurer considers the price bid insufficient. The treasurer need not offer any property for sale if, in the treasurer's opinion, the probable cost of sale exceeds the value of the property. The treasurer may order destruction of the property when the treasurer has determined that the probable cost of offering the property for sale exceeds the value of the property. If the treasurer determines that the property delivered does not have any substantial commercial value, the treasurer may destroy or otherwise dispose of the property at any time. An action or proceeding may not be maintained against the treasurer or any officer or against the holder for or on account of an act the treasurer made under this section, except for intentional misconduct or malfeasance.

2. a. Any sale held ~~or destruction ordered~~ under this section shall be preceded by a single publication of notice of the sale ~~or destruction order~~ at least three weeks in advance of sale ~~or destruction~~ in an English language newspaper of general circulation in the county ~~where the~~

* Item veto; see message at end of the Act

~~property is to be sold or, for the destruction, in the county~~ from which the property was received, or in an English language newspaper of general circulation in the state.

b. If the treasurer holds an internet auction or a sale on the internet, the treasurer may elect to provide notice of the sale or auction on the treasurer's website at least seven days in advance of the sale or auction in lieu of providing notice as otherwise provided in accordance with paragraph "a".

DIVISION V
ETHICS AND CAMPAIGN DISCLOSURE BOARD ENFORCEMENT

Sec. 41. Section 68B.32A, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 18. At the board's discretion, enter into an agreement with a political subdivision authorizing the board to enforce the provisions of a code of ethics adopted by that political subdivision.

DIVISION VI
BINGO CONDUCTED AT A FAIR OR COMMUNITY FESTIVAL

Sec. 42. NEW SECTION. 99B.5A BINGO CONDUCTED AT A FAIR OR COMMUNITY FESTIVAL.

1. For purposes of this section:

a. "Community festival" means a festival of no more than four consecutive days in length held by a community group.

b. "Community group" means an Iowa nonprofit, tax-exempt organization which is open to the general public and established for the promotion and development of the arts, history, culture, ethnicity, historic preservation, tourism, economic development, festivals, or municipal libraries. "Community group" does not include a school, college, university, political party, labor union, state or federal government agency, fraternal organization, church, convention or association of churches, or organizations operated primarily for religions[3] purposes, or which are operated, supervised, controlled, or principally supported by a church, convention, or association of churches.

2. Bingo may lawfully be conducted at a fair, as defined in section 174.1, or a community festival if all the following conditions are met:

a. Bingo is conducted by the sponsor of the fair or community festival or a qualified organization licensed under section 99B.7 that has received permission from the sponsor of the fair or community festival to conduct bingo.

b. The sponsor of the fair or community festival or the qualified organization has submitted a license application and a fee of fifty dollars to the department, has been issued a license, and prominently displays the license at the area where the bingo occasion is being held. A license shall only be valid for the duration of the fair or community festival indicated on the application.

c. The number of bingo occasions shall be limited to one for each day of the duration of the fair of[4] community festival.

d. The rules for the bingo occasion are posted.

e. Except as provided in this section, the provisions of sections 99B.2 and 99B.7 related to bingo shall apply.

3. An individual other than a person conducting the bingo occasion may participate in the bingo occasion conducted at a fair or community festival, whether or not conducted in compliance with this section.

4. Bingo occasions held under a license under this section shall not be counted in determining whether a qualified organization has conducted more than fourteen bingo occasions per month. In addition, bingo occasions held under this license shall not be limited to four consecutive hours.

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[3] According to enrolled Act; the word "religious" probably intended

[4] According to enrolled Act; the word "or" probably intended

DIVISION VII
DEPARTMENT OF COMMERCE REVOLVING
FUND — APPROPRIATIONS

Sec. 43. Section 87.11E, subsection 5, Code 2009, is amended to read as follows:

5. A civil penalty levied under subsection 4 shall not exceed one thousand dollars per violation per person, and shall not exceed ten thousand dollars in a single proceeding against any one person. All civil penalties shall be deposited ~~in the general fund of the state~~ pursuant to section 505.7.

Sec. 44. Section 475A.3, subsection 3, Code 2009, is amended to read as follows:

3. SALARIES, EXPENSES, AND APPROPRIATION. The salary of the consumer advocate shall be fixed by the attorney general within the salary range set by the general assembly. The salaries of employees of the consumer advocate shall be at rates of compensation consistent with current standards in industry. The reimbursement of expenses for the employees and the consumer advocate is as provided by law. The appropriation for the office of consumer advocate shall be a separate line item contained in the appropriation from the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12.

Sec. 45. Section 476.10, unnumbered paragraph 4, Code 2009, is amended to read as follows:

The order shall be subject to review in the manner provided in this chapter. All amounts collected by the division pursuant to the provisions of this section shall be deposited with the treasurer of state and credited to the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12. Such amounts shall be spent in accordance with the provisions of chapter 8.

Sec. 46. Section 476.10, unnumbered paragraph 6, Code 2009, is amended to read as follows:

Fees paid to the utilities division shall be deposited in the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12. These funds shall be used for the payment, upon appropriation by the general assembly, of the expenses of the utilities division and the consumer advocate division of the department of justice. ~~Subject to this section, the utilities division or the consumer advocate division may keep on hand with the treasurer of state funds in excess of the current needs of the utilities division or the consumer advocate division.~~

Sec. 47. Section 476.10, unnumbered paragraph 8, Code 2009, is amended to read as follows:

All fees and other moneys collected under this section and sections 478.4, 479.16, and 479A.9 shall be deposited into the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 and expenses required to be paid under this section shall be paid from funds appropriated for those purposes. ~~Moneys deposited into the general fund of the state pursuant to this section and sections 478.4, 479.16, and 479A.9 shall be subject to the requirements of section 8.60.~~

Sec. 48. Section 476.51, subsection 5, Code 2009, is amended to read as follows:

5. Civil penalties collected pursuant to this section from utilities providing water, electric, or gas service shall be forwarded by the executive secretary of the board to the treasurer of state to be credited to the general fund of the state and to be used only for the low income home energy assistance program and the weatherization assistance program administered by the division of community action agencies of the department of human rights. Civil penalties collected pursuant to this section from utilities providing telecommunications service shall be forwarded to the treasurer of state to be credited to the ~~general fund of the state~~ department of

commerce revolving fund created in section 546.12 to be used only for consumer education programs administered by the board. Penalties paid by a rate-regulated public utility pursuant to this section shall be excluded from the utility's costs when determining the utility's revenue requirement, and shall not be included either directly or indirectly in the utility's rates or charges to customers.

Sec. 49. Section 476.87, subsection 3, Code 2009, is amended to read as follows:

3. The board shall allocate the costs and expenses reasonably attributable to certification and dispute resolution in this section to persons identified as parties to such proceeding who are engaged in or who seek to engage in providing natural gas services or other persons identified as participants in such proceeding. The funds received for the costs and the expenses of certification and dispute resolution shall be remitted to the treasurer of state for deposit in the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 as provided in section 476.10.

Sec. 50. Section 476.101, subsection 10, Code 2009, is amended to read as follows:

10. In a proceeding associated with the granting of a certificate under section 476.29, approving maps and tariffs for competitive local exchange providers provided for in this section, or in resolving a complaint filed pursuant to subsection 8 and proceedings under 47 U.S.C. § 251 – 254, the board shall allocate the costs and expenses of the proceedings to persons identified as parties in the proceeding who are engaged in or who seek to engage in providing telecommunications services or other persons identified as participants in the proceeding. The funds received for the costs and the expenses shall be remitted to the treasurer of state for deposit in the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 as provided in section 476.10.

Sec. 51. Section 476.103, subsection 4, paragraph c, Code 2009, is amended to read as follows:

c. A civil penalty collected pursuant to this subsection shall be forwarded by the executive secretary of the board to the treasurer of state to be credited to the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 and to be used only for consumer education programs administered by the board.

Sec. 52. Section 476A.14, subsection 1, Code 2009, is amended to read as follows:

1. Any person who commences to construct a facility as provided in this subchapter without having first obtained a certificate, or who constructs, operates or maintains any facility other than in compliance with a certificate issued by the board or a certificate amended pursuant to this subchapter, or who causes any of these acts to occur, shall be liable for a civil penalty of not more than ten thousand dollars for each violation or for each day of continuing violation. Civil penalties collected pursuant to this subsection shall be forwarded by the clerk of court to the treasurer of state for deposit in the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12.

Sec. 53. Section 478.4, Code 2009, is amended to read as follows:

478.4 FRANCHISE — HEARING.

The utilities board shall consider the petition and any objections filed to it in the manner provided. It shall examine the proposed route or cause any engineer selected by it to do so. If a hearing is held on the petition it may hear testimony as may aid it in determining the propriety of granting the franchise. It may grant the franchise in whole or in part upon the terms, conditions, and restrictions, and with the modifications as to location and route as may seem to it just and proper. Before granting the franchise, the utilities board shall make a finding that the proposed line or lines are necessary to serve a public use and represents a reasonable relationship to an overall plan of transmitting electricity in the public interest. A franchise shall not become effective until the petitioners shall pay, or file an agreement to pay, all costs and ex-

penses of the franchise proceeding, whether or not objections are filed, including costs of inspections or examinations of the route, hearing, salaries, publishing of notice, and any other expenses reasonably attributable to it. The funds received for the costs and the expenses of the franchise proceeding shall be remitted to the treasurer of state for deposit in the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 as provided in section 476.10.

Sec. 54. Section 479.16, Code 2009, is amended to read as follows:

479.16 RECEIPT OF FUNDS.

All moneys received under this chapter shall be remitted monthly to the treasurer of state and credited to the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 as provided in section 476.10.

Sec. 55. Section 479A.9, Code 2009, is amended to read as follows:

479A.9 DEPOSIT OF FUNDS.

Moneys received under this chapter shall be credited to the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 as provided in section 476.10.

Sec. 56. Section 479B.12, Code 2009, is amended to read as follows:

479B.12 USE OF FUNDS.

All moneys received under this chapter, other than civil penalties collected pursuant to section 479B.21, shall be remitted monthly to the treasurer of state and credited to the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12.

Sec. 57. Section 502.302, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. DEPOSIT OF FEES. Fees collected under this section shall be deposited as provided in section 505.7.

Sec. 58. Section 502.304A, subsection 3, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. The fees collected under this subsection shall be deposited as provided in section 505.7.

Sec. 59. Section 502.305, subsection 2, Code 2009, is amended to read as follows:

2. FILING. Except as provided in subsection 10 and section 502.304A, subsection 3, paragraph "g", a person who files a registration statement or a notice filing shall pay a filing fee of one-tenth of one percent of the proposed aggregate sales price of the securities to be offered to persons in this state pursuant to the registration statement or notice filing. However, except as provided in subsection 10, section 502.302, subsection 1, paragraph "a", and section 502.304A, subsection 3, paragraph "g", the annual filing fee shall not be less than fifty dollars or more than one thousand dollars. The administrator shall retain the filing fee even if the notice filing is withdrawn or the registration is withdrawn, denied, suspended, revoked, or abandoned. The fees collected under this subsection shall be deposited as provided in section 505.7.

Sec. 60. Section 502.321G, Code 2009, is amended to read as follows:

502.321G FEES.

The administrator shall charge a nonrefundable filing fee of two hundred fifty dollars for a registration statement filed by an offeror. The fee shall be deposited as provided in section 505.7.

Sec. 61. Section 502.410, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 7. DEPOSIT OF FEES. Except as otherwise provided in subsection 2, fees collected under this section shall be deposited as provided in section 505.7.

Sec. 62. Section 505.7, subsection 1, Code 2009, is amended to read as follows:

1. All fees and charges which are required by law to be paid by insurance companies, associ-

ations, and other regulated entities shall be payable to the commissioner of the insurance division of the department of commerce or department of revenue, as provided by law, whose duty it shall be to account for and pay over the same to the treasurer of state at the time and in the manner provided by law for deposit in the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12.

Sec. 63. Section 505.7, subsection 3, Code 2009, is amended to read as follows:

3. Forty percent of the nonexamination revenues payable to the division of insurance or the department of revenue in connection with the regulation of insurance companies or other entities subject to the regulatory jurisdiction of the division shall be deposited in the department of commerce revolving fund created in section 546.12 and shall be subject to annual appropriation to the division for its operations and is also subject to expenditure under subsection 6. The remaining nonexamination revenues payable to the division of insurance or the department of revenue shall be deposited in the general fund of the state.

Sec. 64. Section 507.9, Code 2009, is amended to read as follows:

507.9 FEES — ACCOUNTING.

All fees collected under the provisions of this chapter shall be paid to the commissioner of insurance and shall be turned into the state treasury for deposit as provided in section 505.7.

Sec. 65. Section 507B.7, subsection 4, paragraph a, Code 2009, is amended to read as follows:

a. A monetary penalty of not more than ten thousand dollars for each and every act or violation. A penalty collected under this lettered paragraph shall be deposited as provided in section 505.7.

Sec. 66. Section 508.13, subsection 3, Code 2009, is amended to read as follows:

3. A company that fails to timely file an application for renewal of its certificate of authority shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 67. Section 508.14, subsection 4, Code 2009, is amended to read as follows:

4. Amounts received by the commissioner pursuant to subsections 2 and 3 shall be paid to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 68. Section 508.15, Code 2009, is amended to read as follows:

508.15 VIOLATION BY FOREIGN COMPANY.

Companies organized and chartered by the laws of a foreign state or country, failing to file the evidence of investment and statement within the time fixed, or failing to timely file any financial statement required by rule of the commissioner of insurance, shall forfeit and pay five hundred dollars, to be collected in an action in the name of the state and paid to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7, and their right to transact further new business in this state shall immediately cease until the requirements of this chapter have been fully complied with. The commissioner may give notice to a company which has failed to file within the time fixed that the company is in violation of this section and if the company fails to file the evidence of investment and statement within ten days of the date of the notice the company shall forfeit and pay the additional sum of one hundred dollars for each day the failure continues, to be paid to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 69. Section 508E.3, subsection 10, Code 2009, is amended to read as follows:

10. Fees collected pursuant to this section shall be deposited ~~into the general fund of the state~~ as provided in section 505.7.

Sec. 70. Section 508E.16, subsection 5, Code 2009, is amended to read as follows:

5. In addition to the penalties and other enforcement provisions of this chapter, any person

who violates this chapter is subject to a civil penalty of up to five thousand dollars for each violation of this chapter. The civil penalty shall be deposited ~~into the general fund of the state~~ as provided in section 505.7. If a person has not been ordered to pay restitution by a court, the commissioner's order may require a person found to be in violation of this chapter to make restitution to a person aggrieved by a violation of this chapter.

Sec. 71. Section 512B.25, Code 2009, is amended to read as follows:

512B.25 ANNUAL LICENSE — RENEWAL.

The authority of a society to transact business in this state may be renewed annually. A license terminates on the first day of June following issuance or renewal. A society shall submit annually on or before March 1 a completed application for renewal of its license. For each license or renewal the society shall pay the commissioner a fee of fifty dollars. A society that fails to timely file an application for renewal shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7. A duly certified copy or duplicate of the license is prima facie evidence that the licensee is a fraternal benefit society within the meaning of this chapter.

Sec. 72. Section 514.9A, Code 2009, is amended to read as follows:

514.9A CERTIFICATE OF AUTHORITY — RENEWAL.

A certificate of authority of a corporation formed under this chapter expires on June 1 succeeding its issue and shall be renewed annually so long as the corporation transacts its business in accordance with all legal requirements. A corporation shall submit annually, on or before March 1, a completed application for renewal of its certificate of authority. A corporation that fails to timely file an application for renewal shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7. A duly certified copy or duplicate of the certificate is admissible in evidence for or against the corporation with the same effect as the original.

Sec. 73. Section 514B.3B, Code 2009, is amended to read as follows:

514B.3B CERTIFICATE OF AUTHORITY — RENEWAL.

A certificate of authority of a health maintenance organization formed under this chapter expires on June 1 succeeding its issue and shall be renewed annually so long as the organization transacts its business in accordance with all legal requirements. A health maintenance organization shall submit annually, on or before March 1, a completed application for renewal of its certificate of authority. A health maintenance organization that fails to timely file an application for renewal shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7. A duly certified copy or duplicate of the certificate is admissible in evidence for or against the organization with the same effect as the original.

Sec. 74. Section 514B.12, subsections 3 and 4, Code 2009, are amended to read as follows:

3. A health maintenance organization that fails to timely file the report required under subsection 1 is in violation of this section and shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

4. The commissioner may give notice to a health maintenance organization that the organization has not timely filed the report required under subsection 1 and is in violation of this section. If the organization fails to file the required report and comply with this section within ten days of the date of the notice, the organization shall pay an additional administrative penalty of one hundred dollars for each day that the failure continues to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 75. Section 514G.113, Code 2009, is amended to read as follows:

514G.113 PENALTIES.

In addition to any other penalties provided by the laws of this state, any insurer or any pro-

ducer found to have violated a provision of this chapter or any other requirement of this state relating to the regulation of long-term care insurance or the marketing of such insurance shall be subject to a fine of up to three times the amount of any commission paid for each policy involved in the violation, or up to ten thousand dollars, whichever is greater. A fine collected under this section shall be deposited as provided in section 505.7.

Sec. 76. Section 515.42, Code 2009, is amended to read as follows:

515.42 TENURE OF CERTIFICATE — RENEWAL — EVIDENCE.

A certificate of authority shall expire on the first day of June next succeeding its issue, and shall be renewed annually so long as such company shall transact business in accordance with the requirements of law; a copy of which certificate, when certified to by the commissioner of insurance, shall be admissible in evidence for or against a company with the same effect as the original. A company shall submit annually, on or before March 1, a completed application for renewal of its certificate of authority. A company that fails to timely file an application for renewal shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 77. Section 515.121, subsections 1 and 3, Code 2009, are amended to read as follows:

1. An excess and surplus lines insurance producer who fails to timely file the report required in section 515.120 is in violation of this section and shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

3. The commissioner may give notice to a producer that the producer has not timely filed the report required under section 515.120 and is in violation of this section. If the producer fails to file the required report within ten days of the date of the notice, the producer shall pay an additional administrative penalty of one hundred dollars for each day that the failure continues to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 78. Section 515.146, Code 2009, is amended to read as follows:

515.146 CERTIFICATE REFUSED — ADMINISTRATIVE PENALTY.

The commissioner of insurance shall withhold the commissioner's certificate or permission of authority to do business from a company neglecting or failing to comply with this chapter. In addition, a company organized or authorized under this chapter which fails to file the annual statement referred to in section 515.63 in the time required shall pay and forfeit an administrative penalty in an amount of five hundred dollars to be collected in the name of the state for deposit ~~in the general fund of the state~~ as provided in section 505.7. The company's right to transact further new business in this state shall immediately cease until the company has fully complied with this chapter. The commissioner may give notice to a company which has failed to file within the time required that the company is in violation of this section and, if the company fails to file the evidence of investment and statement within ten days of the date of the notice, the company shall forfeit and pay the additional sum of one hundred dollars for each day the failure continues, to be paid to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 79. Section 515.147, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Fees shall be paid to the commissioner of insurance for deposit as provided in section 505.7 as follows:

Sec. 80. Section 515A.17, subsection 1, Code 2009, is amended to read as follows:

1. The commissioner may, if the commissioner finds that any person or organization has violated any provision of this chapter, impose a penalty of not more than one thousand dollars for each such violation, but if the commissioner finds such violation to be willful the commis-

sioner may impose a penalty of not more than five thousand dollars for each such violation. Such penalties may be in addition to any other penalty provided by law. A penalty collected under this subsection shall be deposited as provided in section 505.7.

Sec. 81. Section 515F.19, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A penalty collected under this section shall be deposited as provided in section 505.7.

Sec. 82. Section 516E.2, subsection 2, Code 2009, is amended to read as follows:

2. A service company shall not issue a service contract or arrange to perform services pursuant to a service contract unless the service company is registered with the commissioner. A service company shall file a registration with the commissioner annually, on a form prescribed by the commissioner, accompanied by a registration fee in the amount of five hundred dollars. Fees collected under this subsection shall be deposited as provided in section 505.7.

Sec. 83. Section 518.15, subsections 5 and 6, Code 2009, are amended to read as follows:

5. An association formed under this chapter that fails to timely file the statement required under subsection 1 or the application for renewal required under subsection 3 is in violation of this section and shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7. The association's right to transact new business in this state shall immediately cease until the association has fully complied with this chapter.

6. The commissioner may give notice to an association that the association has not timely filed the statement required under subsection 1 or an application for renewal under subsection 3 and is in violation of this section. If the association fails to file the required statement or application and comply with this section within ten days of the date of the notice, the association shall pay an additional administrative penalty of one hundred dollars for each day that the failure continues to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 84. Section 518A.18, subsections 2 and 3, Code 2009, are amended to read as follows:

2. An association that fails to timely file the statement required under subsection 1 is in violation of this section and shall pay an administrative penalty of five hundred dollars for each violation to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

3. The commissioner may give notice to an association that the association has not timely filed the statement required under subsection 1 and is in violation of this section. If the association fails to file the required statement and comply with this section within ten days of the date of the notice, the association shall pay an additional administrative penalty of one hundred dollars for each day that each failure continues to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 85. Section 518A.40, subsection 4, Code 2009, is amended to read as follows:

4. An association that fails to timely file the application for renewal required under subsection 2 is in violation of this section and shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 86. Section 520.10, subsections 4 and 5, Code 2009, are amended to read as follows:

4. A reciprocal or interinsurance insurer that fails to timely file the report required under subsection 1 is in violation of this section and shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

5. The commissioner may give notice to a reciprocal or interinsurance insurer that the insurer has not timely filed the report required under subsection 1 and is in violation of this section.

If the insurer fails to file the required report and comply with this section within ten days of the date of the notice, the insurer shall pay an additional administrative penalty of one hundred dollars for each day that the failure continues to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 87. Section 520.12, subsection 2, Code 2009, is amended to read as follows:

2. A reciprocal or interinsurance insurer shall submit annually, on or before March 1, a completed application for renewal of the insurer's certificate of authority. An insurer that fails to timely file an application for renewal shall pay an administrative fee of five hundred dollars to the treasurer of state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 88. Section 521A.10, subsection 1, Code 2009, is amended to read as follows:

1. If the commissioner finds after notice and hearing that a person subject to registration under section 521A.4 failed without just cause to file a registration statement as required in this chapter, the person shall be required to pay a penalty of one thousand dollars for each day's delay. The penalty shall be recovered by the commissioner and ~~paid into the state general fund~~ deposited as provided in section 505.7. The maximum penalty under this section is ten thousand dollars. The commissioner may reduce the penalty if the person demonstrates that the imposition of the penalty would constitute a financial hardship to the person.

Sec. 89. Section 522A.5, Code 2009, is amended to read as follows:

522A.5 FEES.

The fee for a counter employee license shall be fifty dollars per counter employee. In no case shall any combined fees exceed one thousand dollars in any calendar year for any one rental company or limited license or licensee or renewal license. The fees collected under this section shall be deposited as provided in section 505.7.

Sec. 90. Section 522B.5, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Fees collected under this section shall be deposited as provided in section 505.7.

Sec. 91. Section 523A.204, subsection 4, Code 2009, is amended to read as follows:

4. The commissioner shall levy an administrative penalty in the amount of five hundred dollars against a preneed seller that fails to file the annual report when due, payable to the state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 92. Section 523A.501, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Fees collected under this section shall be deposited as provided in section 505.7.

Sec. 93. Section 523A.502, subsection 3, Code 2009, is amended to read as follows:

3. An application for a sales license shall be filed on a form prescribed by the commissioner and be accompanied by a filing fee in an amount set by the commissioner by rule. The fees collected under this subsection shall be deposited as provided in section 505.7.

Sec. 94. Section 523A.502A, subsection 3, Code 2009, is amended to read as follows:

3. The commissioner shall levy an administrative penalty in the amount of five hundred dollars against a sales agent who fails to file an annual report when due, payable to the state for deposit ~~in the general fund~~ as provided in section 505.7.

Sec. 95. Section 523A.504, subsection 2, Code 2009, is amended to read as follows:

2. A preneed seller shall pay an annual fee of five dollars for each sales agent appointed by the preneed seller, which fee shall be submitted with the annual report. Fees collected under this subsection shall be deposited as provided in section 505.7.

Sec. 96. Section 523A.807, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. Payment of a civil penalty of not more than one thousand dollars for each violation, but not exceeding an aggregate of ten thousand dollars during any six-month period, except that if the commissioner finds that the person knew or reasonably should have known that the person was in violation of such provisions or rules adopted pursuant thereto, the penalty shall be not more than five thousand dollars for each violation, but not exceeding an aggregate of fifty thousand dollars during any six-month period. The commissioner shall assess the penalty on the employer of an individual and not on the individual, if the commissioner finds that the violations committed by the individual were directed, encouraged, condoned, ignored, or ratified by the individual's employer. Any civil penalties collected under this subsection shall be deposited as provided in section 505.7.

Sec. 97. Section 523A.812, Code 2009, is amended to read as follows:

523A.812 INSURANCE DIVISION REGULATORY FUND.

The insurance division may authorize the creation of a special revenue fund in the state treasury, to be known as the insurance division regulatory fund. The commissioner shall allocate annually from the fees paid pursuant to section 523A.204, two dollars for each purchase agreement reported on a preneed seller's annual report filed pursuant to section 523A.204 for deposit to the regulatory fund. The remainder of the fees collected pursuant to section 523A.204 shall be deposited ~~into the general fund of the state~~ as provided in section 505.7. The commissioner shall also allocate annually the examination fees paid pursuant to section 523A.814 and any examination expense reimbursement for deposit to the regulatory fund. The moneys in the regulatory fund shall be retained in the fund. The moneys are appropriated and, subject to authorization by the commissioner, may be used to pay examiners, examination expenses, investigative expenses, the expenses of mediation ordered by the commissioner, consumer education expenses, the expenses of a toll-free telephone line to receive consumer complaints, and the expenses of receiverships established under section 523A.811. If the commissioner determines that funding is not otherwise available to reimburse the expenses of a person who receives title to a cemetery subject to chapter 523I, pursuant to such a receivership, the commissioner shall use moneys in the regulatory fund as necessary to preserve, protect, restore, and maintain the physical integrity of that cemetery and to satisfy claims or demands for cemetery merchandise, funeral merchandise, and funeral services based on purchase agreements which the commissioner determines are just and outstanding. An annual allocation to the regulatory fund shall not be imposed if the current balance of the fund exceeds five hundred thousand dollars.

Sec. 98. Section 523C.3, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Fees collected under this section shall be deposited as provided in section 505.7.

Sec. 99. Section 523C.13, subsection 1, Code 2009, is amended to read as follows:

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

Sec. 100. Section 523D.2A, unnumbered paragraph 1, Code 2009, is amended to read as follows:

On or before March 1 of each year, a provider shall file a certification with the commissioner in a manner and according to requirements established by the commissioner. The certification

shall be accompanied by a one hundred dollar administrative fee which fee shall be deposited as provided in section 505.7. The certification shall attest that according to the best knowledge and belief of the attesting party, the facility administered by the provider is in compliance with the provisions of this chapter, including rules adopted by the commissioner or orders issued by the commissioner as authorized under this chapter. The attesting person may be any of the following:

Sec. 101. Section 523I.205, subsection 3, Code 2009, is amended to read as follows:

3. A person who violates a provision of this chapter or rules adopted or orders issued under this chapter may be subject to civil penalties in addition to criminal penalties. The commissioner may impose, assess, and collect a civil penalty not exceeding ten thousand dollars for each violation. For the purposes of computing the amount of each civil penalty, each day of a continuing violation constitutes a separate violation. All civil penalties collected pursuant to this section shall be deposited ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 102. Section 523I.813, subsection 3, Code 2009, is amended to read as follows:

3. The commissioner shall levy an administrative penalty in the amount of five hundred dollars against a cemetery that fails to file the annual report when due, payable to the state for deposit ~~in the general fund of the state~~ as provided in section 505.7.

Sec. 103. Section 524.207, subsections 1, 3, and 4, Code 2009, are amended to read as follows:

1. ~~All~~ Except as otherwise provided by statute, all expenses required in the discharge of the duties and responsibilities imposed upon the banking division of the department of commerce, the superintendent, and the state banking council by the laws of this state shall be paid from fees provided by the laws of this state and appropriated by the general assembly from the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12. All of these fees are payable to the superintendent. The superintendent shall pay all the fees and other moneys received by the superintendent to the treasurer of state within the time required by section 12.10 and the fees and other moneys shall be deposited into the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12. ~~The superintendent may keep on hand with the treasurer of state funds in excess of the current needs of the division to the extent recommended by the state banking council.~~

3. The banking division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for bank or licensee examinations or investigations and directly result from examinations or investigations of banks or licensees. The amounts necessary to fund the excess examination or investigation expenses shall be collected from banks and licensees being regulated, and the collections shall be treated as repayment receipts as defined in section 8.2. The division shall notify in writing the legislative services agency and the department of management when hiring additional personnel. The written notification shall include documentation that any additional expenditure related to such hiring will be totally reimbursed ~~to the general fund~~ as provided in section 546.12, subsection 2, and shall also include the division's justification for hiring such personnel. The division must obtain the approval of the department of management only if the number of additional personnel to be hired exceeds the number of full-time equivalent positions authorized by the general assembly.

4. All fees and moneys collected shall be deposited into the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 and expenses required to be paid under this section shall be paid from ~~funds~~ moneys in the department of commerce revolving fund and appropriated for those purposes. ~~Moneys deposited into the general fund of the state pursuant to this section shall be subject to the requirements of section 8.60.~~

Sec. 104. Section 533.111, subsections 1, 3, 4, and 5, Code 2009, are amended to read as follows:

1. a. All expenses required in the discharge of the duties and responsibilities imposed upon the credit union division, the superintendent, and the review board by the laws of this state

shall be paid from fees provided by the laws of this state and appropriated by the general assembly from the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12.

b. All fees imposed under this chapter are payable to the superintendent, who shall pay all fees and other moneys received to the treasurer of state within the time required by section 12.10. The treasurer of state shall deposit such funds in the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12.

3. The credit union division may expend additional funds, including funds for additional personnel, if the additional expenditures are actual expenses that exceed the funds budgeted for credit union examinations and directly result from examinations of state credit unions.

a. The amounts necessary to fund the excess examination expenses shall be collected from state credit unions being regulated, and the collections shall be treated as repayment receipts as defined in section 8.2.

b. The division shall notify in writing the legislative services agency and the department of management when hiring additional personnel. The written notification shall include documentation that any additional expenditure related to such hiring will be totally reimbursed ~~to the general fund of the state~~ as provided in section 546.12, subsection 2, and shall also include the division's justification for hiring such personnel. The division must obtain the approval of the department of management only if the number of additional personnel to be hired exceeds the number of full-time equivalent positions authorized by the general assembly.

4. a. All fees and other moneys collected shall be deposited into the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 and expenses required to be paid under this section shall be paid from ~~funds~~ moneys in the department of commerce revolving fund and appropriated for those purposes. ~~Moneys deposited into the general fund of the state pursuant to this section shall be subject to the requirements of section 8.60.~~

b. Funds appropriated to the credit union division shall be subject at all times to the warrant of the director of revenue, drawn upon written requisition of the superintendent or a designated representative, for the payment of all salaries and other expenses necessary to carry out the duties of the credit union division.

5. The credit union division may accept reimbursement of expenses related to the examination of a state credit union from the national credit union administration or any other guarantor or insurance plan authorized by this chapter. These reimbursements shall be deposited into the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12.

Sec. 105. Section 533A.14, Code 2009, is amended to read as follows:

533A.14 FEES TO STATE TREASURER.

All moneys received by the superintendent from fees, licenses and examinations pursuant to this chapter shall be deposited by the superintendent with the treasurer of state for deposit in the department of commerce revolving fund created in section 546.12.

Sec. 106. Section 534.305, Code 2009, is amended to read as follows:

534.305 REDEMPTION.

When funds are on hand for the purpose, the association may redeem by lot or otherwise, as the board of directors determines, all or any part of any of its savings accounts on a dividend date by giving thirty days' notice by registered mail addressed to the account holders at their last addresses recorded on the books of the association. An association shall not redeem its share accounts when the association is in an impaired condition or when it has applications for withdrawal which have been on file more than thirty days and have not been reached for payment. The redemption price of a savings account shall be the full value of the account redeemed, as determined by the board of directors, but the redemption value shall not be less than the withdrawal value. If the notice of redemption has been given, and if on or before the redemption date the funds necessary for the redemption have been set aside for redemptions, dividends upon the accounts called for redemption shall cease to accrue from and after the div-

idend date specified as the redemption date, and rights with respect to those accounts terminate as of the redemption date, subject only to the right of the account holder of record to receive the redemption value without interest. Savings accounts which have been validly called for redemption must be tendered for payment within ten years from the date of redemption designated in the redemption notice, or they shall be canceled and paid to the treasurer of state for deposit in the ~~general fund of the state~~ department of commerce revolving fund created in section 546.12 and all claims of the account holders against the association are barred forever. Redemption shall not be made of any savings accounts which are held by a person who is a director and which are necessary to qualify the person to act as director.

Sec. 107. Section 534.408, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. All fees collected under this chapter shall be deposited with the treasurer of state in the department of commerce revolving fund created in section 546.12.

Sec. 108. NEW SECTION. 546.12 DEPARTMENT OF COMMERCE REVOLVING FUND.

1. A department of commerce revolving fund is created in the state treasury. The fund shall consist of moneys collected by the banking division; credit union division; utilities division, including moneys collected on behalf of the office of consumer advocate established in section 475A.3; and the insurance division of the department; and deposited into an account for that division or office within the fund on a monthly basis. Except as otherwise provided by statute, all costs for operating the office of consumer advocate and the banking division, the credit union division, the utilities division, and the insurance division of the department shall be paid from the division's accounts within the fund, subject to appropriation by the general assembly.

2. To meet cash flow needs for the office of consumer advocate and the banking division, credit union division, utilities division, or the insurance division of the department, the administrative head of that division or office may temporarily use funds from the general fund of the state to pay expenses in excess of moneys available in the revolving fund for that division or office if those additional expenditures are fully reimbursable and the division or office reimburses the general fund of the state and ensures all moneys are repaid in full by the close of the fiscal year. Because any general fund moneys used shall be fully reimbursed, such temporary use of funds from the general fund of the state shall not constitute an appropriation for purposes of calculating the state general fund expenditure limitation pursuant to section 8.54.[5]

Sec. 109. 2009 Iowa Acts, Senate File 475,[6] section 2, if enacted, is amended by striking the section and inserting in lieu thereof the following:

SEC. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the department of commerce revolving fund created in section 546.12, if enacted by 2009 Iowa Acts, House File 809,[7] to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	$	3,138,888
.....	FTEs	27.00

DIVISION VIII
DEPARTMENT OF INSPECTIONS AND APPEALS PROVISIONS

Sec. 110. Section 99B.2, subsection 1, paragraph a, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The department of inspections and appeals shall issue the licenses required by this chapter. A license shall not be issued, except upon submission to the department of an application on forms ~~furnished~~ determined by the department, and the required license fee. A license may be issued to an eligible applicant. ~~An authorization number to operate may be issued to an~~

[5] See chapter 179, §146 herein
[6] Chapter 178 herein
[7] This chapter

~~applicant until a license is issued.~~ However, a license ~~or authorization number~~ shall not be issued to an applicant who has been convicted of or pled guilty to a violation of this chapter, or who has been convicted of or pled guilty to a violation of chapter 123 that resulted, at any time, in revocation of a license issued to the applicant under chapter 123 or that resulted, within the twelve months preceding the date of application for a license required by this chapter, in suspension of a license issued under chapter 123. To be eligible for a two-year license under section 99B.7, an organization shall have been in existence at least five years prior to the date of issuance of the license. However, an organization which has been in existence for less than five years prior to the date of issuance of the license may obtain a two-year license if either of the following conditions apply:

Sec. 111. Section 99B.2, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. A license shall not be issued to an individual whose previous license issued under this chapter or chapter 123 has been revoked until the period of revocation or revocations has elapsed. This prohibition applies even though the individual has created a different legal entity than the one to which the previous license that had been revoked was issued. Except as otherwise provided in this chapter, a license is valid for a period of two years from the date of issue. The license fee is not refundable, but shall be returned to the applicant if an application is not approved. ~~If a bingo license is issued by the department of inspections and appeals, the licensee shall be notified by the department of inspections and appeals of the renewal date for the license ten days prior to that date.~~

Sec. 112. Section 99B.2, subsection 4, Code 2009, is amended to read as follows:

4. A licensee required by subsection 2 to maintain records shall submit ~~quarterly reports~~ an annual report to the department on forms furnished by the department. ~~These reports~~ The annual report shall be due thirty days following the end of each ~~calendar quarter~~ fiscal year. The ~~reports~~ annual report shall contain a compilation of the information required to be recorded by subsection 2, and shall include all of the transactions occurring during the ~~three-month period~~ previous fiscal year for which the report is submitted. Failure to submit the ~~quarterly reports~~ annual report is grounds for revocation of the license. Willful failure to submit ~~quarterly reports~~ the annual report is a serious misdemeanor. ~~However, the time for filing of reports may be extended for thirty days if the licensee makes written request to the department for an extension which request shows good cause for granting the extension.~~ A person who intentionally files a false or fraudulent report or application with the department commits a fraudulent practice.

Sec. 113. Section 237.18, subsections 3 and 4, Code 2009, are amended to read as follows:

3. Assign the ~~case~~ cases of ~~each child~~ children receiving foster care ~~within the judicial district~~ to the appropriate local ~~board~~ boards.

4. Assist local boards in reviewing ~~each case~~ cases of ~~a child~~ children receiving foster care, as provided in section 237.20.

Sec. 114. Section 237.20, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Review ~~at least every six months~~ the case of each child receiving foster care assigned to the local board by the state board to determine whether satisfactory progress is being made toward the goals of the case permanency plan pursuant to section 237.22. ~~As much as is possible, review shall be conducted immediately prior to~~ The timing and frequency of a review of each case by a local board shall take into consideration the permanency goals, placement setting, and frequency of any court reviews of the case.

Approved May 26, 2009, with exceptions noted.

CHESTER J. CULVER, *Governor*

Dear Mr. Secretary:

I hereby transmit House File 809, an Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective and retroactive applicability dates. House File 809 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated in Section 1, subsection 1, paragraph c, of this bill which directs departments to keep vehicles longer in order to reduce motor vehicle fleet operation and purchasing costs by 7.5 percent. I agree with the goal of decreasing state fleet costs, and that is one reason I disapprove of this section. Maintaining vehicles beyond their useful lifetime may actually increase fleet costs. I also disapprove this section because it infringes on the authority of the Executive Branch. The Department of Administrative Services is currently implementing new standards to reduce the cost of fleet operations, which will reduce vehicle fleet operations and purchasing costs.

I am unable to approve the item designated in Section 1, subsection 4, of the bill which prohibits the Department of Administrative Services from exceeding the rates set as of January 1, 2009, for services provided solely by the Department of Administrative Services to other Executive Branch agencies or departments. The current rates for some utility functions are artificially low due to use of other funds to cover expenses. These funds are now depleted and keeping the rates at the current level will harm the Department of Administrative Services' capacity to deliver other services.

I am unable to approve the item designated in Section 13, subsection 4, paragraph b, of the bill which directs the Department of Inspections and Appeals to provide information to the public via the internet relating to inspections, operating costs and FTE positions. Iowa is already a leader in providing families with the information they need to protect the health and safety of their loved ones. Though I strongly encourage the Department to provide greater transparency, I disapprove this language because some of this data is collected during the survey and certification process and is maintained and controlled by the federal government. Any additional information would add very little benefit to the public but would be expensive to assemble and maintain. The Department has already made much of this information, especially regarding its inspections, part of the public record.

I am unable to approve the item designated in Section 13, subsection 4, paragraph c, of the bill which directs the Department of Inspections and Appeals to continuously solicit input from facilities regulated by the Department to assess and improve its level of collaboration. The Department of Inspections and Appeals currently works with those facilities regulated by the Department in a manner that is consistent with its regulatory duties as prescribed by Iowa law and expect all parties to work together on a regular basis in an honest and straightforward manner.

I am unable to approve the item designated as Section 27 in its entirety. This language directs employees to submit actual receipts for meals and other costs and requires that reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this section and believe that employees should be reimbursed only for actual expenses, this language would be particularly difficult to administer because similar language has not been consistently required by the Legislature for every state agency or department or for the Legislature's own employees. Accordingly, I have issued Executive Order Thirteen[8] to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective, more efficient, and transparent prac-

[8] Published in IAB, Vol. XXXII, No. 5, (8/26/09), p. 596

tices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I disapprove the item designated in Section 30, subsection 3, in the bill because a vehicle depreciation fund at the Department of Transportation does not exist. Therefore, this language would not be workable.

I disapprove the item designated in Section 37 which removes appropriations to the Department of Management for the Grants Enterprise System. I am unable to approve this language because funding for the Grants Enterprise System is now necessary to provide greater transparency for the availability and use of federal American Recovery and Reinvestment Act funds.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 809 are hereby approved this date.

Sincerely,
CHESTER J. CULVER, *Governor*

CHAPTER 182

APPROPRIATIONS —
HEALTH AND HUMAN SERVICES

H.F. 811

AN ACT relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

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

DIVISION I
GENERAL FUND AND BLOCK GRANT APPROPRIATIONS
ELDER AFFAIRS

Section 1. DEPARTMENT OF ELDER AFFAIRS. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department of elder affairs and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for the frail elderly only if the monthly cost per client for case management for the frail elderly services provided does not exceed the amount specified in this section, resident advocate committee coordination, employment, and other services which may include but are not limited to adult day services, respite care, chore services, telephone reassurance, information and assistance, and home repair services, and for the construction of entrance ramps which make residences accessible

to the physically handicapped, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

. . . . . $ 4,958,230
. . . . . FTEs 37.50

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

2. a. Of the funds appropriated in this section, $1,385,015 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver. The department of human services shall adopt rules for case management services provided under the medical assistance elderly waiver in consultation with the department of elder affairs.

b. The monthly cost per client for case management for the frail elderly services provided shall not exceed an average of $70. However, if the department of human services adopts administrative rules revising the reimbursement methodology to include 15 minute units, 24-hour on-call, and other requirements consistent with federal regulations, the $70 monthly cap shall be eliminated and replaced with a quarterly projection of expenditures and reimbursement revisions necessary to maintain expenditures within the amounts budgeted under the appropriations made for the fiscal year for the medical assistance program.

c. The department of human services shall review projections for state funding expenditures for reimbursement of case management services under the medical assistance elderly waiver on a quarterly basis and shall determine if an adjustment to the medical assistance reimbursement rates are necessary to provide reimbursement within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program. Any temporary enhanced federal financial participation that may become available for the medical assistance program during the fiscal year shall not be used in projecting the medical assistance elderly waiver case management budget. The department of human services shall revise such reimbursement rates as necessary to maintain expenditures for medical assistance elderly waiver case management services within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program.

3. Of the funds appropriated in this section, $179,961 shall be transferred to the department of economic development for the Iowa commission on volunteer services to be used for the retired and senior volunteer program.

4. The department shall continue the elder abuse initiative program established pursuant to section 231.56A.

5. In addition to any other funds appropriated in this section for these purposes, $220,000 shall be used to provide for elder unmet home and community-based services needs as identified in reports submitted by the area agencies on aging.

6. During the fiscal year beginning July 1, 2009, notwithstanding section 231.33, subsection 19, relating to departmental training of area agency on aging boards of directors and section 231.63 relating to the development of end-of-life care information, the department is not required to comply with these requirements if funding is not available.

HEALTH

Sec. 2. DEPARTMENT OF PUBLIC HEALTH. The allocations made in this section may include amounts carried forward from appropriations and allocations made for the same purposes in the previous fiscal year. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADDICTIVE DISORDERS

For reducing the prevalence of use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive behaviors, including gambling, and for not more than the following full-time equivalent positions:

..... $ 28,652,500
..... FTEs 18.00

a. Of the funds appropriated in this subsection, $8,028,214 shall be used for the tobacco use prevention and control initiative, including efforts at the state and local levels, as provided in chapter 142A.

(1) The director of public health shall dedicate sufficient resources to promote and ensure retailer compliance with tobacco laws and ordinances relating to persons under 18 years of age, and shall prioritize the state's compliance in the allocation of available funds to comply with 42 U.S.C. § 300x-26 and section 453A.2.

(2) Of the full-time equivalent positions authorized in this subsection, 2.00 full-time equivalent positions shall be utilized to provide for enforcement of tobacco laws, regulations, and ordinances under a chapter 28D agreement entered into between the Iowa department of public health and the alcoholic beverages division of the department of commerce.

b. Of the funds appropriated in this subsection, $17,546,252 shall be used for substance abuse treatment and prevention.

(1) Of the funds allocated in this lettered paragraph, $993,487 shall be used for the public purpose of a grant program to provide substance abuse prevention programming for children.

(a) Of the funds allocated in this subparagraph, $473,100 shall be utilized for the public purpose of providing grant funding for organizations that provide programming for children by utilizing mentors. Programs approved for such grants shall be certified or will be certified within six months of receiving the grant award by the Iowa commission on volunteer services as utilizing the standards for effective practice for mentoring programs.

(b) Of the funds allocated in this subparagraph, $473,100 shall be utilized for the public purpose of providing grant funding for organizations that provide programming that includes youth development and leadership. The programs shall also be recognized as being programs that are scientifically based with evidence of their effectiveness in reducing substance abuse in children.

(c) The Iowa department of public health shall utilize a request for proposals process to implement the grant program.

(d) All grant recipients shall participate in a program evaluation as a requirement for receiving grant funds.

(e) Of the funds allocated for the grant program, $47,287 shall be used to administer substance abuse prevention grants and for program evaluations.

(2) It is the intent of the general assembly that from the moneys allocated in this lettered paragraph persons with a dual diagnosis of substance abuse and gambling addictions shall be given priority in treatment services.

c. (1) Of the funds appropriated in this subsection, $4,078,035 shall be used for funding of gambling treatment, including administrative costs and to provide programs which may include but are not limited to outpatient and follow-up treatment for persons affected by problem gambling, rehabilitation and residential treatment programs, information and referral services, education and preventive services, and financial management services. Of the amount allocated in this lettered paragraph, up to $100,000 may be used for the licensing of gambling treatment programs as provided in section 135.150.

(2) (a) Notwithstanding any provision to the contrary, to standardize the availability, delivery, cost of delivery, and accountability of gambling and substance abuse treatment services statewide, the department shall continue implementation of a process to create a system for delivery of the treatment services in accordance with the requirements specified in 2008 Iowa Acts, chapter 1187, section 3, subsection 4. To ensure the system provides a continuum of treatment services that best meets the needs of Iowans, the gambling and substance abuse

treatment services in an area may be provided either by a single agency or by separate agencies submitting a joint proposal. The process shall be completed by July 1, 2010.

(b) From the amounts designated for gambling and substance abuse treatment, the department may use up to $100,000 for administrative costs to continue developing and implementing the process in accordance with subparagraph division (a).

(3) The requirement of section 123.53, subsection 3, is met by the appropriations and allocations made in this Act for purposes of substance abuse treatment and addictive disorders for the fiscal year beginning July 1, 2009.

d. The bureau of substance abuse prevention and treatment, the division of tobacco use prevention and control, and the office of gambling treatment and prevention shall develop a strategy to coordinate prevention activities across the spectrum of addictive disorders in order to maximize efficiencies and reduce expenditures while meeting the needs of Iowans. The strategy shall be presented to the individuals specified in this Act for submission of reports by December 15, 2009.

2. HEALTHY CHILDREN AND FAMILIES

For promoting the optimum health status for children, adolescents from birth through 21 years of age, and families, and for not more than the following full-time equivalent positions:

..... $ 2,249,167
..... FTEs 14.00

a. Of the funds appropriated in this subsection, not more than $570,226 shall be used for the healthy opportunities to experience success (HOPES) – healthy families Iowa (HFI) program established pursuant to section 135.106. The department shall transfer the funding allocated for the HOPES-HFI program to the Iowa empowerment board for distribution and shall assist the board in managing the contracting for the funding. The funding shall be distributed to renew the grants that were provided to the grantees that operated the program during the fiscal year ending June 30, 2009.

b. Of the funds appropriated in this subsection, $292,791 shall be used to continue to address the healthy mental development of children from birth through five years of age through local evidence-based strategies that engage both the public and private sectors in promoting healthy development, prevention, and treatment for children.

c. Of the funds appropriated in this subsection, $35,108 shall be distributed to a statewide dental carrier to provide funds to continue the donated dental services program patterned after the projects developed by the national foundation of dentistry for the handicapped to provide dental services to indigent elderly and disabled individuals.

3. CHRONIC CONDITIONS

For serving individuals identified as having chronic conditions or special health care needs, and for not more than the following full-time equivalent positions:

..... $ 2,756,236
..... FTEs 3.00

a. Of the funds appropriated in this subsection, $176,542 shall be used for grants to individual patients who have phenylketonuria (PKU) to assist with the costs of necessary special foods.

b. Of the funds appropriated in this subsection, $438,018 is allocated for continuation of the contracts for resource facilitator services in accordance with section 135.22B, subsection 9, and for brain injury training services and recruiting of service providers to increase the capacity within this state to address the needs of individuals with brain injuries and such individuals' families.

c. Of the funds appropriated in this subsection, $244,579 shall be used as additional funding to leverage federal funding through the federal Ryan White Care Act, Title II, AIDS drug assistance program supplemental drug treatment grants.

d. Of the funds appropriated in this subsection, $88,938 shall be used for the public purpose of providing a grant to an existing national-affiliated organization to provide education, client-centered programs, and client and family support for people living with epilepsy and their families.

4. COMMUNITY CAPACITY

For strengthening the health care delivery system at the local level, and for not more than the following full-time equivalent positions:

. . . . . $ 4,116,847
. . . . . FTEs 21.00

a. Of the funds appropriated in this subsection, $90,000 is allocated for a child vision screening program implemented through the university of Iowa hospitals and clinics in collaboration with community empowerment areas.

b. Of the funds appropriated in this subsection, $143,254 is allocated for continuation of an initiative implemented at the university of Iowa and $125,802 is allocated for continuation of an initiative at the state mental health institute at Cherokee to expand and improve the workforce engaged in mental health treatment and services. The initiatives shall receive input from the university of Iowa, the department of human services, the department of public health, and the mental health, mental retardation, developmental disabilities, and brain injury commission to address the focus of the initiatives.

c. Of the funds appropriated in this subsection, $1,054,060 shall be used for essential public health services that promote healthy aging throughout the lifespan, contracted through a formula for local boards of health, to enhance health promotion and disease prevention services.

d. Of the funds appropriated in this section, $100,000 shall be deposited in the governmental public health system fund created by this Act to be used to further develop the Iowa public health standards and to begin implementation of public health modernization in accordance with chapter 135A, as enacted by this Act, to the extent funding is available.

5. ELDERLY WELLNESS

For promotion of healthy aging and optimization of the health of older adults:

. . . . . $ 8,345,779

a. Of the funds appropriated in this subsection, $2,292,076 shall be used for local public health nursing services.

b. Of the funds appropriated in this subsection, $6,053,703 shall be used for home care aide services.

6. ENVIRONMENTAL HAZARDS

For reducing the public's exposure to hazards in the environment, primarily chemical hazards, and for not more than the following full-time equivalent positions:

. . . . . $ 1,000,391
. . . . . FTEs 4.50

a. Of the funds appropriated in this subsection, $601,631 shall be used for childhood lead poisoning provisions.

b. Of the funds appropriated in this subsection, not more than $262,153 shall be used for the development of scientific and medical expertise in environmental epidemiology.

7. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases, and for not more than the following full-time equivalent positions:

. . . . . $ 1,630,661
. . . . . FTEs 5.00

8. PUBLIC PROTECTION

For protecting the health and safety of the public through establishing standards and enforcing regulations, and for not more than the following full-time equivalent positions:

. . . . . $ 3,569,986
. . . . . FTEs 130.00

a. Of the funds appropriated in this subsection, not more than $549,240 shall be credited to the emergency medical services fund created in section 135.25. Moneys in the emergency medical services fund are appropriated to the department to be used for the purposes of the fund.

b. Of the funds appropriated in this subsection, $232,477 shall be used for sexual violence

prevention programming through a statewide organization representing programs serving victims of sexual violence through the department's sexual violence prevention program. The amount allocated in this lettered paragraph shall not be used to supplant funding administered for other sexual violence prevention or victims assistance programs.

c. Of the funds appropriated in this subsection, not more than $348,244 shall be used for the continuation and support of a coordinated system of delivery of trauma and emergency medical services.

d. Of the funds appropriated in this subsection, not more than $539,467 shall be used for the state poison control center.

9. RESOURCE MANAGEMENT

For establishing and sustaining the overall ability of the department to deliver services to the public, and for not more than the following full-time equivalent positions:

..... $ 1,062,517
..... FTEs 10.00

The university of Iowa hospitals and clinics under the control of the state board of regents shall not receive indirect costs from the funds appropriated in this section. The university of Iowa hospitals and clinics billings to the department shall be on at least a quarterly basis.

DEPARTMENT OF VETERANS AFFAIRS

Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is appropriated from the general fund of the state to the department of veterans affairs for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, including the war orphans educational assistance fund created in section 35.8, and for not more than the following full-time equivalent positions:

..... $ 1,067,170
..... FTEs 17.20

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes:

..... $ 11,326,650

a. The Iowa veterans home billings involving the department of human services shall be submitted to the department on at least a monthly basis.

b. If there is a change in the employer of employees providing services at the Iowa veterans home under a collective bargaining agreement, such employees and the agreement shall be continued by the successor employer as though there had not been a change in employer.

c. Commencing with the fiscal year beginning July 1, 2009, the Iowa veterans home shall revise the payment and exemption amounts for residents participating in the incentive therapy program in accordance with all of the following:

(1) The incentive therapy payment amount for domiciliary level of care residents shall not exceed $150 per month and for nursing level of care residents shall not exceed $75 per month.

(2) The amounts paid under the program that are exempt from computation of resident support shall be increased to reflect the increases in the incentive therapy payments in accordance with subparagraph (1).

3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF DECEASED VETERANS

For provision of educational assistance pursuant to section 35.9:

..... $ 22,944

Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the

amounts appropriated from the general fund of the state pursuant to that section for the following designated purposes shall not exceed the following amount:

For the county commissions of veterans affairs fund under section 35A.16:

. . . . . $ 1,000,000

HUMAN SERVICES

Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT. There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, from moneys received under the federal temporary assistance for needy families (TANF) block grant pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and successor legislation, which are federally appropriated for the federal fiscal years beginning October 1, 2008, and ending September 30, 2009, and beginning October 1, 2009, and ending September 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:

. . . . . $ 28,606,513

2. To be credited to the family investment program account and used for the job opportunities and basic skills (JOBS) program and implementing family investment agreements in accordance with chapter 239B:

. . . . . $ 13,084,528

Notwithstanding section 8.33, not more than 5 percent of the moneys designated in this subsection that are allocated by the department for contracted services, other than family self-sufficiency grant services allocated under this subsection, that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2010, the moneys shall revert.

3. To be used for the family development and self-sufficiency grant program in accordance with section 216A.107:

. . . . . $ 2,998,675

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2010, the moneys shall revert.

4. For field operations:

. . . . . $ 18,507,495

5. For general administration:

. . . . . $ 3,744,000

6. For local administrative costs:

. . . . . $ 2,189,830

7. For state child care assistance:

. . . . . $ 25,831,177

a. Of the funds appropriated in this subsection, $18,986,177 shall be transferred to the child care and development block grant appropriation made by the Eighty-third General Assembly, 2009 Session, for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010. Of this amount, $200,000 shall be used for provision of educational opportunities to registered child care home providers in order to improve services and programs offered by this category of providers and to increase the number of providers. The department may contract with institutions of higher education or child care resource and referral centers to provide the educational opportunities. Allowable administrative costs under the contracts shall not exceed 5 percent. The application for a grant shall not exceed two pages in length.

b. Any funds appropriated in this subsection remaining unallocated shall be used for state child care assistance payments for individuals enrolled in the family investment program who are employed.

8. For mental health and developmental disabilities community services:
..... $ 4,894,052

9. For child and family services:
..... $ 32,084,430

10. For child abuse prevention grants:
..... $ 250,000

11. For pregnancy prevention grants on the condition that family planning services are funded:
..... $ 1,930,067

Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2009, if the programs are comprehensive in scope and have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2009, if the programs are comprehensive in scope and are based on existing models that have demonstrated positive outcomes. Grants shall comply with the requirements provided in 1997 Iowa Acts, chapter 208, section 14, subsections 1 and 2, including the requirement that grant programs must emphasize sexual abstinence. Priority in the awarding of grants shall be given to programs that serve areas of the state which demonstrate the highest percentage of unplanned pregnancies of females of childbearing age within the geographic area to be served by the grant.

12. For technology needs and other resources necessary to meet federal welfare reform reporting, tracking, and case management requirements:
..... $ 1,037,186

13. For the healthy opportunities for parents to experience success (HOPES) program administered by the department of public health to target child abuse prevention:
..... $ 200,000

14. To be credited to the state child care assistance appropriation made in this section to be used for funding of community-based early childhood programs targeted to children from birth through five years of age developed by community empowerment areas as provided in section 28.9:
..... $ 7,350,000

a. The department shall transfer TANF block grant funding appropriated and allocated in this subsection to the child care and development block grant appropriation in accordance with federal law as necessary to comply with the provisions of this subsection.

b. Of the amounts appropriated in this section, $12,962,008 for the fiscal year beginning July 1, 2009, shall be transferred to the appropriation of the federal social services block grant made for that fiscal year.

c. The department may transfer funds allocated in this section to the appropriations made in this Act for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the family investment program from the general fund of the state.

Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2009, and ending June 30, 2010, shall be used to provide assistance in accordance with chapter 239B.

2. The department may use a portion of the moneys credited to the FIP account under this section as necessary for salaries, support, maintenance, and miscellaneous purposes.

3. The department may transfer funds allocated in this section to the appropriations in this Act for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the family investment program from the general fund of the state.

4. Moneys appropriated in this division of this Act and credited to the FIP account for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are allocated as follows:

a. To be retained by the department of human services to be used for coordinating with the department of human rights to more effectively serve participants in the FIP program and other shared clients and to meet federal reporting requirements under the federal temporary assistance for needy families block grant:

. . . . . $ 20,000

b. To the department of human rights for staffing, administration, and implementation of the family development and self-sufficiency grant program in accordance with section 216A.107:

. . . . . $ 5,496,946

(1) Of the funds allocated for the family development and self-sufficiency grant program in this lettered paragraph, not more than 5 percent of the funds shall be used for the administration of the grant program.

(2) The department of human rights may continue to implement the family development and self-sufficiency grant program statewide during fiscal year 2009-2010.

c. For the diversion subaccount of the FIP account:

. . . . . $ 1,814,000

A portion of the moneys allocated for the subaccount may be used for field operations salaries, data management system development, and implementation costs and support deemed necessary by the director of human services in order to administer the FIP diversion program.

d. For the food stamp employment and training program:

. . . . . $ 68,059

The department shall amend the food stamp employment and training state plan in order to maximize to the fullest extent permitted by federal law the use of the fifty-fifty match provisions for the claiming of allowable federal matching funds from the United States department of agriculture pursuant to the federal food stamp employment and training program for providing education, employment, and training services for eligible food assistance program participants, including but not limited to related dependent care and transportation expenses.

e. For the JOBS program:

. . . . . $ 21,638,263

5. Of the child support collections assigned under FIP, an amount equal to the federal share of support collections shall be credited to the child support recovery appropriation made in this division of this Act. Of the remainder of the assigned child support collections received by the child support recovery unit, a portion shall be credited to the FIP account, a portion may be used to increase recoveries, and a portion may be used to sustain cash flow in the child support payments account. If as a consequence of the appropriations and allocations made in this section the resulting amounts are insufficient to sustain cash assistance payments and meet federal maintenance of effort requirements, the department shall seek supplemental funding. If child support collections assigned under FIP are greater than estimated or are otherwise determined not to be required for maintenance of effort, the state share of either amount may be transferred to or retained in the child support payment account.

6. It is the intent of the general assembly that the department of human services review the feasibility of expanding categorical food assistance program eligibility in Iowa to at least 160 percent of the applicable federal poverty level and simplifying administrative requirements by eliminating current asset tests for food assistance program eligibility. The department shall estimate the potential economic benefits and fiscal impact of making these changes on individual Iowa families and the state. The department shall report on or before December 15, 2009, concerning the review, providing findings and recommendations, to the persons designated by this division of this Act for submission of reports.

7. The department may adopt emergency rules for the family investment, JOBS, food stamp, and medical assistance programs if necessary to comply with federal requirements.

Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is appropriated from the general fund of the state to the department of human services for the fiscal year begin-

ning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To be credited to the family investment program (FIP) account and used for family investment program assistance under chapter 239B:

. . . . . $ 34,592,700

1. Of the funds appropriated in this section, $8,553,735 is allocated for the JOBS program.

2. Of the funds appropriated in this section, $2,518,271 is allocated for the family development and self-sufficiency grant program.

3. a. Of the funds appropriated in this section, $219,423 shall be used for continuation of a grant to an Iowa-based nonprofit organization with a history of providing tax preparation assistance to low-income Iowans in order to expand the usage of the earned income tax credit. The purpose of the grant is to supply this assistance to underserved areas of the state. The grant shall be provided to an organization that has existing national foundation support for supplying such assistance that can also secure local charitable match funding.

b. The general assembly supports efforts by the organization receiving funding under this subsection to create a statewide earned income tax credit and asset-building coalition to achieve both of the following purposes:

(1) Expanding the usage of the tax credit through new and enhanced outreach and marketing strategies, as well as identifying new local sites and human and financial resources.

(2) Assessing and recommending various strategies for Iowans to develop assets through savings, individual development accounts, financial literacy, antipredatory lending initiatives, informed home ownership, use of various forms of support for work, and microenterprise business development targeted to persons who are self-employed or have fewer than five employees.

4. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2009, if necessary to meet federal maintenance of effort requirements or to transfer federal temporary assistance for needy families block grant funding to be used for purposes of the federal social services block grant or to meet cash flow needs resulting from delays in receiving federal funding or to implement, in accordance with this division of this Act, activities currently funded with juvenile court services, county, or community moneys and state moneys used in combination with such moneys, the department of human services may transfer funds within or between any of the appropriations made in this division of this Act and appropriations in law for the federal social services block grant to the department for the following purposes, provided that the combined amount of state and federal temporary assistance for needy families block grant funding for each appropriation remains the same before and after the transfer:

a. For the family investment program.
b. For child care assistance.
c. For child and family services.
d. For field operations.
e. For general administration.
f. MH/MR/DD/BI community services (local purchase).

This subsection shall not be construed to prohibit the use of existing state transfer authority for other purposes. The department shall report any transfers made pursuant to this subsection to the legislative services agency.

Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For child support recovery, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

. . . . . $ 13,420,460
. . . . . FTEs 520.00

1. The department shall expend up to $27,032, including federal financial participation, for

the fiscal year beginning July 1, 2009, for a child support public awareness campaign. The department and the office of the attorney general shall cooperate in continuation of the campaign. The public awareness campaign shall emphasize, through a variety of media activities, the importance of maximum involvement of both parents in the lives of their children as well as the importance of payment of child support obligations.

2. Federal access and visitation grant moneys shall be issued directly to private not-for-profit agencies that provide services designed to increase compliance with the child access provisions of court orders, including but not limited to neutral visitation sites and mediation services.

3. The appropriation made to the department for child support recovery may be used throughout the fiscal year in the manner necessary for purposes of cash flow management, and for cash flow management purposes the department may temporarily draw more than the amount appropriated, provided the amount appropriated is not exceeded at the close of the fiscal year.

4. For Iowa orders, notwithstanding section 598.22A and effective October 1, 2009, support arrearages for which all rights have been and remain assigned to the department for time periods prior to October 1, 1997, when a child did not receive assistance under Title IV-A of the federal Social Security Act or when a child received foster care services, are considered satisfied up to the amount of assistance received or foster care funds expended, and the child support recovery unit shall update court records accordingly. The unit shall send information regarding the provisions of this subsection to the obligor and obligee by regular mail to the last known address, and any objection by an obligor or an obligee shall be heard by the district court.

Sec. 9. MEDICAL ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2009, except as otherwise expressly authorized by law, including reimbursement for abortion services which shall be available under the medical assistance program only for those abortions which are medically necessary:

. . . . . $ 677,613,847[1]

1. Medically necessary abortions are those performed under any of the following conditions:

a. The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.

b. The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

c. The pregnancy is the result of a rape which is reported within 45 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

d. The pregnancy is the result of incest which is reported within 150 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

e. Any spontaneous abortion, commonly known as a miscarriage, if not all of the products of conception are expelled.

2. The department shall utilize not more than $60,000 of the funds appropriated in this section to continue the AIDS/HIV health insurance premium payment program as established in 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 409, subsection 6. Of the funds allocated in this subsection, not more than $5,000 may be expended for administrative purposes.

3. Of the funds appropriated in this Act to the department of public health for addictive disorders, $950,000 for the fiscal year beginning July 1, 2009, shall be transferred to the department of human services for an integrated substance abuse managed care system. The depart-

[1] See chapter 179, §84 herein

ment shall not assume management of the substance abuse system in place of the managed care contractor unless such a change in approach is specifically authorized in law. The departments of human services and public health shall work together to maintain the level of mental health and substance abuse services provided by the managed care contractor through the Iowa plan for behavioral health. Each department shall take the steps necessary to continue the federal waivers as necessary to maintain the level of services.

4. a. The department shall aggressively pursue options for providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnosis, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to policy provisions.

b. Of the funds appropriated in this section, $100,000 shall be used for participation in one or more pilot projects operated by a private provider to allow the individual or individuals to receive service in the community in accordance with principles established in Olmstead v. L.C., 527 U.S. 581 (1999), for the purpose of providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnosis, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to the policy provisions.

5. Of the funds appropriated in this section, up to $3,050,082 may be transferred to the field operations or general administration appropriations in this Act for operational costs associated with Part D of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Pub. L. No. 108-173.

6. Of the funds appropriated in this section, not more than $166,600 shall be used to enhance outreach efforts. The department may transfer funds allocated in this subsection to the appropriations in this division of this Act for general administration, the state children's health insurance program, or medical contracts, as necessary, to implement the outreach efforts.

7. Of the funds appropriated in this section, up to $442,100 may be transferred to the appropriation in this Act for medical contracts to be used for clinical assessment services related to remedial services in accordance with federal law.

8. A portion of the funds appropriated in this section may be transferred to the appropriations in this division of this Act for general administration, medical contracts, the state children's health insurance program, or field operations to be used for the state match cost to comply with the payment error rate measurement (PERM) program for both the medical assistance and state children's health insurance programs as developed by the centers for Medicare and Medicaid services of the United States department of health and human services to comply with the federal Improper Payments Information Act of 2002, Pub. L. No. 107-300.

9. It is the intent of the general assembly that the department continue to implement the recommendations of the assuring better child health and development initiative II (ABCDII) clinical panel to the Iowa early and periodic screening, diagnostic, and treatment services healthy mental development collaborative board regarding changes to billing procedures, codes, and eligible service providers.

10. Of the funds appropriated in this section, a sufficient amount is allocated to supplement the incomes of residents of nursing facilities, intermediate care facilities for persons with mental illness, and intermediate care facilities for persons with mental retardation, with incomes of less than $50 in the amount necessary for the residents to receive a personal needs allowance of $50 per month pursuant to section 249A.30A.

11. Of the funds appropriated in this section, the following amounts shall be transferred to appropriations made in this division of this Act to the state mental health institutes:

a. Cherokee mental health institute	$	9,098,425
b. Clarinda mental health institute	$	1,977,305
c. Independence mental health institute	$	9,045,894
d. Mount Pleasant mental health institute	$	5,752,587

12. a. Of the funds appropriated in this section, $2,687,889 is allocated for state match for disproportionate share hospital payment of $7,321,954 to hospitals that meet both of the following conditions:

(1) The hospital qualifies for disproportionate share and graduate medical education payments.

(2) The hospital is an Iowa state-owned hospital with more than 500 beds and eight or more distinct residency specialty or subspecialty programs recognized by the American college of graduate medical education.

b. Distribution of the disproportionate share payment shall be made on a monthly basis. The total amount of disproportionate share payments including graduate medical education, enhanced disproportionate share, and Iowa state-owned teaching hospital payments shall not exceed the amount of the state's allotment under Pub. L. No. 102-234. In addition, the total amount of all disproportionate share payments shall not exceed the hospital-specific disproportionate share limits under Pub. L. No. 103-66.[2]

13. Of the funds appropriated in this section, up to $4,634,065 may be transferred to the IowaCare account created in section 249J.24.

14. Of the funds appropriated in this section, $200,000 shall be used for the Iowa chronic care consortium pursuant to 2003 Iowa Acts, chapter 112, section 12, as amended by 2003 Iowa Acts, chapter 179, sections 166 and 167.

15. One hundred percent of the nonfederal share of payments to area education agencies that are medical assistance providers for medical assistance-covered services provided to medical assistance-covered children, shall be made from the appropriation made in this section.

16. a. Any new or renewed contract entered into by the department with a third party to administer behavioral health services under the medical assistance program shall provide that any interest earned on payments from the state during the state fiscal year shall be remitted to the department for deposit in a separate account after the end of the fiscal year.

b. The department shall continue to maintain a separate account within the medical assistance budget for the deposit of all funds remitted pursuant to a contract with a third party to administer behavioral health services under the medical assistance program established pursuant to 2008 Iowa Acts, chapter 1187, section 9, subsection 20. Notwithstanding section 8.33, funds remaining in the account that remain unencumbered or unobligated at the end of any fiscal year shall not revert but shall remain available in succeeding fiscal years and shall be used only in accordance with appropriations from the account for health and human services-related purposes.

c. For the fiscal year beginning July 1, 2009, funds in the separate account are appropriated to the department of human services as state matching funds for the medical assistance program.

17. The department shall continue to implement the provisions in 2007 Iowa Acts, chapter 218, section 124 and section 126, as amended by 2008 Iowa Acts, chapter 1188, section 55, relating to eligibility for certain persons with disabilities under the medical assistance program in accordance with the federal family opportunity Act.

18. The department shall add behavior programming, crisis intervention, and mental health outreach services to the home and community-based services mental retardation waiver in order to continue necessary home and community-based services for persons transitioning into the community under the money follows the person grant program.

19. It is the intent of the general assembly that the Iowa autism council established in section 256.35A shall work with the department of human services to review the option of implementing a home and community-based services waiver for individuals up to 21 years of age with autism under the medical assistance program. The council shall present final recommendations to the general assembly by January 15, 2010.

20. The department shall issue a request for proposals to implement a correct coding initiative for the medical assistance program to promote correct coding of health care services by providers, to evaluate claims submissions, and to prevent improper payment. The department

[2] See chapter 179, §85 herein

may use a portion of any savings projected to result from the initiative for one-time implementation costs and for on-going costs of the contract to the extent that savings exceed costs of the initiative.

21. The department shall request a medical assistance state plan amendment to be effective July 1, 2010, that specifies the coverage criteria for applied behavioral analysis therapy in the remedial services program. Such coverage criteria shall be based on the best practices in medical literature that have been documented to achieve results.

22. The department may issue a request for proposals to implement a transportation brokerage system for administering medical assistance program medical transportation payments and client referrals. Any request for proposals shall be structured to be budget neutral to the state.

Sec. 10. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For administration of the health insurance premium payment program, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	$	508,011
.....	FTEs	19.00

Sec. 11. MEDICAL CONTRACTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	$	13,651,503
.....	FTEs	6.00

Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state supplementary assistance program:

.....	$	18,412,646

2. The department shall increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental security income and federal social security benefits are increased due to a recognized increase in the cost of living. The department may adopt emergency rules to implement this subsection.

3. If during the fiscal year beginning July 1, 2009, the department projects that state supplementary assistance expenditures for a calendar year will not meet the federal pass-through requirement specified in Title XVI of the federal Social Security Act, section 1618, as codified in 42 U.S.C. § 1382g, the department may take actions including but not limited to increasing the personal needs allowance for residential care facility residents and making programmatic adjustments or upward adjustments of the residential care facility or in-home health-related care reimbursement rates prescribed in this division of this Act to ensure that federal requirements are met. In addition, the department may make other programmatic and rate adjustments necessary to remain within the amount appropriated in this section while ensuring compliance with federal requirements. The department may adopt emergency rules to implement the provisions of this subsection.

Sec. 13. STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

1. There is appropriated from the general fund of the state to the department of human ser-

vices for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For maintenance of the healthy and well kids in Iowa (hawk-i) program pursuant to chapter 514I for receipt of federal financial participation under Title XXI of the federal Social Security Act, which creates the state children's health insurance program:

. . . . . $ 14,629,830

2. Of the funds appropriated in this section, $128,950 is allocated for continuation of the contract for advertising and outreach with the department of public health and $90,050 is allocated for other advertising and outreach.

Sec. 14. CHILD CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child care programs:

. . . . . $ 37,974,472

1. Of the funds appropriated in this section, $34,417,754 shall be used for state child care assistance in accordance with section 237A.13. It is the intent of the general assembly to appropriate sufficient funding for the state child care assistance program for the fiscal year beginning July 1, 2010, in order to avoid establishment of waiting list requirements by the department in the preceding fiscal year in anticipation that enhanced funding under the federal American Recovery and Reinvestment Act of 2009 will not be replaced for the fiscal year beginning July 1, 2010.

2. Nothing in this section shall be construed or is intended as or shall imply a grant of entitlement for services to persons who are eligible for assistance due to an income level consistent with the waiting list requirements of section 237A.13. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated in this section.

3. Of the funds appropriated in this section, $480,453 is allocated for the statewide program for child care resource and referral services under section 237A.26. A list of the registered and licensed child care facilities operating in the area served by a child care resource and referral service shall be made available to the families receiving state child care assistance in that area.

4. a. Of the funds appropriated in this section, $1,536,181 is allocated for child care quality improvement initiatives including but not limited to the voluntary quality rating system in accordance with section 237A.30.

b. The department shall revise the achievement bonus provisions under the voluntary quality rating system to provide that the bonus amount paid for a provider renewing a rating at levels 2 through 4 in years subsequent to the initial rating shall not be more than 50 percent of the amount of the initial bonus award. For providers who renew at a lower rating level than previously awarded, the achievement bonus amount shall not be more than 50 percent of the award amount for the lower rating level.

5. The department may use any of the funds appropriated in this section as a match to obtain federal funds for use in expanding child care assistance and related programs. For the purpose of expenditures of state and federal child care funding, funds shall be considered obligated at the time expenditures are projected or are allocated to the department's service areas. Projections shall be based on current and projected caseload growth, current and projected provider rates, staffing requirements for eligibility determination and management of program requirements including data systems management, staffing requirements for administration of the program, contractual and grant obligations and any transfers to other state agencies, and obligations for decategorization or innovation projects.

6. A portion of the state match for the federal child care and development block grant shall be provided as necessary to meet federal matching funds requirements through the state general fund appropriation made for child development grants and other programs for at-risk children in section 279.51.

7. Of the funds appropriated in this section, $1,097,084 is transferred to the Iowa empower-

ment fund from which it is appropriated to be used for professional development for the system of early care, health, and education.

8. Of the funds appropriated in this section, $350,000 shall be allocated to a county with a population of more than 300,000 to be used for continuation of a grant to support child care center services provided to children with mental, physical, or emotional challenges in order for the children to remain in a home or family setting.

9. Of the amount allocated in subsection 1, $93,000 shall be used for the public purpose of providing a grant to a neighborhood affordable housing and services organization established in a county with a population of more than 350,000, that provides at least 300 apartment units to house more than 1,000 residents, of which more than 80 percent belong to a minority population and at least 95 percent are headed by a single parent and have an income below federal poverty guidelines, to be used for child development programming for children residing in the housing.

10. Notwithstanding section 8.33, moneys appropriated in this section or received from the federal appropriations made for the purposes of this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 15. JUVENILE INSTITUTIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For operation of the Iowa juvenile home at Toledo and for salaries, support, and maintenance, and for not more than the following full-time equivalent positions:

..... $ 6,754,759
..... FTEs 125.00

2. For operation of the state training school at Eldora and for salaries, support, and maintenance, and for not more than the following full-time equivalent positions:

..... $ 10,717,787
..... FTEs 202.70

3. A portion of the moneys appropriated in this section shall be used by the state training school and by the Iowa juvenile home for grants for adolescent pregnancy prevention activities at the institutions in the fiscal year beginning July 1, 2009.

Sec. 16. CHILD AND FAMILY SERVICES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

..... $ 90,591,451

2. In order to address a reduction of $5,200,000 from the amount allocated under the appropriation made for the purposes of this section in prior years for purposes of juvenile delinquent graduated sanction services, up to $5,200,000 of the amount of federal temporary assistance for needy families block grant funding appropriated in this division of this Act for child and family services shall be made available for purposes of juvenile delinquent graduated sanction services.

3. The department may transfer funds appropriated in this section as necessary to pay the nonfederal costs of services reimbursed under the medical assistance program, state child care assistance program, or the family investment program which are provided to children who would otherwise receive services paid under the appropriation in this section. The department may transfer funds appropriated in this section to the appropriations made in this division of this Act for general administration and for field operations for resources necessary to implement and operate the services funded in this section.

4. a. Of the funds appropriated in this section, up to $34,200,400 is allocated as the state-

wide expenditure target under section 232.143 for group foster care maintenance and services. If the department projects that such expenditures for the fiscal year will be less than the target amount allocated in this lettered paragraph, the department may reallocate the excess to provide additional funding for shelter care or the child welfare emergency services addressed with the allocation for shelter care.

b. If at any time after September 30, 2009, annualization of a service area's current expenditures indicates a service area is at risk of exceeding its group foster care expenditure target under section 232.143 by more than 5 percent, the department and juvenile court services shall examine all group foster care placements in that service area in order to identify those which might be appropriate for termination. In addition, any aftercare services believed to be needed for the children whose placements may be terminated shall be identified. The department and juvenile court services shall initiate action to set dispositional review hearings for the placements identified. In such a dispositional review hearing, the juvenile court shall determine whether needed aftercare services are available and whether termination of the placement is in the best interest of the child and the community.

5. In accordance with the provisions of section 232.188, the department shall continue the child welfare and juvenile justice funding initiative during fiscal year 2009-2010. Of the funds appropriated in this section, $1,717,753 is allocated specifically for expenditure for fiscal year 2009-2010 through the decategorization service funding pools and governance boards established pursuant to section 232.188.

6. A portion of the funds appropriated in this section may be used for emergency family assistance to provide other resources required for a family participating in a family preservation or reunification project or successor project to stay together or to be reunified.

7. Notwithstanding section 234.35 or any other provision of law to the contrary, state funding for shelter care shall be limited to $7,686,460. The department may continue or amend shelter care provider contracts to include the child welfare emergency services for children who might otherwise be served in shelter care that were implemented pursuant to 2008 Iowa Acts, chapter 1187, section 16, subsection 7.

8. Except for federal funds provided by the federal American Recovery and Reinvestment Act of 2009, federal funds received by the state during the fiscal year beginning July 1, 2009, as the result of the expenditure of state funds appropriated during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for services and purposes provided for under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for the purposes designated until the close of the succeeding fiscal year.

9. Of the funds appropriated in this section, at least $3,464,856 shall be used for protective child care assistance.

10. a. Of the funds appropriated in this section, up to $2,257,277 is allocated for the payment of the expenses of court-ordered services provided to juveniles who are under the supervision of juvenile court services, which expenses are a charge upon the state pursuant to section 232.141, subsection 4. Of the amount allocated in this lettered paragraph, up to $1,556,287 shall be made available to provide school-based supervision of children adjudicated under chapter 232, of which not more than $15,000 may be used for the purpose of training. A portion of the cost of each school-based liaison officer shall be paid by the school district or other funding source as approved by the chief juvenile court officer.

b. Of the funds appropriated in this section, up to $819,722 is allocated for the payment of the expenses of court-ordered services provided to children who are under the supervision of the department, which expenses are a charge upon the state pursuant to section 232.141, subsection 4.

c. Notwithstanding section 232.141 or any other provision of law to the contrary, the amounts allocated in this subsection shall be distributed to the judicial districts as determined by the state court administrator and to the department's service areas as determined by the administrator of the department's division of child and family services. The state court admin-

istrator and the division administrator shall make the determination of the distribution amounts on or before June 15, 2009.

d. Notwithstanding chapter 232 or any other provision of law to the contrary, a district or juvenile court shall not order any service which is a charge upon the state pursuant to section 232.141 if there are insufficient court-ordered services funds available in the district court or departmental service area distribution amounts to pay for the service. The chief juvenile court officer and the departmental service area manager shall encourage use of the funds allocated in this subsection such that there are sufficient funds to pay for all court-related services during the entire year. The chief juvenile court officers and departmental service area managers shall attempt to anticipate potential surpluses and shortfalls in the distribution amounts and shall cooperatively request the state court administrator or division administrator to transfer funds between the judicial districts' or departmental service areas' distribution amounts as prudent.

e. Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

f. Of the funds allocated in this subsection, not more than $100,000 may be used by the judicial branch for administration of the requirements under this subsection.

11. Of the funds appropriated in this section, $1,005,166 shall be transferred to the department of public health to be used for the child protection center grant program in accordance with section 135.118.

12. If the department receives federal approval to implement a waiver under Title IV-E of the federal Social Security Act to enable providers to serve children who remain in the children's families and communities, for purposes of eligibility under the medical assistance program, children who participate in the waiver shall be considered to be placed in foster care.

13. Of the funds appropriated in this section, $2,695,256 is allocated for the preparation for adult living program pursuant to section 234.46.

14. Of the funds appropriated in this section, $975,162 shall be used for juvenile drug courts. The amount allocated in this subsection shall be distributed as follows:

a. To the judicial branch for salaries to assist with the operation of juvenile drug court programs operated in the following jurisdictions:

(1) Marshall county:
..... $ 58,509

(2) Woodbury county:
..... $ 117,267

(3) Polk county:
..... $ 182,779

(4) The third judicial district:
..... $ 63,385

(5) The eighth judicial district:
..... $ 63,385

b. For court-ordered services to support substance abuse services provided to the juveniles participating in the juvenile drug court programs listed in paragraph "a" and the juveniles' families:
..... $ 489,837

The state court administrator shall allocate the funding designated in this paragraph among the programs.

15. Of the funds appropriated in this section, $224,288 shall be used for the public purpose of providing a grant to a nonprofit human services organization providing services to individuals and families in multiple locations in southwest Iowa and Nebraska for support of a project providing immediate, sensitive support and forensic interviews, medical exams, needs assessments, and referrals for victims of child abuse and their nonoffending family members.

16. Of the funds appropriated in this section, $123,923 is allocated for the elevate approach of providing a support network to children placed in foster care.

17. Of the funds appropriated in this section, $227,987 is allocated for use pursuant to section 235A.1 for continuation of the initiative to address child sexual abuse implemented pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection 21.

18. Of the funds appropriated in this section, $75,741 is allocated for the public purpose of renewing of a grant to a county with a population between 189,000 and 196,000 in the latest preceding certified federal census for implementation of the county's runaway treatment plan under section 232.195.

19. Of the funds appropriated in this section, $590,780 is allocated for the community partnership for child protection sites.

20. Of the funds appropriated in this section, $355,036 is allocated for the department's minority youth and family projects under the redesign of the child welfare system.

21. Of the funds appropriated in this section, $281,217 is allocated for funding of the state match for the federal substance abuse and mental health services administration (SAMHSA) system of care grant.

22. Of the funds appropriated in this section, $23,792 is allocated for the public purpose of providing a grant to a child welfare services provider headquartered in a county with a population between 189,000 and 196,000 in the latest preceding certified federal census that provides multiple services including but not limited to a psychiatric medical institution for children, shelter, residential treatment, after school programs, school-based programming, and an Asperger's syndrome program, to be used for support services for children with autism spectrum disorder and their families.

23. Of the funds appropriated in this section, $125,000 is allocated for continuation of the contracts for the multidimensional treatment level foster care program established pursuant to 2006 Iowa Acts, chapter 1123, for an additional year. The contractor shall provide a 25 percent match to receive the funds and shall submit a report on the program to the persons designated by this division of this Act for submission of reports.

24. Of the funds appropriated in this section, $80,000 shall be transferred to the appropriation made in this division of this Act for the family support subsidy program to supplement that appropriation.

Sec. 17. The department of human services shall work jointly with the juvenile court and juvenile court services in studying the provision of child abuse information to juvenile court services concerning children under the supervision of juvenile court services, barriers to timely provision of the information, and how the provision of the information can be improved. A final report with findings and recommendations shall be submitted to the governor, supreme court, and general assembly, on or before December 15, 2009.

Sec. 18. ADOPTION SUBSIDY.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For adoption subsidy payments and services:

. . . . . $ 34,883,674

2. The department may transfer funds appropriated in this section to the appropriation made in this Act for general administration for costs paid from the appropriation relating to adoption subsidy.

3. Except for federal funds provided by the federal American Recovery and Reinvestment Act of 2009, federal funds received by the state during the fiscal year beginning July 1, 2009, as the result of the expenditure of state funds during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for the services and activities funded under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 19. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile deten-

tion home fund created in section 232.142 during the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, for distribution of an amount equal to a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2008. Moneys appropriated for distribution in accordance with this section shall be allocated among eligible detention homes, prorated on the basis of an eligible detention home's proportion of the costs of all eligible detention homes in the fiscal year beginning July 1, 2008. The percentage figure shall be determined by the department based on the amount available for distribution for the fund. Notwithstanding section 232.142, subsection 3, the financial aid payable by the state under that provision for the fiscal year beginning July 1, 2009, shall be limited to the amount appropriated for the purposes of this section.

Sec. 20. FAMILY SUPPORT SUBSIDY PROGRAM.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the family support subsidy program:

. . . . . $ 1,697,137

2. The department shall use at least $385,475 of the moneys appropriated in this section for the family support center component of the comprehensive family support program under section 225C.47. Not more than $25,000 of the amount allocated in this subsection shall be used for administrative costs.

3. If at any time during the fiscal year, the amount of funding available for the family support subsidy program is reduced from the amount initially used to establish the figure for the number of family members for whom a subsidy is to be provided at any one time during the fiscal year, notwithstanding section 225C.38, subsection 2, the department shall revise the figure as necessary to conform to the amount of funding available.

Sec. 21. CONNER DECREE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For building community capacity through the coordination and provision of training opportunities in accordance with the consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14, 1994):

. . . . . $ 37,358

Sec. 22. MENTAL HEALTH INSTITUTES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the state mental health institute at Cherokee for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

. . . . . $ 5,436,076
. . . . . FTEs 205.00

b. For the state mental health institute at Clarinda for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

. . . . . $ 6,227,335
. . . . . FTEs 114.95

c. For the state mental health institute at Independence for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

. . . . . $ 9,503,567
. . . . . FTEs 287.85

d. For the state mental health institute at Mount Pleasant for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,795,552
..... FTEs 116.44

2. The department shall submit a proposal for closing one state mental health institute and consolidating the services provided at the other state mental health institutes. The proposal shall provide for maintaining the existing levels of beds and services after the consolidation. The proposal shall be developed in coordination with the task force review of the four institutes performed under this section. The department shall incorporate or address the findings and recommendations of the task force in such proposal. The proposal shall be submitted to the persons designated by this division of this Act for submission of reports on or before December 15, 2009.

3. The department shall staff a task force to be appointed by the governor consisting of knowledgeable citizens to perform an in-depth review of the four state mental health institutes, services provided, public benefits of the services provided, economic effects connected to the presence of the institutes that are realized by the communities in the areas served and the families of personnel, and other public costs and benefits associated with the presence and availability of the four institutes. The review shall be coordinated with the proposal to be developed by the department under this section and shall incorporate or address the proposal findings and recommendations. The task force shall submit a report providing findings and recommendations to the governor and general assembly on or before December 15, 2009.

Sec. 23. STATE RESOURCE CENTERS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the state resource center at Glenwood for salaries, support, maintenance, and miscellaneous purposes:

..... $ 17,620,487

b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

..... $ 10,929,200

2. The department may continue to bill for state resource center services utilizing a scope of services approach used for private providers of ICFMR services, in a manner which does not shift costs between the medical assistance program, counties, or other sources of funding for the state resource centers.

3. The state resource centers may expand the time-limited assessment and respite services during the fiscal year.

4. If the department's administration and the department of management concur with a finding by a state resource center's superintendent that projected revenues can reasonably be expected to pay the salary and support costs for a new employee position, or that such costs for adding a particular number of new positions for the fiscal year would be less than the overtime costs if new positions would not be added, the superintendent may add the new position or positions. If the vacant positions available to a resource center do not include the position classification desired to be filled, the state resource center's superintendent may reclassify any vacant position as necessary to fill the desired position. The superintendents of the state resource centers may, by mutual agreement, pool vacant positions and position classifications during the course of the fiscal year in order to assist one another in filling necessary positions.

5. If existing capacity limitations are reached in operating units, a waiting list is in effect for a service or a special need for which a payment source or other funding is available for the service or to address the special need, and facilities for the service or to address the special need can be provided within the available payment source or other funding, the superintendent of a state resource center may authorize opening not more than two units or other facilities and begin implementing the service or addressing the special need during fiscal year 2009-2010.

Sec. 24. MI/MR/DD STATE CASES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties for state case services for persons with mental illness, mental retardation, and developmental disabilities in accordance with section 331.440:

. . . . . $ 11,446,288

2. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, $200,000 is allocated for state case services from the amounts appropriated from the fund created in section 8.41 to the department of human services from the funds received from the federal government under 42 U.S.C., ch. 6A, subch. XVII, relating to the community mental health center block grant, for the federal fiscal years beginning October 1, 2007, and ending September 30, 2008, beginning October 1, 2008, and ending September 30, 2009, and beginning October 1, 2009, and ending September 30, 2010. The allocation made in this subsection shall be made prior to any other distribution allocation of the appropriated federal funds.

3. For the fiscal year beginning July 1, 2009, to the extent the appropriation made in this section and other funding provided for state case services and other support, as defined in section 331.440, and the other funding available in the county's services fund under section 331.424A are insufficient to pay the costs of such services and other support, a county of residence may implement a waiting list or other measures to maintain expenditures within the available funding.

4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 25. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES — COMMUNITY SERVICES FUND. There is appropriated from the general fund of the state to the mental health and developmental disabilities community services fund created in section 225C.7 for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For mental health and developmental disabilities community services in accordance with this division of this Act:

. . . . . $ 15,790,111

1. Of the funds appropriated in this section, $15,763,951 shall be allocated to counties for funding of community-based mental health and developmental disabilities services. The moneys shall be allocated to a county as follows:

a. Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

b. Fifty percent based upon the county's proportion of the state's general population.

2. a. A county shall utilize the funding the county receives pursuant to subsection 1 for services provided to persons with a disability, as defined in section 225C.2. However, no more than 50 percent of the funding shall be used for services provided to any one of the service populations.

b. A county shall use at least 50 percent of the funding the county receives under subsection 1 for contemporary services provided to persons with a disability, as described in rules adopted by the department.

3. Of the funds appropriated in this section, $26,160 shall be used to support the Iowa compass program providing computerized information and referral services for Iowans with disabilities and their families.

4. a. Funding appropriated for purposes of the federal social services block grant is allocated for distribution to counties for local purchase of services for persons with mental illness or mental retardation or other developmental disability.

b. The funds allocated in this subsection shall be expended by counties in accordance with the county's county management plan approved by the board of supervisors. A county without

an approved county management plan shall not receive allocated funds until the county's management plan is approved.

c. The funds provided by this subsection shall be allocated to each county as follows:

(1) Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

(2) Fifty percent based upon the amount provided to the county for local purchase of services in the preceding fiscal year.

5. A county is eligible for funds under this section if the county qualifies for a state payment as described in section 331.439.

6. The most recent population estimates issued by the United States bureau of the census shall be applied for the population factors utilized in this section.

Sec. 26. SEXUALLY VIOLENT PREDATORS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For costs associated with the commitment and treatment of sexually violent predators in the unit located at the state mental health institute at Cherokee, including costs of legal services and other associated costs, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 6,860,204
..... FTEs 105.50

2. Unless specifically prohibited by law, if the amount charged provides for recoupment of at least the entire amount of direct and indirect costs, the department of human services may contract with other states to provide care and treatment of persons placed by the other states at the unit for sexually violent predators at Cherokee. The moneys received under such a contract shall be considered to be repayment receipts and used for the purposes of the appropriation made in this section.

Sec. 27. FIELD OPERATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For field operations, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 63,032,831
..... FTEs 2,000.13

Priority in filling full-time equivalent positions shall be given to those positions related to child protection services and eligibility determination for low-income families.

Sec. 28. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For general administration, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 15,252,523
..... FTEs 354.33

1. Of the funds appropriated in this section, $48,556 is allocated for the prevention of disabilities policy council established in section 225B.3.

2. The department shall report at least monthly to the legislative services agency concerning the department's operational and program expenditures.

*3. *Notwithstanding provisions to the contrary in chapter 217, if necessary to address fund-*

* Item veto; see message at end of the Act

*ing reductions in general administration and field operations, the department may propose and implement reorganization of the departmental administration and field operations during the fiscal year beginning July 1, 2009. At least 30 calendar days prior to implementation of any reorganization, the department shall submit a detailed proposal for the reorganization to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, the department of management, and the persons designated by this division of this Act for submission of reports, to provide an opportunity for review, and comment, and possible revision of the proposal.**

4. The department shall adopt rules pursuant to chapter 17A establishing standards for childrens centers under section 237B.1, as amended by this Act.

Sec. 29. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services:

. . . . . $ 94,067

Sec. 30. FAMILY PLANNING SERVICES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount or so much thereof as is necessary, to be used for the purpose designated:

For family planning services to individuals with incomes not to exceed 200 percent of the federal poverty level as defined by the most recently revised income guidelines published by the United States department of health and human services, who are not currently receiving the specific benefit under the medical assistance program:

. . . . . $ 10,000

Moneys appropriated under this section shall not be used to provide abortions. The department shall work with appropriate stakeholders to implement and administer the program.

Sec. 31. PREGNANCY COUNSELING AND SUPPORT SERVICES PROGRAM — APPROPRIATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount or so much thereof as is necessary for the purpose designated:

For a pregnancy counseling and support services program as specified in this section:

. . . . . $ 100,000

The department of human services shall continue the pregnancy counseling and support services program to provide core services consisting of information, education, counseling, and support services to women who experience unplanned pregnancies by supporting childbirth, assisting pregnant women in remaining healthy and maintaining a healthy pregnancy while deciding whether to keep the child or place the child for adoption, and assisting women after the birth of a child that was implemented pursuant to 2008 Iowa Acts, chapter 1187, section 30.

Sec. 32. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. (1) For the fiscal year beginning July 1, 2009, the total state funding amount for the nursing facility budget shall not exceed $146,803,575.[3]

(2) For the fiscal year beginning July 1, 2009, the department shall rebase case-mix nursing facility rates. However, total nursing facility budget expenditures, including both case-mix and noncase-mix shall not exceed the amount specified in subparagraph (1). When calculating case-mix per diem cost and the patient-day-weighted medians used in rate-setting for nursing facilities effective July 1, 2009, the inflation factor applied from the midpoint of the cost

* Item veto; see message at end of the Act

[3] See chapter 183, §73, 74 herein

report period to the first day of the state fiscal year rate period shall be adjusted to maintain state funding within the amount specified in subparagraph (1).

(3) The department, in cooperation with nursing facility representatives, shall review projections for state funding expenditures for reimbursement of nursing facilities on a quarterly basis and the department shall determine if an adjustment to the medical assistance reimbursement rate is necessary in order to provide reimbursement within the state funding amount. Any temporary enhanced federal financial participation that may become available to the Iowa medical assistance program during the fiscal year shall not be used in projecting the nursing facility budget. Notwithstanding 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph "c", and subsection 3, paragraph "a", subparagraph (2), if the state funding expenditures for the nursing facility budget for the fiscal year beginning July 1, 2009, are projected to exceed the amount specified in subparagraph (1), the department shall adjust the reimbursement for nursing facilities reimbursed under the case-mix reimbursement system to maintain expenditures of the nursing facility budget within the specified amount. The department shall revise such reimbursement as necessary to adjust the annual accountability measures payment in accordance with 2001 Iowa Acts, chapter 192, section 4, subsection 4, as amended by 2008 Iowa Acts, chapter 1187, section 33, and as amended by this Act.

b. For the fiscal year beginning July 1, 2009, the department shall reimburse pharmacy dispensing fees using a single rate of $4.57 per prescription or the pharmacy's usual and customary fee, whichever is lower.

c. (1) For the fiscal year beginning July 1, 2009, reimbursement rates for outpatient hospital services shall remain at the rates in effect on June 30, 2009.

(2) For the fiscal year beginning July 1, 2009, reimbursement rates for inpatient hospital services shall remain at the rates in effect on June 30, 2009. The Iowa hospital association shall submit information to the general assembly's standing committees on government oversight during the 2010 session of the general assembly regarding actions taken to increase compensation and other costs of employment for hospital staff who provide direct care to patients.

(3) For the fiscal year beginning July 1, 2009, the graduate medical education and disproportionate share hospital fund shall remain at the amount in effect on June 30, 2009.

(4) In order to ensure the efficient use of limited state funds in procuring health care services for low-income Iowans, funds appropriated in this Act for hospital services shall not be used for activities which would be excluded from a determination of reasonable costs under the federal Medicare program pursuant to 42 U.S.C. § 1395X(v)(1)(N).

d. For the fiscal year beginning July 1, 2009, reimbursement rates for rural health clinics, hospices, independent laboratories, rehabilitation agencies, and acute mental hospitals shall be increased in accordance with increases under the federal Medicare program or as supported by their Medicare audited costs.

e. For the fiscal year beginning July 1, 2009, reimbursement rates for home health agencies shall remain at the rates in effect on June 30, 2009, not to exceed a home health agency's actual allowable cost.

f. For the fiscal year beginning July 1, 2009, federally qualified health centers shall receive cost-based reimbursement for 100 percent of the reasonable costs for the provision of services to recipients of medical assistance.

g. For the fiscal year beginning July 1, 2009, the reimbursement rates for dental services shall remain at the rates in effect on June 30, 2009.

h. Unless legislation is enacted by the Eighty-third General Assembly, 2009 Session, adjusting such rates, for the fiscal year beginning July 1, 2009, the maximum reimbursement rate for psychiatric medical institutions for children shall be $167.19 per day.

i. For the fiscal year beginning July 1, 2009, unless otherwise specified in this Act, all noninstitutional medical assistance provider reimbursement rates shall remain at the rates in effect on June 30, 2009, except for area education agencies, local education agencies, infant and toddler services providers, and those providers whose rates are required to be determined pursuant to section 249A.20.

j. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2009, the reimbursement rate for anesthesiologists shall remain at the rate in effect on June 30, 2009.

k. Notwithstanding section 249A.20, for the fiscal year beginning July 1, 2009, the average reimbursement rate for health care providers eligible for use of the federal Medicare resource-based relative value scale reimbursement methodology under that section shall remain at the rate in effect on June 30, 2009; however, this rate shall not exceed the maximum level authorized by the federal government.

l. For the fiscal year beginning July 1, 2009, the reimbursement rate for residential care facilities shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement. The flat reimbursement rate for facilities electing not to file semiannual cost reports shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

m. For the fiscal year beginning July 1, 2009, inpatient mental health services provided at hospitals shall be reimbursed at the cost of the services, subject to Medicaid program upper payment limit rules; community mental health centers and providers of mental health services to county residents pursuant to a waiver approved under section 225C.7, subsection 3, shall be reimbursed at 100 percent of the reasonable costs for the provision of services to recipients of medical assistance; and psychiatrists shall be reimbursed at the medical assistance program fee for service rate.

n. For the fiscal year beginning July 1, 2009, the reimbursement rate for consumer-directed attendant care shall remain at the rates in effect on June 30, 2009.

o. For the fiscal year beginning July 1, 2009, the reimbursement rate for providers of family planning services that are eligible to receive a 90 percent federal match shall be increased by 5 percent above the rates in effect on June 30, 2009.

2. For the fiscal year beginning July 1, 2009, the reimbursement rate for providers reimbursed under the in-home-related care program shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

3. Unless otherwise directed in this section, when the department's reimbursement methodology for any provider reimbursed in accordance with this section includes an inflation factor, this factor shall not exceed the amount by which the consumer price index for all urban consumers increased during the calendar year ending December 31, 2002.

4. For the fiscal year beginning July 1, 2009, notwithstanding section 234.38, the foster family basic daily maintenance rate, the maximum adoption subsidy rate, and the maximum supervised apartment living foster care rate, and the preparation for adult living program maintenance rate for children ages 0 through 5 years shall be $16.36, the rate for children ages 6 through 11 years shall be $17.01, the rate for children ages 12 through 15 years shall be $18.62, and the rate for children and young adults ages 16 and older shall be $18.87.

5. For the fiscal year beginning July 1, 2009, the maximum reimbursement rates for social services providers reimbursed under a purchase of social services contract shall remain at the rates in effect on June 30, 2009, or the provider's actual and allowable cost plus inflation for each service, whichever is less. However, the rates may be adjusted under any of the following circumstances:

a. If a new service was added after June 30, 2009, the initial reimbursement rate for the service shall be based upon actual and allowable costs.

b. If a social service provider loses a source of income used to determine the reimbursement rate for the provider, the provider's reimbursement rate may be adjusted to reflect the loss of income, provided that the lost income was used to support actual and allowable costs of a service purchased under a purchase of service contract.

6. For the fiscal year beginning July 1, 2009, the reimbursement rates for family-centered service providers, family foster care service providers, group foster care service providers, and the resource family recruitment and retention contractor shall remain at the rates in effect on June 30, 2009.

7. The group foster care reimbursement rates paid for placement of children out of state shall be calculated according to the same rate-setting principles as those used for in-state providers, unless the director of human services or the director's designee determines that appro-

priate care cannot be provided within the state. The payment of the daily rate shall be based on the number of days in the calendar month in which service is provided.

8. For the fiscal year beginning July 1, 2009, remedial service providers shall receive the same level of reimbursement under the same methodology in effect on June 30, 2009.

9. a. For the fiscal year beginning July 1, 2009, the combined service and maintenance components of the reimbursement rate paid for shelter care services and alternative child welfare emergency services purchased under a contract shall be based on the financial and statistical report submitted to the department. The maximum reimbursement rate shall be $92.36 per day. The department shall reimburse a shelter care provider at the provider's actual and allowable unit cost, plus inflation, not to exceed the maximum reimbursement rate.

b. Notwithstanding section 232.141, subsection 8, for the fiscal year beginning July 1, 2009, the amount of the statewide average of the actual and allowable rates for reimbursement of juvenile shelter care homes that is utilized for the limitation on recovery of unpaid costs shall remain at the amount in effect for this purpose in the preceding fiscal year.

10. For the fiscal year beginning July 1, 2009, the department shall calculate reimbursement rates for intermediate care facilities for persons with mental retardation at the 80th percentile. For the fiscal year beginning July 1, 2009, notwithstanding any provision to the contrary, the rate calculation methodology shall utilize a 3 percent consumer price index inflation factor. However, beginning July 1, 2010, the rate calculation methodology shall utilize the consumer price index inflation factor applicable to the fiscal year beginning July 1, 2010.

11. For the fiscal year beginning July 1, 2009, for child care providers reimbursed under the state child care assistance program, the department shall set provider reimbursement rates based on the rate reimbursement survey completed in December 2004. Effective July 1, 2009, the child care provider reimbursement rates shall remain at the rates in effect on June 30, 2009. The department shall set rates in a manner so as to provide incentives for a nonregistered provider to become registered by applying the increase only to registered and licensed providers.

12. For the fiscal year beginning July 1, 2009, reimbursements for providers reimbursed by the department of human services may be modified if appropriated funding is allocated for that purpose from the senior living trust fund created in section 249H.4.

13. The department may adopt emergency rules to implement this section.

Sec. 33. 2001 Iowa Acts, chapter 192, section 4, subsection 4, as amended by 2008 Iowa Acts, chapter 1187, section 33, is amended by striking the subsection, and inserting in lieu thereof the following:

4. NURSING FACILITY PAY-FOR-PERFORMANCE.

a. It is the intent of the general assembly that the department of human services initiate a system to recognize nursing facilities that provide quality of life and appropriate access to medical assistance program beneficiaries in a cost-effective manner.

b. The department shall design and implement a program to establish benchmarks and to collect data for these benchmarks to evaluate nursing facility performance and to adjust the program and benchmarks, accordingly, to recognize improvement. The program shall include procedures to provide a pay-for-performance payment based upon a nursing facility's achievement of multiple favorable outcomes as determined by these benchmarks. Any increased reimbursement shall not exceed 5 percent of the sum of the direct and nondirect care medians. The increased reimbursement shall be included in the calculation of nursing facility modified price-based payment rates with the exception of Medicare-certified hospital-based nursing facilities, state-operated nursing facilities, and special population nursing facilities. The increased reimbursement shall be applicable to the payment periods beginning July 1, 2009.

c. It is the intent of the general assembly that any pay-for-performance payments to nursing facilities be used to support direct care staff through increased wages, enhanced benefits, and expanded training opportunities and that all pay-for-performance payments be used in a manner that improves and enhances quality of care for residents.

d. The program shall include various levels of compliance in order for a nursing facility to be considered eligible for a pay-for-performance payment including:

(1) The initial meeting of prerequisites including all of the following:

(a) A nursing facility shall not be eligible to participate if during the payment period the nursing facility receives a deficiency resulting in actual harm or immediate jeopardy, pursuant to the federal certification guidelines at an H level scope and severity or higher, regardless of the amount of fines assessed.

(b) The pay-for-performance payment component shall be suspended for any month the nursing facility is in denial of payment for new admissions status.

(2) Monitoring for nursing facility compliance with program requirements including:

(a) Survey compliance during the payment period. If a nursing facility receives a deficiency resulting in actual harm pursuant to the federal certification guidelines at a G level scope and severity or higher, the payment shall be reduced by 25 percent for each such deficiency received during the state fiscal year. Additionally, if the nursing facility fails to cure any deficiency cited within the time required by the department of inspections and appeals, the payment shall be forfeited and the nursing facility shall not receive any payment for that payment period.

(b) Compliance with the use of the pay-for-performance payment received.

(c) Establishing and utilizing a tracking and reporting system to document the use of the pay-for-performance payments by the nursing facility.

(3) Use of measures based on the four domains of quality of life, quality of care, access, and efficiency.

e. (1) The department shall utilize cost reports or other means to document nursing facility eligibility for and compliance with the pay-for-performance payments.

(2) The department shall publish the results of the measures for which a nursing facility qualifies and the amount of any pay-for-performance payment received. The department shall also publish information regarding the use of the pay-for-performance payments by any nursing facility receiving such payment.

f. The department may adopt emergency rules to implement this subsection.

g. The department shall request any medical assistance state plan amendment necessary to implement the pay-for-performance payment methodology.

h. It is the intent of the general assembly that the department of human services continue to convene the workgroup established pursuant to 2008 Iowa Acts, chapter 1187, section 33, to develop recommendations to design a quality improvement process for targeted nursing facilities for implementation in the fiscal year beginning July 1, 2010. Recommendations shall include a process that identifies the best practices used in facilities receiving pay-for-performance payment and creates a system to assist other nursing facilities in the implementation of those best practices.

Sec. 34. EMERGENCY RULES.

1. If specifically authorized by a provision of this division of this Act, the department of human services or the mental health, mental retardation, developmental disabilities, and brain injury commission may adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions and the rules shall become effective immediately upon filing or on a later effective date specified in the rules, unless the effective date is delayed by the administrative rules review committee. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. The delay authority provided to the administrative rules review committee under section 17A.4, subsection 5, and section 17A.8, subsection 9, shall be applicable to a delay imposed under this section, notwithstanding a provision in those sections making them inapplicable to section 17A.5, subsection 2, paragraph "b". Any rules adopted in accordance with the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

2. If during the fiscal year beginning July 1, 2009, the department of human services is adopting rules in accordance with this section or as otherwise directed or authorized by state law, and the rules will result in an expenditure increase beyond the amount anticipated in the

budget process or if the expenditure was not addressed in the budget process for the fiscal year, the department shall notify the persons designated by this division of this Act for submission of reports, the chairpersons and ranking members of the committees on appropriations, and the department of management concerning the rules and the expenditure increase. The notification shall be provided at least 30 calendar days prior to the date notice of the rules is submitted to the administrative rules coordinator and the administrative code editor.

Sec. 35. DEPARTMENTAL EFFICIENCIES — BUDGET REDUCTIONS. The departments of elder affairs, public health, human services, and veterans affairs shall develop a plan to maximize efficiencies to reduce their respective FY 2009-2010 budgets by five percent beginning in FY 2010-2011. The departments shall collaborate to the extent appropriate to accomplish such reductions. The departments shall report their plans for maximizing efficiencies and reducing their budgets to the individuals specified in this Act to receive reports by December 15, 2009.

Sec. 36. FULL-TIME EQUIVALENT POSITIONS — REDUCTIONS. The director of the department or state agency to which appropriations are made pursuant to this division of this Act, in making any reductions in full-time equivalent positions, shall, to the greatest extent possible, retain those positions providing direct services to the public.

Sec. 37. EXPENSE REIMBURSEMENT — REQUIREMENTS. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the director of a department or state agency to which appropriations are made pursuant to the provisions of this Act shall require employees, in order to receive reimbursement for expense, to submit actual receipts for meals and other costs. Reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted.

Sec. 38. OUT-OF-STATE TRAVEL — RESTRICTIONS. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, out-of-state travel by an employee of a department or state agency to which appropriations are made pursuant to this Act shall not be authorized unless the executive council authorizes the travel as necessary for the performance of official state business.

Sec. 39. LEAN GOVERNMENT EXCHANGE. Beginning July 1, 2009, the department of human services shall participate in the lean government exchange through consultation with the department of management, office of lean enterprise, to improve the speed and efficiency of departmental and program processes by eliminating waste. The department shall initially apply this methodology to general administration. The department shall submit periodic progress reports regarding such implementation to the persons designated by this division of this Act for submission of reports.

Sec. 40. PHARMACY-RELATED ISSUES — INTERIM.

1. The legislative council is requested to establish a legislative study committee for the 2009 interim to identify strategies and solutions to address problems arising from inappropriate medication use in the health care system.

2. The study committee shall consist of members of the general assembly, and representatives of the department of public health, the Iowa pharmacy association, the Iowa medical society, the Iowa nurses association, wellmark blue cross blue shield, the principal financial group,[4] the university of Iowa college of public health, the Iowa retail federation, the prevention and chronic care management advisory council established in section 135.161, the medical home system advisory council established in section 135.159, the Iowa healthcare collaborative, as defined in section 135.40, the health policy corporation of Iowa, and the Iowa foundation for medical care.

3. The study committee shall document the extent and causes of medication use problems

* Item veto; see message at end of the Act

[4] See chapter 179, §185 herein

and examine potential solutions including medication therapy management programs, evidence-based prescriber education programs, clinical pharmacy services in the primary medical home, collaborative practice models of care, and quality and performance-based payment systems.

4. The study committee shall submit a report of its findings and recommendations to the general assembly for consideration during the 2010 legislative session.

Sec. 41. REPORTS. Any reports or information required to be compiled and submitted under this Act shall be submitted to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, the legislative services agency, and the legislative caucus staffs on or before the dates specified for submission of the reports or information.

Sec. 42. EFFECTIVE DATE. The following provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

The provision under the appropriation for child and family services, relating to requirements of section 232.143 for representatives of the department of human services and juvenile court services to establish a plan for continuing group foster care expenditures for fiscal year 2009-2010.

DIVISION II
SENIOR LIVING TRUST FUND, PHARMACEUTICAL SETTLEMENT ACCOUNT, IOWACARE ACCOUNT, AND HEALTH CARE TRANSFORMATION ACCOUNT

Sec. 43. DEPARTMENT OF ELDER AFFAIRS. There is appropriated from the senior living trust fund created in section 249H.4 to the department of elder affairs for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the development and implementation of a comprehensive senior living program, including case management only if the monthly cost per client for case management for the frail elderly services provided does not exceed the amount specified in this section, and including program administration and costs associated with implementation:

. . . . . $ 8,486,698

1. a. Of the funds appropriated in this section, $1,010,000 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver.

b. The monthly cost per client for case management for the frail elderly services provided shall not exceed an average of $70. However, if the department of human services adopts administrative rules revising the reimbursement methodology to include 15 minute units, 24-hour on-call, and other requirements consistent with federal regulations, the $70 monthly cap shall be eliminated and replaced with a quarterly projection of expenditures and reimbursement revisions necessary to maintain expenditures within the amounts budgeted under the appropriations made for the fiscal year for the medical assistance program.

c. The department of human services shall review projections for state funding expenditures for reimbursement of case management services under the medical assistance elderly waiver on a quarterly basis and shall determine if an adjustment to the medical assistance reimbursement rates are necessary to provide reimbursement within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program. Any temporary enhanced federal financial participation that may become available for the medical assistance program during the fiscal year shall not be used in projecting the medical assistance elderly waiver case management budget. The department of human services shall revise such reimbursement rates as necessary to maintain expenditures for medical as-

sistance elderly waiver case management services within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program.

2. Notwithstanding section 249H.7, the department of elder affairs shall distribute funds appropriated in this section in a manner that will supplement and maximize federal funds under the federal Older Americans Act and shall not use the amount distributed for any administrative purposes of either the department of elder affairs or the area agencies on aging.

3. Of the funds appropriated in this section, $60,000 shall be used to provide dementia-specific education to direct care workers and other providers of long-term care to enhance existing or scheduled efforts through the Iowa caregivers association, the Alzheimer's association, and other organizations identified as appropriate by the department.

Sec. 44. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the senior living trust fund created in section 249H.4 to the department of inspections and appeals for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the inspection and certification of assisted living facilities and adult day care services, including program administration and costs associated with implementation:

. . . . . $ 1,339,527

Sec. 45. IOWA FINANCE AUTHORITY. There is appropriated from the senior living trust fund created in section 249H.4 to the Iowa finance authority for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the rent subsidy program, to provide reimbursement for rent expenses to eligible persons:

. . . . . $ 700,000

Participation in the rent subsidy program shall be limited to only those persons who meet the requirements for the nursing facility level of care for home and community-based services waiver services as in effect on July 1, 2009, and to those individuals who are eligible for the federal money follows the person grant program under the medical assistance program. Of the funds appropriated in this section, not more than $35,000 may be used for administrative costs.

Sec. 46. DEPARTMENT OF HUMAN SERVICES. Any funds remaining in the senior living trust fund created in section 249H.4 following the appropriations from the senior living trust fund made in this division of this Act to the department of elder affairs, the department of inspections and appeals, and the Iowa finance authority, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of human services to supplement the medical assistance program appropriations made in this Act, including program administration and costs associated with implementation. In order to carry out the purposes of this section, the department may transfer funds appropriated in this section to supplement other appropriations made to the department of human services.

Sec. 47. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is appropriated from the pharmaceutical settlement account created in section 249A.33 to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To supplement the appropriations made for medical contracts under the medical assistance program:

. . . . . $ 1,323,833

Sec. 48. APPROPRIATIONS FROM IOWACARE ACCOUNT.

1. There is appropriated from the IowaCare account created in section 249J.24 to the state board of regents for distribution to the university of Iowa hospitals and clinics for the fiscal

year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, equipment, and miscellaneous purposes, for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

. . . . . $ 27,284,584

a. Funds appropriated in this subsection shall not be used to perform abortions except medically necessary abortions, and shall not be used to operate the early termination of pregnancy clinic except for the performance of medically necessary abortions. For the purpose of this subsection, an abortion is the purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus, and a medically necessary abortion is one performed under one of the following conditions:

(1) The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.

(2) The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

(3) The pregnancy is the result of a rape which is reported within 45 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(4) The pregnancy is the result of incest which is reported within 150 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(5) The abortion is a spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled.

b. Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be allocated in twelve equal monthly payments as provided in section 249J.24.

2. There is appropriated from the IowaCare account created in section 249J.24 to the state board of regents for distribution to the university of Iowa hospitals and clinics for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, equipment, and miscellaneous purposes, for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

. . . . . $ 47,020,131

The amount appropriated in this subsection shall be distributed only if expansion population claims adjudicated and paid by the Iowa Medicaid enterprise exceed the appropriation to the state board of regents for distribution to the university of Iowa hospitals and clinics provided in subsection 1. The amount appropriated in this subsection shall be distributed monthly for expansion population claims adjudicated and approved for payment by the Iowa Medicaid enterprise using medical assistance program reimbursement rates.

3. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For distribution to a publicly owned acute care teaching hospital located in a county with a population over 350,000 for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

. . . . . $ 46,000,000

a. Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be allocated in twelve equal monthly payments as provided in section 249J.24. Any amount appropriated in this subsection in excess of $41,000,000 shall be allocated only if federal funds are available to match the amount allocated.

b. Notwithstanding the total amount of proceeds distributed pursuant to section 249J.24,

subsection 6, paragraph "a", unnumbered paragraph 1, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the county treasurer of a county with a population of over 350,000 in which a publicly owned acute care teaching hospital is located shall distribute the proceeds collected pursuant to section 347.7 in a total amount of $38,000,000, which would otherwise be distributed to the county hospital, to the treasurer of state for deposit in the IowaCare account.

c. (1) Notwithstanding the amount collected and distributed for deposit in the IowaCare account pursuant to section 249J.24, subsection 6, paragraph "a", subparagraph (1), the first $19,000,000 in proceeds collected pursuant to section 347.7 between July 1, 2009, and December 31, 2009, shall be distributed to the treasurer of state for deposit in the IowaCare account and collections during this time period in excess of $19,000,000 shall be distributed to the acute care teaching hospital identified in this subsection.

(2) Notwithstanding the amount collected and distributed for deposit in the IowaCare account pursuant to section 249J.24, subsection 6, paragraph "a", subparagraph (2), the first $19,000,000 in collections pursuant to section 347.7 between January 1, 2010, and June 30, 2010, shall be distributed to the treasurer of state for deposit in the IowaCare account and collections during this time period in excess of $19,000,000 shall be distributed to the acute care teaching hospital identified in this subsection.

Sec. 49. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE TRANSFORMATION — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary, there is appropriated from the account for health care transformation created in section 249J.23 to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the costs of medical examinations and development of personal health improvement plans for the expansion population pursuant to section 249J.6:
. . . . . $ 556,800

2. For the provision of a medical information hotline for the expansion population as provided in section 249J.6:
. . . . . $ 100,000

3. For other health promotion partnership activities pursuant to section 249J.14:
. . . . . $ 600,000

4. For the costs related to audits, performance evaluations, and studies required pursuant to chapter 249J:
. . . . . $ 125,000

5. For administrative costs associated with chapter 249J:
. . . . . $ 1,132,412

6. For planning and development, in cooperation with the department of public health, of a phased-in program to provide a dental home for children in accordance with section 249J.14, subsection 7:
. . . . . $ 1,000,000

7. For continuation of the establishment of the tuition assistance for individuals serving individuals with disabilities pilot program, as enacted in 2008 Iowa Acts, chapter 1187, section 130:
. . . . . $ 50,000

8. For medical contracts:
. . . . . $ 1,300,000

9. For payment to the publicly owned acute care teaching hospital located in a county with a population of over 350,000 that is a participating provider pursuant to chapter 249J:
. . . . . $ 290,000

Disbursements under this subsection shall be made monthly. The hospital shall submit a report following the close of the fiscal year regarding use of the funds appropriated in this subsection to the persons specified in this Act to receive reports.

Notwithstanding section 8.39, subsection 1, without the prior written consent and approval of the governor and the director of the department of management, the director of human services may transfer funds among the appropriations made in this section as necessary to carry out the purposes of the account for health care transformation. The department shall report any transfers made pursuant to this section to the legislative services agency.

Sec. 50. APPROPRIATION FROM ACCOUNT FOR HEALTH CARE TRANSFORMATION — DEPARTMENT OF ELDER AFFAIRS. Notwithstanding any provision to the contrary, there is appropriated from the account for health care transformation created in section 249J.23 to the department of elder affairs for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purpose designated:

For re-programming of the SEAMLESS computer system for case management:
. . . . . $ 200,000

Sec. 51. IOWACARE RENEWAL OF WAIVER. It is the intent of the general assembly that the department of human services apply for renewal of the IowaCare section 1115 demonstration waiver under the medical assistance program. The department shall seek to renew the existing terms of the waiver for an additional five-year period and shall seek maximum expenditure authority for payments to the state's four mental health institutes. The IowaCare section 1115 demonstration waiver renewal shall be amended to remove the limitation on new provider taxes and shall transfer the seriously emotionally disturbed children waiver to be approved as a section 1915(c) home and community-based services waiver.

Sec. 52. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR FY 2009-2010. Notwithstanding section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2009, and ending June 30, 2010, from the general fund of the state, the senior living trust fund, the health care trust fund, and the property tax relief fund are in excess of actual expenditures for the medical assistance program and remain unencumbered or unobligated at the close of the fiscal year, the excess moneys shall not revert but shall remain available for expenditure for the purposes of the medical assistance program until the close of the succeeding fiscal year.

DIVISION III
MH/MR/DD SERVICES
ALLOWED GROWTH FUNDING
FY 2009-2010

Sec. 53. Section 426B.5, subsection 2, paragraph i, subparagraph (3), Code 2009, is amended to read as follows:

(3) Avoiding the need for reduction or elimination of a mobile crisis team or other critical emergency services when the reduction or elimination places the public's health or safety at risk.

Sec. 54. 2008 Iowa Acts, chapter 1191, section 1, is amended to read as follows:

SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED GROWTH APPROPRIATION AND ALLOCATIONS — FISCAL YEAR 2009-2010.

~~1.~~ There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment for fiscal year 2009-2010 as provided in

this section in lieu of the allowed growth factor provisions of section 331.438, subsection 2, and section 331.439, subsection 3, and chapter 426B:

. . . . . $ ~~69,949,069~~ 54,108,770

~~2. The amount appropriated in this section shall be allocated as provided in a later enactment of the general assembly.~~

Sec. 55. 2008 Iowa Acts, chapter 1191, section 1, as amended by this division of this Act, is amended by adding the following new subsections:

NEW SUBSECTION. 1. Of the amount appropriated in this section, $146,750 shall be used for assistance to the counties with limited county mental health, mental retardation, and developmental disabilities services fund balances which were selected in accordance with 2000 Iowa Acts, chapter 1221, section 3, to receive such assistance, in the same amount provided during the fiscal year beginning July 1, 2000, and ending June 30, 2001, to pay reimbursement increases in accordance with 2000 Iowa Acts, chapter 1221, section 3.

NEW SUBSECTION. 2. Of the amount appropriated in this section, $12,000,000 shall be distributed as provided in this subsection.

a. To be eligible to receive a distribution under this subsection, a county must meet the following requirements:

(1) The county is levying for the maximum amount allowed for the county's mental health, mental retardation, and developmental disabilities services fund under section 331.424A for taxes due and payable in the fiscal year beginning July 1, 2009, or the county is levying for at least 90 percent of the maximum amount allowed for the county's services fund and that levy rate is more than $2 per $1,000 of the assessed value of all taxable property in the county.

(2) In the fiscal year beginning July 1, 2007, the county's mental health, mental retardation, and developmental disabilities services fund ending balance under generally accepted accounting principles was equal to or less than 15 percent of the county's actual gross expenditures for that fiscal year.

b. A county's allocation of the amount appropriated in this subsection shall be determined based upon the county's proportion of the general population of the counties eligible to receive an allocation under this subsection. The most recent population estimates issued by the United States bureau of the census shall be applied in determining population for the purposes of this paragraph.

c. The allocations made pursuant to this subsection are subject to the distribution provisions and withholding requirements established in this section for the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment for the fiscal year beginning July 1, 2009.

NEW SUBSECTION. 3. The following amount of the funding appropriated in this section is the allowed growth factor adjustment for fiscal year 2009-2010, and shall be credited to the allowed growth funding pool created in the property tax relief fund and for distribution in accordance with section 426B.5, subsection 1:

. . . . . $ 41,962,020

NEW SUBSECTION. 4. The following formula amounts shall be utilized only to calculate preliminary distribution amounts for the allowed growth factor adjustment for fiscal year 2009-2010 under this section by applying the indicated formula provisions to the formula amounts and producing a preliminary distribution total for each county:

a. For calculation of a distribution amount for eligible counties from the allowed growth funding pool created in the property tax relief fund in accordance with the requirements in section 426B.5, subsection 1:

. . . . . $ 49,626,596

b. For calculation of a distribution amount for counties from the mental health and developmental disabilities (MH/DD) community services fund in accordance with the formula provided in the appropriation made for the MH/DD community services fund for the fiscal year beginning July 1, 2009:

. . . . . $ 15,763,951

NEW SUBSECTION. 5. After applying the applicable statutory distribution formulas to the amounts indicated in subsection 4 for purposes of producing preliminary distribution totals, the department of human services shall apply a withholding factor to adjust an eligible individual county's preliminary distribution total. In order to be eligible for a distribution under this section, a county must be levying 90 percent or more of the maximum amount allowed for the county's mental health, mental retardation, and developmental disabilities services fund under section 331.424A for taxes due and payable in the fiscal year for which the distribution is payable. An ending balance percentage for each county shall be determined by expressing the county's ending balance on a modified accrual basis under generally accepted accounting principles for the fiscal year beginning July 1, 2007, in the county's mental health, mental retardation, and developmental disabilities services fund created under section 331.424A, as a percentage of the county's gross expenditures from that fund for that fiscal year. If a county borrowed moneys for purposes of providing services from the county's services fund on or before July 1, 2007, and the county's services fund ending balance for that fiscal year includes the loan proceeds or an amount designated in the county budget to service the loan for the borrowed moneys, those amounts shall not be considered to be part of the county's ending balance for purposes of calculating an ending balance percentage under this subsection. The withholding factor for a county shall be the following applicable percent:

a. For an ending balance percentage of less than 5 percent, a withholding factor of 0 percent. In addition, a county that is subject to this lettered paragraph shall receive an inflation adjustment equal to 3 percent of the gross expenditures reported for the county's services fund for the fiscal year.

b. For an ending balance percentage of 5 percent or more but less than 10 percent, a withholding factor of 0 percent. In addition, a county that is subject to this lettered paragraph shall receive an inflation adjustment equal to 2 percent of the gross expenditures reported for the county's services fund for the fiscal year.

c. For an ending balance percentage of 10 percent or more but less than 25 percent, a withholding factor of 25 percent. However, for counties with an ending balance percentage of 10 percent or more but less than 15 percent, the amount withheld shall be limited to the amount by which the county's ending balance was in excess of the ending balance percentage of 10 percent.

d. For an ending balance percentage of 25 percent or more, a withholding percentage of 100 percent.

NEW SUBSECTION. 6. The total withholding amounts applied pursuant to subsection 5 shall be equal to a withholding target amount of $7,664,576. If the department of human services determines that the amount to be withheld in accordance with subsection 6 is not equal to the target withholding amount, the department shall adjust the withholding factors listed in subsection 6 as necessary to achieve the target withholding amount. However, in making such adjustments to the withholding factors, the department shall strive to minimize changes to the withholding factors for those ending balance percentage ranges that are lower than others and shall not adjust the zero withholding factor or the inflation adjustment percentage specified in subsection 5, paragraph "a".

Sec. 56. ADULT MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES SERVICES SYSTEM TASK FORCE. The co-chairpersons of the joint appropriations subcommittee on health and human services, in consultation with the ranking members of the subcommittee, shall appoint a task force of stakeholders for the 2009 legislative interim to address the service system administered by counties for adult mental health and developmental disabilities services. The task force shall address both funding and service issues and may utilize a facilitator to assist the process. The task force shall submit a final report with recommendations to the governor and general assembly for action during the 2010 legislative session.

Sec. 57. MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY COMMISSION AND MENTAL HEALTH PLANNING COUNCIL. During the fiscal year beginning July 1, 2009, the mental health, mental retardation, develop-

mental disabilities, and brain injury commission and the Iowa mental health planning council established by the department of human services pursuant to federal requirements for the community mental health services block grant, or the officers of such bodies, shall meet at least quarterly to coordinate the efforts of the bodies.

Sec. 58. STATE RESOURCE CENTER BILLINGS — AMERICAN RECOVERY AND REINVESTMENT ACT. For the period beginning October 1, 2008, and ending September 30, 2010, or the period for which funding from the federal American Recovery and Reinvestment Act of 2009 can be used for the cost of care for patients at a state resource center, whichever is longer, the per diem amounts billed to counties under section 222.73 for such care may be adjusted downward by an applicable percentage of the nonfederal portion of the billing amounts, as necessary to comply with the intent of the federal Act.

Sec. 59. EFFECTIVE DATE — RETROACTIVE APPLICABILITY. The section of this division of this Act relating to state resource center billings, being deemed of immediate importance, takes effect upon enactment, is retroactively applicable to October 1, 2008, and is applicable on and after that date.

DIVISION IV
HEALTH CARE TRUST FUND APPROPRIATIONS —
HEALTH CARE ACTIVITIES

Sec. 60. DEPARTMENT OF PUBLIC HEALTH. In addition to any other appropriation made in this Act for the purposes designated, there is appropriated from the health care trust fund created in section 453A.35A to the department of public health for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. ADDICTIVE DISORDERS

. . . . . $ 2,748,692

a. Of the funds appropriated in this subsection, $357,870 shall be used for culturally competent substance abuse treatment pilot projects.

(1) The department shall utilize the amount allocated in this lettered paragraph for at least three pilot projects to provide culturally competent substance abuse treatment in various areas of the state. Each pilot project shall target a particular ethnic minority population. The populations targeted shall include but are not limited to African-American, Asian, and Latino.

(2) The pilot project requirements shall provide for documentation or other means to ensure access to the cultural competence approach used by a pilot project so that such approach can be replicated and improved upon in successor programs.

b. Of the funds appropriated in this subsection, $1,597,656 shall be used for tobacco use prevention, cessation, and treatment. The department shall utilize the funds to provide for a variety of activities related to tobacco use prevention, cessation, and treatment including to support Quitline Iowa, QuitNet cessation counseling and education, grants to school districts and community organizations to support Just Eliminate Lies youth chapters and youth tobacco prevention activities, the Just Eliminate Lies tobacco prevention media campaign, nicotine replacement therapy, and other prevention and cessation materials and media promotion. Of the funds allocated in this lettered paragraph, not more than $148,262 may be utilized by the department for administrative purposes.

c. Of the funds appropriated in this subsection, $793,166 shall be used for substance abuse treatment activities.

2. HEALTHY CHILDREN AND FAMILIES

. . . . . $ 493,574

a. Of the funds appropriated in this subsection, $159,603 shall be used to address the healthy mental development of children from birth through five years of age through local evidence-based strategies that engage both the public and private sectors in promoting healthy development, prevention, and treatment for children.

b. Of the funds appropriated in this subsection, $143,643 shall be used for childhood obesity prevention.

c. Of the funds appropriated in this subsection, $190,328 shall be used to provide audiological services and hearing aids for children. The department may enter into a contract to administer this paragraph.

d. It is the intent of the general assembly that the department of public health shall implement the recommendations of the postnatal tissue and fluid bank task force created in 2007 Iowa Acts, chapter 147, based upon the report submitted to the general assembly in November 2007, as funding becomes available. The department shall notify the Iowa Code editor and the persons specified in this Act to receive reports when such funding becomes available.

3. CHRONIC CONDITIONS

. . . . . $ 999,219

a. Of the funds appropriated in this subsection, $383,271 shall be used for child health specialty clinics.

b. Of the funds appropriated in this subsection, $454,224 shall be used for the comprehensive cancer control program to reduce the burden of cancer in Iowa through prevention, early detection, effective treatment, and ensuring quality of life. The department shall utilize one of the full-time equivalent positions authorized in this subsection for administration of the activities related to the comprehensive cancer control program.

c. Of the funds appropriated in this subsection, $161,724 shall be used for cervical and colon cancer screening.

4. COMMUNITY CAPACITY

. . . . . $ 2,720,507

a. Of the funds appropriated in this subsection, $61,349 shall be deposited in the governmental public health system fund created by this Act to be used to further develop the Iowa public health standards and to begin implementation of public health modernization in accordance with chapter 135A, as enacted in this Act, to the extent funding is available.

b. Of the funds appropriated in this subsection, $163,600 shall be used for the mental health professional shortage area program implemented pursuant to section 135.80.

c. Of the funds appropriated in this subsection, $40,900 shall be used for a grant to a statewide association of psychologists that is affiliated with the American psychological association to be used for continuation of a program to rotate intern psychologists in placements in urban and rural mental health professional shortage areas, as defined in section 135.80.

d. Of the funds appropriated in this subsection, the following amounts shall be allocated to the Iowa collaborative safety net provider network established pursuant to section 135.153 to be used for the purposes designated:

(1) For distribution to the Iowa-Nebraska primary care association for statewide coordination of the Iowa collaborative safety net provider network:

. . . . . $ 81,800

(2) For distribution to the Iowa family planning network agencies for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in determining an appropriate medical home:

. . . . . $ 82,796

(3) For distribution to the local boards of health that provide direct services for pilot programs in three counties to assist patients in determining an appropriate medical home:

. . . . . $ 82,796

(4) For distribution to maternal and child health centers for pilot programs in three counties to assist patients in determining an appropriate medical home:

. . . . . $ 82,796

(5) For distribution to free clinics for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in determining an appropriate medical home:

. . . . . $ 204,500

(6) For distribution to rural health clinics for necessary infrastructure, statewide coordina-

tion, provider recruitment, service delivery, and provision of assistance to patients in determining an appropriate medical home:

. . . . . $ 122,700

(7) For continuation of the safety net provider patient access to specialty health care initiative as described in 2007 Iowa Acts, ch. 218, section 109:

. . . . . $ 327,200

(8) For continuation of the pharmaceutical infrastructure for safety net providers as described in 2007 Iowa Acts, ch. 218, section 108:

. . . . . $ 327,200

The Iowa collaborative safety net provider network may continue to distribute funds allocated pursuant to this lettered paragraph through existing contracts or renewal of existing contracts.

e. Of the funds appropriated in this subsection, $500,000 shall be used to continue funding for the community health center incubation grant program. Funds shall be utilized by the recipient of the grant in the previous fiscal year to ensure continuation of affordable primary and preventive health care services to the uninsured and underserved in northwest Iowa.

f. Of the funds appropriated in this subsection, $200,000 shall be used for continued implementation of the recommendations of the direct care worker task force established pursuant to 2005 Iowa Acts, chapter 88, based upon the report submitted to the governor and the general assembly in December 2006. The department may use a portion of the funds allocated in this paragraph for an additional position to assist in the continued implementation including credentialing of direct care workers. The department of public health shall report to the persons designated in division I of this Act for submission of reports regarding use of the funds allocated in this lettered paragraph, on or before January 10, 2010.

g. (1) Of the funds appropriated in this subsection, $150,000 shall be used for allocation to an independent statewide direct care worker association for education, outreach, leadership development, mentoring, and other initiatives intended to enhance the recruitment and retention of direct care workers in health and long-term care.

(2) Of the funds appropriated in this subsection, $70,000 shall be used to provide conference scholarships to direct care workers.

(3) The association specified in this lettered paragraph shall report to the persons designated in division I of this Act for submission of reports on or before January 1, 2010, the use of the funds allocated in this lettered paragraph, any progress made regarding the initiatives specified and in expanding the association statewide, and the number of scholarships provided, and shall include in the report a copy of the association's internal revenue service form 990.

h. The department may utilize one of the full-time equivalent positions authorized in this subsection for administration of the activities related to the Iowa collaborative safety net provider network.

i. The department may utilize one of the full-time equivalent positions authorized in this subsection for administration of the volunteer health care provider program pursuant to section 135.24.

j. Of the funds appropriated in this subsection, $222,870 shall be transferred to the department of elder affairs to be used for unmet needs.

Sec. 61. DEPARTMENT OF HUMAN SERVICES. In addition to any other appropriation made in this Act for the purposes designated, there is appropriated from the health care trust fund created in section 453A.35A to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, for the purpose designated:

MEDICAL ASSISTANCE

. . . . . $ 111,834,156

Sec. 62. Section 453A.35, subsection 1, Code 2009, is amended to read as follows:

1. The proceeds derived from the sale of stamps and the payment of taxes, fees, and penal-

ties provided for under this chapter, and the permit fees received from all permits issued by the department, shall be credited to the general fund of the state. However, ~~beginning July 1, 2007,~~ of the revenues generated from the tax on cigarettes pursuant to section 453A.6, subsection 1, and from the tax on tobacco products as specified in section 453A.43, subsections 1, 2, 3, and 4, and credited to the general fund of the state under this subsection, there is appropriated, annually, to the health care trust fund created in section 453A.35A, the first one hundred ~~twenty-seven~~ seventeen million ~~six~~ seven hundred ninety-six thousand dollars.

DIVISION V
IOWACARE

Sec. 63. 2008 Iowa Acts, chapter 1187, section 44, subsection 3, is amended to read as follows:

3. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For distribution to a publicly owned acute care teaching hospital located in a county with a population over three hundred fifty thousand for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

. . . . . $ ~~40,000,000~~
46,000,000

Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be allocated in twelve equal monthly payments as provided in section 249J.24. Any amount appropriated in this subsection in excess of ~~$37,000,000~~ 41,000,000 shall be allocated only if federal funds are available to match the amount allocated.

Sec. 64. IOWACARE ACCOUNT — DISTRIBUTION AND DEPOSIT OF PROCEEDS OF HOSPITAL TAX LEVY.

1. Notwithstanding the total amount of proceeds distributed pursuant to section 249J.24, subsection 6, paragraph "a", unnumbered paragraph 1, for the fiscal period beginning July 1, 2008, and ending June 30, 2009, the county treasurer of a county with a population over 350,000 in which a publicly owned acute care teaching hospital is located shall distribute the proceeds collected pursuant to section 347.7 in a total amount of $38,000,000, which would otherwise be distributed to the county hospital, to the treasurer of state for deposit in the IowaCare account.

2. Notwithstanding the amount collected and distributed for deposit in the IowaCare account pursuant to section 249J.24, subsection 6, paragraph "a", subparagraph (2), a maximum of $21,000,000 in proceeds collected pursuant to section 347.7 between January 1, 2009, and June 30, 2009, shall be distributed to the treasurer of state for deposit in the IowaCare account and collections during this time in excess of a maximum of $21,000,000 shall be distributed to the acute care teaching hospital identified in section 249J.24, subsection 6. However, if the collections for the period between January 1, 2009, and June 30, 2009, do not equal at least $21,000,000, the initial proceeds collected pursuant to section 347.7 between January 1, 2009, and June 30, 2009, that are in excess of $17,000,000 and which are distributed to the acute care teaching hospital identified in section 249J.24, subsection 6, shall be redistributed to the treasurer of state for deposit in the IowaCare account in a total amount not to exceed a maximum of $21,000,000.

Sec. 65. EFFECTIVE DATE — RETROACTIVITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to July 1, 2008.

DIVISION VI
APPROPRIATIONS — RELATED CHANGES
TOBACCO USE PREVENTION AND CONTROL
INITIATIVE — HEALTHY IOWANS TOBACCO TRUST

Sec. 66. 2008 Iowa Acts, chapter 1186, section 1, subsection 2, paragraph a, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this lettered paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

ADDICTIVE DISORDERS — GENERAL FUND

Sec. 67. 2008 Iowa Acts, chapter 1187, section 2, subsection 1, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

IOWA VETERANS HOME FTES

Sec. 68. 2008 Iowa Acts, chapter 1187, section 4, subsection 2, is amended to read as follows:

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes~~, and for not more than the following full-time equivalent positions~~:

. . . . . $ 12,694,154

~~. . . . . FTEs 951.95~~

a. The Iowa veterans home billings involving the department of human services shall be submitted to the department on at least a monthly basis.

b. If there is a change in the employer of employees providing services at the Iowa veterans home under a collective bargaining agreement, such employees and the agreement shall be continued by the successor employer as though there had not been a change in employer.

c. The funds appropriated in this section that remain available for expenditure for the succeeding fiscal year pursuant to section 35D.18, subsection 5, shall be distributed to be used in the succeeding fiscal year in accordance with this lettered paragraph. The first $1,000,000 shall remain available to be used for the purposes of the Iowa veterans home. On or before October 15, 2009, the department of management shall transfer $1,833,333 to the appropriation for the medical assistance program to be used for rebasing of hospital reimbursement under the medical assistance program. Any remaining funding shall be used for purposes of the Iowa veterans home.

FEDERAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
BLOCK GRANT — FAMILY INVESTMENT PROGRAM

Sec. 69. 2008 Iowa Acts, chapter 1187, section 5, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the family investment program until the close of the succeeding fiscal year.

MEDICAL ASSISTANCE

Sec. 70. 2008 Iowa Acts, chapter 1187, section 9, unnumbered paragraph 2, is amended to read as follows:

For medical assistance reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2008, except as otherwise expressly authorized by law, including reimbursement for abortion services which shall be available under the medical assistance program only for those abortions which are medically necessary:

. . . . . $ ~~649,629,269~~
587,884,830

TRAINING FOR CHILD WELFARE SERVICES PROVIDERS

Sec. 71. 2008 Iowa Acts, chapter 1187, section 9, subsection 20, paragraph c, subparagraph (6), is amended to read as follows:

(6) For training for child welfare services providers, $250,000. The training shall be developed by the department in collaboration with the coalition for children and family services in Iowa. Notwithstanding section 8.33, moneys allocated in this subparagraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

EMERGENCY AND CHILDRENS MENTAL HEALTH SERVICE

Sec. 72. 2008 Iowa Acts, chapter 1187, section 9, subsection 20, is amended by adding the following new paragraph:

NEW PARAGRAPH. cc. The department shall revise the provisions for the projects to implement an emergency mental health crisis services system and a mental health services system for children and youth under paragraph "c", subparagraphs (1) and (2), in order for services to be provided under both of the projects for a period of at least 24 months. Notwithstanding section 8.33, moneys allocated for the projects in paragraph "c" of this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2010.

Sec. 73. 2008 Iowa Acts, chapter 1187, section 9, is amended by adding the following new subsection:

NEW SUBSECTION. 25. The revised appropriation made in this section incorporates reductions made pursuant to executive order number 10[5] issued on December 22, 2008.

STATE SUPPLEMENTARY ASSISTANCE

Sec. 74. 2008 Iowa Acts, chapter 1187, section 12, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall remain available for expenditure for the state supplementary assistance program until the close of the succeeding fiscal year.

FAMILY SUPPORT SUBSIDY SLOTS

Sec. 75. 2008 Iowa Acts, chapter 1187, section 19, is amended by adding the following new subsection:

NEW SUBSECTION. 3. If at any time during the fiscal year, the amount of funding available for the family support subsidy program is reduced from the amount initially used to establish the figure for the number of family members for whom a subsidy is to be provided at any

[5] Published in IAB, Vol. XXXII, No. 5, (8/26/09), p. 590-591

one time during the fiscal year, notwithstanding section 225C.38, subsection 2, the department shall revise the figure as necessary to conform to the amount of funding available.

PREGNANCY COUNSELING

Sec. 76. 2008 Iowa Acts, chapter 1187, section 30, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall remain available for expenditure for the purpose designated until the close of the fiscal year beginning July 1, 2010.

NURSING FACILITIES

Sec. 77. 2008 Iowa Acts, chapter 1187, section 32, subsection 1, paragraph a, subparagraph (1), is amended to read as follows:

(1) For the fiscal year beginning July 1, 2008, the total state funding amount for the nursing facility budget shall not exceed ~~$183,367,323~~ $158,482,025.

DEPARTMENT OF ELDER AFFAIRS — MATCHING FUNDS

Sec. 78. 2008 Iowa Acts, chapter 1187, section 39, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 8.33, of the funds appropriated in this section, $216,242 shall not revert at the close of the fiscal year, but shall remain available to provide matching funds for the senior nutrition programs and the senior internship program funded through the federal American Reinvestment and Recovery[6] Act of 2009 for the period during which federal funding is available under the Act.

ACCOUNT FOR HEALTH CARE TRANSFORMATION

Sec. 79. 2008 Iowa Acts, chapter 1187, section 46, is amended to read as follows:

~~Sec. 46. TRANSFER FROM ACCOUNT FOR HEALTH CARE TRANSFORMATION. There is transferred from the account for health care transformation created pursuant to section 249J.23 to the IowaCare account created in section 249J.24 a total of $3,000,000 for the fiscal year beginning July 1, 2008, and ending June 30, 2009.~~

MEDICAL ASSISTANCE PROGRAM NONREVERSION

Sec. 80. 2008 Iowa Acts, chapter 1187, section 50, is amended to read as follows:

SEC. 50. MEDICAL ASSISTANCE PROGRAM — ~~REVERSION TO SENIOR LIVING TRUST FUND~~ NONREVERSION FOR FY 2008-2009. Notwithstanding section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2008, and ending June 30, 2009, from the general fund of the state, the senior living trust fund, the healthy Iowans tobacco trust fund, the health care trust fund, and the property tax relief fund are in excess of actual expenditures for the medical assistance program and remain unencumbered or unobligated at the close of the fiscal year, the excess moneys shall not revert but shall ~~be transferred to the senior living trust fund created in section 249H.4~~ remain available for expenditure for the purposes of the medical assistance program until the close of the fiscal year beginning July 1, 2009.

ADDICTIVE DISORDERS — HEALTH CARE TRUST FUND

Sec. 81. 2008 Iowa Acts, chapter 1187, section 62, subsection 1, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Notwithstanding section 8.33, moneys appropriated in this subsec-

[6] According to enrolled Act; the phrase "Recovery and Reinvestment" probably intended

tion that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

VIETNAM CONFLICT VETERANS BONUS FUND

Sec. 82. 2007 Iowa Acts, chapter 176, section 3, unnumbered paragraph 3, as enacted by 2008 Iowa Acts, chapter 1187, section 68, is amended to read as follows:

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the ~~succeeding~~ fiscal year beginning July 1, 2009.

INJURED VETERANS GRANT PROGRAM

Sec. 83. 2006 Iowa Acts, chapter 1184, section 5, as enacted by 2007 Iowa Acts, chapter 203, section 1, subsection 4, unnumbered paragraph 2, and amended by 2008 Iowa Acts, chapter 1187, section 69, is amended to read as follows:

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, ~~2008~~ 2009.

Sec. 84. 2008 Iowa Acts, chapter 1188, section 16, is amended to read as follows:

SEC. 16. MEDICAL ASSISTANCE, HAWK-I, AND HAWK-I EXPANSION PROGRAMS — COVERING CHILDREN — APPROPRIATION. There is appropriated from the general fund of the state to the department of human services for the designated fiscal years, the following amounts, or so much thereof as is necessary, for the purpose designated:

To cover children as provided in this Act under the medical assistance, hawk-i, and hawk-i expansion programs and outreach under the current structure of the programs:

FY 2008-2009	$	4,800,000
FY 2009-2010	$	~~14,800,000~~ 4,207,001
FY 2010-2011	$	24,800,000

Sec. 85. CHILD CARE CREDIT FUND BALANCE TRANSFERRED. Moneys in the child care credit fund that remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2008, are transferred to the general fund of the state.

Sec. 86. ADDICTIVE DISORDERS NONREVERSION DIRECTIVE. The authority provided in this division of this Act for nonreversion of the appropriations for addictive disorder conditions referenced in this section is limited to $1,000,000 and shall be realized by applying the authority to such appropriations in the following order until the limitation amount is reached:

1. The appropriation made from the healthy Iowans tobacco trust in 2008 Iowa Acts, chapter 1186, section 1.

2. The appropriation made from the health care trust fund in 2008 Iowa Acts, chapter 1187, section 62, subsection 1.

3. The appropriation made from the general fund of the state in 2008 Iowa Acts, chapter 1187, section 2, subsection 1.

Sec. 87. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VII
HEPATITIS AWARENESS

Sec. 88. Section 135.19, Code 2009, is amended to read as follows:

135.19 VIRAL HEPATITIS PROGRAM — AWARENESS, VACCINATIONS, AND TESTING — STUDY.

1. If sufficient funds are appropriated by the general assembly, the department shall establish and administer a viral hepatitis program. The goal of the program shall be to distribute information to citizens of this state who are at an increased risk for exposure to viral hepatitis regarding the higher incidence of hepatitis C exposure and infection among these populations, the dangers presented by the disease, and contacts for additional information and referrals. The program shall also make available hepatitis A and hepatitis B vaccinations, and hepatitis C testing.

2. The department shall establish by rule a list of individuals by category who are at increased risk for viral hepatitis exposure. The list shall be consistent with recommendations developed by the centers for disease control, and shall be developed in consultation with the Iowa viral hepatitis task force and the Iowa department of veterans affairs. The department shall also establish by rule what information is to be distributed and the form and manner of distribution. The rules shall also establish a vaccination and testing program, to be coordinated by the department through local health departments and clinics and other appropriate locations.

~~3. The department shall conduct a study to provide an epidemiological profile of hepatitis C and to assess its current and future impact on the state. The department shall submit a report to the members of the general assembly by January 1, 2008, regarding the results of the study, and shall include a status report regarding the development and distribution of viral hepatitis information, and the results of the vaccination and testing program.~~

Sec. 89. Section 135.20, Code 2009, is repealed.

DIVISION VIII
SENIOR LIVING COORDINATING UNIT

Sec. 90. Section 231.58, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

231.58 LONG-TERM LIVING COORDINATION.

The director may convene meetings, as necessary, of the director and the directors of human services, public health, and inspections and appeals, to assist in the coordination of policy, service delivery, and long-range planning relating to the long-term living system and older Iowans in the state. The group may consult with individuals, institutions and entities with expertise in the area of the long-term living system and older Iowans, as necessary, to facilitate the group's efforts.

Sec. 91. Section 249H.3, subsection 6, paragraph b, Code 2009, is amended to read as follows:

b. New construction for long-term care alternatives, excluding new construction of assisted-living programs or elder group homes, if ~~the senior living coordinating unit determines that~~ new construction is more cost-effective than the conversion of existing space.

Sec. 92. Section 249H.3, subsection 8, paragraph b, Code 2009, is amended to read as follows:

b. New construction of an assisted-living program if existing nursing facility beds are no longer licensed and ~~the senior living coordinating unit determines that~~ new construction is more cost-effective than the conversion of existing space.

Sec. 93. Section 249H.3, subsection 12, Code 2009, is amended by striking the subsection.

Sec. 94. Section 249H.4, subsection 6, Code 2009, is amended by striking the subsection.

Sec. 95. Section 249H.7, subsection 1, Code 2009, is amended to read as follows:

1. ~~Beginning October 1, 2000, the~~ The department of elder affairs~~, in consultation with the senior living coordinating unit,~~ shall use funds appropriated from the senior living trust fund for activities related to the design, maintenance, or expansion of home and community-based services for seniors, including but not limited to adult day services, personal care, respite, homemaker, chore, and transportation services designed to promote the independence of and to delay the use of institutional care by seniors with low and moderate incomes. At any time that moneys are appropriated, the department of elder affairs~~, in consultation with the senior living coordinating unit,~~ shall disburse the funds to the area agencies on aging.

Sec. 96. Section 249H.7, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The department of elder affairs shall adopt rules, in consultation with the ~~senior living coordinating unit and the~~ area agencies on aging, pursuant to chapter 17A, to provide all of the following:

Sec. 97. Section 249H.7, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. Other procedures the department of elder affairs deems necessary for the proper administration of this section~~, including but not limited to the submission of progress reports, on a bimonthly basis, to the senior living coordinating unit~~.

Sec. 98. Section 249H.9, subsection 1, Code 2009, is amended to read as follows:

1. The department of elder affairs and the area agencies on aging~~, in consultation with the senior living coordinating unit,~~ shall create, on a county basis, a database directory of all health care and support services available to seniors. The department of elder affairs shall make the database electronically available to the public, and shall update the database on at least a monthly basis.

Sec. 99. Section 249H.10, Code 2009, is amended to read as follows:

249H.10 CAREGIVER SUPPORT — ACCESS AND EDUCATION PROGRAMS.

The department of human services and the department of elder affairs~~, in consultation with the senior living coordinating unit,~~ shall implement a caregiver support program to provide access to respite care and to provide education to caregivers in providing appropriate care to seniors and persons with disabilities. The program shall be provided through the area agencies on aging or other appropriate agencies.

DIVISION IX
GAMBLING TREATMENT FUND ELIMINATION

Sec. 100. Section 8.57, subsection 6, paragraph e, subparagraph (1), Code 2009, is amended to read as follows:

(1) Notwithstanding provisions to the contrary in sections 99D.17 and 99F.11, for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter, not more than a total of ~~sixty~~ sixty-six million dollars shall be deposited in the general fund of the state in any fiscal year pursuant to sections 99D.17 and 99F.11. The next fifteen million dollars of the moneys directed to be deposited in the general fund of the state in a fiscal year pursuant to sections 99D.17 and 99F.11 shall be deposited in the vision Iowa fund created in section 12.72 for the fiscal year beginning July 1, 2000, and for each fiscal year through the fiscal year beginning July 1, 2019. The next five million dollars of the moneys directed to be deposited in the general fund of the state in a fiscal year pursuant to sections 99D.17 and 99F.11 shall be deposited in the school infrastructure fund created in section 12.82 for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter until the principal and interest on all bonds issued by

the treasurer of state pursuant to section 12.81 are paid, as determined by the treasurer of state. The total moneys in excess of the moneys deposited in the general fund of the state, the vision Iowa fund, and the school infrastructure fund in a fiscal year shall be deposited in the rebuild Iowa infrastructure fund and shall be used as provided in this section, notwithstanding section 8.60.

Sec. 101. Section 99D.7, subsection 22, Code 2009, is amended to read as follows:

22. To require licensees to establish a process to allow a person to be voluntarily excluded for life from a racetrack enclosure and all other licensed facilities under this chapter and chapter 99F. The process established shall require that a licensee disseminate information regarding persons voluntarily excluded to all licensees under this chapter and chapter 99F. The state and any licensee under this chapter or chapter 99F shall not be liable to any person for any claim which may arise from this process. In addition to any other penalty provided by law, any money or thing of value that has been obtained by, or is owed to, a voluntarily excluded person by a licensee as a result of wagers made by the person after the person has been voluntarily excluded shall not be paid to the person but shall be ~~deposited into~~ credited to the ~~gambling treatment~~ general fund ~~created in section 135.150~~ of the state.

Sec. 102. Section 99D.15, subsection 5, Code 2009, is amended by striking the subsection.

Sec. 103. Section 99F.4, subsection 22, Code 2009, is amended to read as follows:

22. To require licensees to establish a process to allow a person to be voluntarily excluded for life from an excursion gambling boat and all other licensed facilities under this chapter and chapter 99D. The process established shall require that a licensee disseminate information regarding persons voluntarily excluded to all licensees under this chapter and chapter 99D. The state and any licensee under this chapter or chapter 99D shall not be liable to any person for any claim which may arise from this process. In addition to any other penalty provided by law, any money or thing of value that has been obtained by, or is owed to, a voluntarily excluded person by a licensee as a result of wagers made by the person after the person has been voluntarily excluded shall not be paid to the person but shall be ~~deposited into~~ credited to the ~~gambling treatment~~ general fund ~~created in section 135.150~~ of the state.

Sec. 104. Section 99F.11, subsection 3, paragraph c, Code 2009, is amended by striking the paragraph.

Sec. 105. Section 99G.39, subsection 1, Code 2009, is amended to read as follows:

1. Upon receipt of any revenue, the chief executive officer shall deposit the moneys in the lottery fund created pursuant to section 99G.40. At least fifty percent of the projected annual revenue accruing from the sale of tickets or shares shall be allocated for payment of prizes to the holders of winning tickets. After the payment of prizes, the ~~following shall be deducted from the authority's revenue prior to disbursement:~~

~~a. An amount equal to one-half of one percent of the gross lottery revenue for the year shall be deposited in the gambling treatment fund created in section 135.150.~~

~~b. The~~ expenses of conducting the lottery shall be deducted from the authority's revenue prior to disbursement. Expenses for advertising production and media purchases shall not exceed four percent of the authority's gross revenue for the year.

Sec. 106. Section 135.150, Code 2009, is amended to read as follows:

135.150 GAMBLING TREATMENT ~~FUND — PROGRAM~~ — STANDARDS AND LICENSING.

~~1. A gambling treatment fund is created in the state treasury under the control of the department. The fund consists of all moneys appropriated to the fund. However, if moneys appropriated to the fund in a fiscal year exceed six million dollars, the amount exceeding six million dollars shall be transferred to the rebuild Iowa infrastructure fund created in section 8.57.~~

~~Moneys in the fund are appropriated to the department for the purposes described in this section.~~

~~2.~~ 1. a. ~~Moneys appropriated to the department under this section shall be for the purpose of operating~~ The department shall operate a gambling treatment program ~~and shall be used for funding of administrative costs and~~ to provide programs which may include~~,~~ but are not limited to~~,~~ outpatient and follow-up treatment for persons affected by problem gambling, rehabilitation and residential treatment programs, information and referral services, crisis call access, education and preventive services, and financial management and credit counseling services.

b. A person shall not maintain or conduct a gambling treatment program funded ~~under this section~~ through the department unless the person has obtained a license for the program from the department. The department shall adopt rules to establish standards for the licensing and operation of gambling treatment programs under this section. The rules shall specify, but are not limited to specifying, the qualifications for persons providing gambling treatment services, standards for the organization and administration of gambling treatment programs, and a mechanism to monitor compliance with this section and the rules adopted under this section.

~~3. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the gambling treatment fund shall be credited to the gambling treatment fund. Notwithstanding section 8.33, moneys credited to the gambling treatment fund shall not revert to the fund from which appropriated at the close of a fiscal year.~~

~~4.~~ 2. The department shall report semiannually to the legislative government oversight committees regarding the operation of the gambling treatment ~~fund and~~ program. The report shall include, but is not limited to, information on ~~revenues and expenses related to the fund for the previous period, fund balances for the period, and~~ the moneys expended and grants awarded for operation of the gambling treatment program.

Sec. 107. GAMBLING TREATMENT FUND BALANCE TRANSFERRED — EFFECTIVE DATE.

1. Moneys in the gambling treatment fund that remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2008, are transferred to the general fund of the state.

2. This section of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION X
CHILD DEATH REVIEW TEAM

Sec. 108. Section 135.43, subsection 1, Code 2009, is amended to read as follows:

1. An Iowa child death review team is established as ~~an independent agency of state government~~ part of the office of the state medical examiner. The ~~Iowa department of public health~~ office of the state medical examiner shall provide staffing and administrative support to the team.

Sec. 109. Section 135.43, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The membership of the review team is subject to the provisions of sections 69.16 and 69.16A, relating to political affiliation and gender balance. Review team members who are not designated by another appointing authority shall be appointed by the ~~director of public health~~ state medical examiner. Membership terms shall be for three years. A membership vacancy shall be filled in the same manner as the original appointment. The review team shall elect a chairperson and other officers as deemed necessary by the review team. The review team shall meet upon the call of the ~~chairperson, upon the request of a state agency,~~ state medical examiner or as determined by the review team. The members of the team are eligible for reimbursement of actual and necessary expenses incurred in the performance of their official duties. The review team shall include the following:

Sec. 110. Section 135.43, subsection 4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The review team shall develop protocols for a child fatality review committee, to be appointed by the ~~director~~ state medical examiner on an ad hoc basis, to immediately review the child abuse assessments which involve the fatality of a child under age eighteen. The ~~director~~ state medical examiner shall appoint a medical examiner, a pediatrician, and a person involved with law enforcement to the committee.

Sec. 111. Section 135.43, subsections 7 and 8, Code 2009, are amended to read as follows:

7. a. The state medical examiner, the Iowa department of public health, and the department of human services shall adopt rules providing for disclosure of information which is confidential under chapter 22 or any other provision of state law, to the review team for purposes of performing its child death and child abuse review responsibilities.

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

8. Review team members and their agents are immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of any act, omission, proceeding, decision, or determination undertaken or performed, or recommendation made as a review team member or agent provided that the review team members or agents acted in good faith and without malice in carrying out their official duties in their official capacity. The ~~department~~ state medical examiner shall adopt rules pursuant to chapter 17A to administer this subsection. A complainant bears the burden of proof in establishing malice or lack of good faith in an action brought against review team members involving the performance of their duties and powers under this section.

Sec. 112. Section 691.6, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 10. To provide staffing and support for the child death review team and any child fatality review committee under section 135.43.

Sec. 113. CHILD DEATH REVIEW TEAM RULES. The rules adopted by the department of public health for purposes of the child death review team under section 135.43 shall remain in effect until replaced by rules adopted for purposes of that section by the state medical examiner. Until replacement rules are adopted, the office of the state medical examiner shall fulfill the duties assigned to the department of public health under the rules being replaced.

DIVISION XI
PUBLIC HEALTH MODERNIZATION

Sec. 114. LEGISLATIVE FINDINGS AND INTENT — PURPOSE. The general assembly finds all of the following:

1. A sound public health system is vital to the good health of all Iowans. Iowa's public health system reduces health care costs by promoting healthy behaviors, preventing disease and injury, and protecting the health of the population.

2. The current foundation and organizational capacity for the governmental public health system does not allow for the equitable delivery of public health services. Governmental public health is provided by county boards of health, city boards of health, one district board of health, the state board of health, and the department. Varying degrees of authority, adminis-

tration, and organizational capacity for providing public health services exist from community to community.

3. The Iowa public health modernization Act will allow boards of health, designated local public health agencies, and the department to increase system capacity, improve the equitable delivery of public health services, address quality improvement, improve system performance, and provide a foundation to measure outcomes through a voluntary accreditation program. The Iowa public health modernization Act will assure the public of the availability of a basic level of public health service in every community.

4. The Iowa public health modernization Act is the result of extensive collaboration among governmental public health entities, including local boards of health, local public health agencies, the department, and the state board of health; academia; and professional associations.

Sec. 115. NEW SECTION. 135A.1 SHORT TITLE.

This chapter shall be known and may be cited as the "Iowa Public Health Modernization Act".

Sec. 116. NEW SECTION. 135A.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires, the following definitions apply:

1. "Academic institution" means an institution of higher education in the state which grants undergraduate and postgraduate degrees and is accredited by a nationally recognized accrediting agency as determined by the United States secretary of education. For purposes of this definition, "accredited" means a certification of the quality of an institution of higher education.

2. "Accrediting entity" means a legal, independent, nonprofit or governmental entity or entities approved by the state board of health for the purpose of accrediting designated local public health agencies and the department pursuant to the voluntary accreditation program developed under this chapter.

3. "Administration" means the operational procedures, personnel and fiscal management systems, and facility requirements that must be in place for the delivery and assurance of public health services.

4. "Committee" means the governmental public health evaluation committee as established in this chapter.

5. "Communication and information technology" means the processes, procedures, and equipment needed to provide public information and transmit and receive information among public health entities and community partners; and applies to the procedures, physical hardware, and software required to transmit, receive, and process electronic information.

6. "Council" means the governmental public health advisory council as established in this chapter.

7. "Department" means the department of public health.

8. "Designated local public health agency" means an entity that is either governed by or contractually responsible to a local board of health and designated by the local board to comply with the Iowa public health standards for a jurisdiction.

9. "Governance" means the functions and responsibilities of the local boards of health and the state board of health to oversee governmental public health matters.

10. "Governmental public health system" means the system described in section 135A.6.

11. "Iowa public health standards" means the governmental public health standards adopted by rule by the state board of health.

12. "Local board of health" means a county or district board of health.

13. "Organizational capacity" means the governmental public health infrastructure that must be in place in order to deliver public health services.

14. "Public health region" means, at a minimum, one of six geographical areas approved by the state board of health for the purposes of coordination, resource sharing, and planning and to improve delivery of public health services.

15. "Public health services" means the basic public health services that all Iowans should reasonably expect to be provided by designated local public health agencies and the department.

16. "Voluntary accreditation" means verification of a designated local public health agency or the department that demonstrates compliance with the Iowa public health standards by an accrediting entity.

17. "Workforce" means the necessary qualified and competent staff required to deliver public health services.

Sec. 117. NEW SECTION. 135A.3 GOVERNMENTAL PUBLIC HEALTH SYSTEM MODERNIZATION — LEAD AGENCY.

1. The department is designated as the lead agency in this state to administer this chapter.

2. The department, in collaboration with the governmental public health advisory council and the governmental public health evaluation committee, shall coordinate implementation of this chapter including but not limited to the voluntary accreditation of designated local public health agencies and the department in accordance with the Iowa public health standards. Such implementation shall include evaluation of and quality improvement measures for the governmental public health system.

Sec. 118. NEW SECTION. 135A.4 GOVERNMENTAL PUBLIC HEALTH ADVISORY COUNCIL.

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

2. Council members shall not be members of the governmental public health evaluation committee.

3. Council members shall serve for a term of two years and may be reappointed for a maximum of three consecutive terms. Initial appointment shall be in staggered terms. Vacancies shall be filled for the remainder of the original appointment.

4. The membership of the council shall satisfy all of the following requirements:

a. One member who has expertise in injury prevention.

b. One member who has expertise in environmental health.

c. One member who has expertise in emergency preparedness.

d. One member who has expertise in health promotion and chronic disease prevention.

e. One member who has epidemiological expertise in communicable and infectious disease prevention and control.

f. One member representing each of Iowa's six public health regions who is an employee of a designated local public health agency or member of a local board of health. Such members shall include a minimum of one local public health administrator and one physician member of a local board of health.

g. Two members who are representatives of the department.

h. The director of the state hygienic laboratory at the university of Iowa, or the director's designee.

i. At least one representative from academic institutions which grant undergraduate and postgraduate degrees in public health or other related health field and are accredited by a nationally recognized accrediting agency as determined by the United States secretary of education. For purposes of this paragraph, "accredited" means a certification of the quality of an institution of higher education.

j. Two members who serve on a county board of supervisors.

k. Four nonvoting, ex officio members who shall consist of four members of the general assembly, two from the senate and two from the house of representatives, with not more than one member from each chamber being from the same political party. The two senators shall be designated one member each by the majority leader of the senate after consultation with the president and by the minority leader of the senate. The two representatives shall be designated one member each by the speaker of the house of representatives after consultation with the majority leader of the house of representatives and by the minority leader of the house of representatives.

l. A member of the state board of health who shall be a nonvoting, ex officio member.

5. The council may utilize other relevant public health expertise when necessary to carry out its roles and responsibilities.

6. The council shall do all of the following:

a. Advise the department and make policy recommendations to the director of the department concerning administration, implementation, and coordination of this chapter and the governmental public health system.

b. Propose to the director public health standards that should be utilized for voluntary accreditation of designated local public health agencies and the department that include but are not limited to the organizational capacity and public health service components described in section 135A.6, subsection 1, by October 1, 2009.

c. Recommend to the department an accrediting entity and identify the roles and responsibilities for the oversight and implementation of the voluntary accreditation of designated local public health agencies and the department by January 2, 2010. This shall include completion of a pilot accreditation process for one designated local public health agency and the department by July 1, 2011.

d. Recommend to the director strategies to implement voluntary accreditation of designated local public health agencies and the department effective January 2, 2012.

e. Periodically review and make recommendations to the department regarding revisions to the public health standards pursuant to paragraph "b", as needed and based on reports prepared by the governmental public health evaluation committee pursuant to section 135A.5.

f. Review rules developed and adopted by the state board of health under this chapter and make recommendations to the department for revisions to further promote implementation of this chapter and modernization of the governmental public health system.

g. Form and utilize subcommittees as necessary to carry out the duties of the council.

Sec. 119. NEW SECTION. 135A.5 GOVERNMENTAL PUBLIC HEALTH EVALUATION COMMITTEE.

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

2. Committee members shall not be members of the governmental public health advisory council.

3. Committee members shall serve for a term of two years and may be reappointed for a maximum of three consecutive terms. Initial appointment shall be in staggered terms. Vacancies shall be filled for the remainder of the original appointment.

4. The membership of the committee shall satisfy all of the following requirements:

a. At least one member representing each of Iowa's six public health regions. Each representative shall be an employee or administrator of a designated local public health agency or a member of a local board of health. Such members shall be appointed to ensure expertise in the areas of communicable and infectious diseases, environmental health, injury prevention, healthy behaviors, and emergency preparedness.

b. Two members who are representatives of the department.

c. A representative of the state hygienic laboratory at the university of Iowa.

d. At least two representatives from academic institutions which grant undergraduate and postgraduate degrees in public health or other health-related fields.

e. At least one economist who has demonstrated experience in public health, health care, or a health-related field.

f. At least one research analyst.

5. The committee may utilize other relevant public health expertise when necessary to carry out its roles and responsibilities.

6. The committee shall do all of the following:

a. Develop and implement processes for evaluation of the governmental public health system and the voluntary accreditation program.

b. Collect and report baseline information for organizational capacity and public health service delivery based on the Iowa public health standards prior to implementation of the voluntary accreditation program on January 2, 2012.

c. Evaluate the effectiveness of the accrediting entity and the voluntary accreditation process.

d. Evaluate the appropriateness of the Iowa public health standards and develop measures to determine reliability and validity.

e. Determine what process and outcome improvements in the governmental public health system are attributable to voluntary accreditation.

f. Assure that the evaluation process is capturing data to support key research in public health system effectiveness and health outcomes.

g. Annually submit a report to the department by July 1.

h. Form and utilize subcommittees as necessary to carry out the duties of the committee.

Sec. 120. NEW SECTION. 135A.6 GOVERNMENTAL PUBLIC HEALTH SYSTEM.

1. The governmental public health system, in accordance with the Iowa public health standards, shall include but not be limited to the following organizational capacity components and public health service components:

a. Organizational capacity components shall include all of the following:

(1) Governance.

(2) Administration.

(3) Communication and information technology.

(4) Workforce.

(5) Community assessment and planning. This component consists of collaborative data collection and analysis for the completion of population-based community health assessments and community health profiles and the process of developing improvement plans to address the community health needs and identified gaps in public health services.

(6) Evaluation.

b. Public health service components shall include all of the following:

(1) Prevention of epidemics and the spread of disease. This component includes the surveillance, detection, investigation, and prevention and control measures that prevent, reduce, or eliminate the spread of infectious disease.

(2) Protection against environmental hazards. This component includes activities that reduce or eliminate the risk factors detrimental to the public's health within the natural or manmade environment.

(3) Prevention of injuries. This component includes activities that facilitate the prevention, reduction, or elimination of intentional and unintentional injuries.

(4) Promotion of healthy behaviors. This component includes activities to assure services that promote healthy behaviors to prevent chronic disease and reduce illness.

(5) Preparation for, response to, and recovery from public health emergencies. This component includes activities to prepare the public health system and community partners to respond to public health threats, emergencies, and disasters and to assist in the recovery process.

2. The governmental public health system shall include but not be limited to the following entities:

a. Local boards of health.

b. State board of health.

c. Designated local public health agencies.

d. The department.

Sec. 121. NEW SECTION. 135A.7 GOVERNMENTAL PUBLIC HEALTH SYSTEM AND ACCREDITATION DATA COLLECTION SYSTEM.

1. The department shall establish and maintain a governmental public health system and an accreditation data collection system by which the state board of health, the director, the department, the council, and the committee may monitor the implementation and effectiveness of the governmental public health system based on the Iowa public health standards.

2. Notwithstanding section 22.7 or any other provision of law, local boards of health shall provide to the department and the accrediting entity upon request all data and information necessary to determine the local board's capacity to comply with the Iowa public health standards, including but not limited to data and information regarding governance, administration, communication and information technology, workforce, personnel, staffing, budget, contracts, and other program and agency information.

3. The department may share any data or information collected pursuant to this section with the council or the committee as necessary to perform the duties of the council and committee. Data and information provided to the department under this section which are confidential pursuant to section 22.7, subsection 2, 11, or 50, section 139A.3, or other provision of law, remain confidential and shall not be released by the department, the council, or the committee.

4. During the pendency of the accreditation process, all accreditation files and reports prepared for or maintained by the accrediting entity are confidential and are not subject to discovery, subpoena, or other means of legal compulsion for their release. After the accrediting entity has issued its recommendation or report only the preliminary drafts of the recommendation or report, and records otherwise confidential pursuant to chapter 22 or other provision of state or federal law, shall remain confidential and are not subject to discovery, subpoena, or other means of legal compulsion for their release.

5. To the extent possible, activities under this section shall be coordinated with other health data collection systems including those maintained by the department.

Sec. 122. NEW SECTION. 135A.8 GOVERNMENTAL PUBLIC HEALTH SYSTEM FUND.

1. The department is responsible for the funding of the administrative costs for implementation of this chapter. A governmental public health system fund is created as a separate fund in the state treasury under the control of the department. The fund shall consist of moneys obtained from any source, including the federal government, unless otherwise prohibited by law or the entity providing the funding. Moneys deposited in the fund are appropriated to the department for the public health purposes specified in this chapter. Moneys in the fund shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section. Notwithstanding section 8.33, moneys in the governmental public health system fund at the end of the fiscal year shall not revert to any other fund but shall remain in the fund for subsequent fiscal years.

2. The fund is established to assist local boards of health and the department with the provision of governmental public health system organizational capacity and public health service delivery and to achieve and maintain voluntary accreditation in accordance with the Iowa public health standards. At least seventy percent of the funds shall be made available to local boards of health and up to thirty percent of the funds may be utilized by the department.

3. Moneys in the fund may be allocated by the department to a local board of health for organizational capacity and service delivery. Such allocation may be made on a matching, dollar-for-dollar basis for the acquisition of equipment, or by providing grants to achieve and maintain voluntary accreditation in accordance with the Iowa public health standards.

4. A local board of health seeking matching funds or grants under this section shall apply to the department. The state board of health shall adopt rules concerning the application and award process for the allocation of moneys in the fund and shall establish the criteria for the allocation of moneys in the fund if the moneys are insufficient to meet the needs of local boards of health.

Sec. 123. NEW SECTION. 135A.9 RULES.

The state board of health shall adopt rules pursuant to chapter 17A to implement this chapter which shall include but are not limited to the following:

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

2. A voluntary accreditation process to begin no later than January 2, 2012, for designated local public health agencies and the department.

3. Rules relating to the operation of the governmental public health advisory council.

4. Rules relating to the operation of the governmental public health system evaluation committee.

5. The application and award process for governmental public health system fund moneys.

6. Rules relating to data collection for the governmental public health system and the voluntary accreditation program.

7. Rules otherwise necessary to implement the chapter.

Sec. 124. NEW SECTION. 135A.10 PROHIBITED ACTS — FRAUDULENTLY CLAIMING ACCREDITATION — CIVIL PENALTY.

A local board of health or local public health agency that imparts or conveys, or causes to be imparted or conveyed, information claiming that it is accredited pursuant to this chapter or that uses any other term to indicate or imply it is accredited without being accredited under this chapter is subject to a civil penalty not to exceed one thousand dollars per day for each offense. However, nothing in this chapter shall be construed to restrict a local board of health or local public health agency from providing any services for which it is duly authorized.

Sec. 125. NEW SECTION. 135A.11 IMPLEMENTATION.

The department shall implement this chapter only to the extent that funding is available.

Sec. 126. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XII
IOWACARE — NONPARTICIPATING PROVIDER — REIMBURSEMENT

Sec. 127. NEW SECTION. 249J.24A NONPARTICIPATING PROVIDER REIMBURSEMENT FOR COVERED SERVICES — REIMBURSEMENT FUND.

1. A nonparticipating provider may be reimbursed for covered expansion population services provided to an expansion population member by a nonparticipating provider, if the nonparticipating provider contacts the appropriate participating provider prior to providing covered services to verify consensus regarding one of the following courses of action:

a. If the nonparticipating provider and the participating provider agree that the medical status of the expansion population member indicates it is medically possible to postpone provision of services, the nonparticipating provider shall direct the expansion population member to the appropriate participating provider for services.

b. If the nonparticipating provider and the participating provider agree that the medical status of the expansion population member indicates it is not medically possible to postpone provision of services, the nonparticipating provider shall provide medically necessary services.

c. If the nonparticipating provider and the participating provider agree that transfer of the expansion population member is not possible due to lack of available inpatient capacity, the nonparticipating provider shall provide medically necessary services.

d. If the medical status of the expansion population member indicates a medical emergency and the nonparticipating provider is not able to contact the appropriate participating provider prior to providing medically necessary services, the nonparticipating provider shall document the medical emergency and inform the appropriate participating provider immediately after the member has been stabilized of any covered services provided.

2. a. If the nonparticipating provider meets the requirements specified in subsection 1, the nonparticipating provider shall be reimbursed for covered expansion population services provided to the expansion population member through the nonparticipating provider reimbursement fund in accordance with rules adopted by the department of human services. However, any funds received from participating providers, appropriated to participating providers, or deposited in the IowaCare account pursuant to section 249J.24, shall not be transferred or appropriated to the nonparticipating provider reimbursement fund or otherwise used to reimburse nonparticipating providers.

b. Reimbursement of nonparticipating providers under this section shall be based on the reimbursement rates and policies applicable to the nonparticipating provider under the full benefit medical assistance program, subject to the availability of funds in the nonparticipating provider reimbursement fund and subject to the appropriation of moneys in the fund to the department.

c. The department shall reimburse the nonparticipating provider only if the recipient of the services is an expansion population member with active eligibility status at the time the services are provided.

3. a. A nonparticipating provider reimbursement fund is created in the state treasury under the authority of the department. Moneys designated for deposit in the fund that are received from sources including but not limited to appropriations from the general fund of the state, grants, and contributions, shall be deposited in the fund. However, any funds received from participating providers, appropriated to participating providers, or deposited in the IowaCare account pursuant to section 249J.24 shall not be transferred or appropriated to the nonparticipating provider reimbursement fund or otherwise used to reimburse nonparticipating providers.

b. Moneys in the fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys deposited in the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except to provide for the purposes specified in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

c. Moneys deposited in the fund shall be used only to reimburse nonparticipating providers who provide covered services to expansion population members if no other third party is liable for reimbursement and as specified in subsection 1.

d. The department shall attempt to maximize receipt of federal matching funds under the medical assistance program for covered services provided under this section if such attempt does not directly or indirectly limit the federal funds available to participating providers.

4. For the purposes of this section, "nonparticipating provider" means a hospital licensed pursuant to chapter 135B that is not a member of the expansion population provider network as specified in section 249J.7.

Sec. 128. NONPARTICIPATING PROVIDER REIMBURSEMENT FOR COVERED SERVICES — IOWACARE PROGRAM WAIVER RENEWAL.

1. Beginning July 1, 2010, the department of human services shall include in any medical assistance program waiver relating to the continuation of the IowaCare program pursuant to chapter 249J, provisions for reimbursement of covered expansion population services provided to an expansion population member by a nonparticipating provider subject to all of the following:

a. A nonparticipating provider may be reimbursed if the nonparticipating provider contacts the appropriate participating provider prior to providing covered services to verify consensus regarding one of the following courses of action:

(1) If the nonparticipating provider and the participating provider agree that the medical status of the expansion population member indicates it is medically possible to postpone provision of services, the nonparticipating provider shall direct the expansion population member to the appropriate participating provider for services.

(2) If the nonparticipating provider and the participating provider agree that the medical status of the expansion population member indicates it is not medically possible to postpone provision of services, the nonparticipating provider shall provide medically necessary services.

(3) If the nonparticipating provider and the participating provider agree that transfer of the expansion population member is not possible due to lack of available inpatient capacity, the nonparticipating provider shall provide medically necessary services.

(4) If the medical status of the expansion population member indicates a medical emergency and the nonparticipating provider is not able to contact the appropriate participating provider prior to providing medically necessary services, the nonparticipating provider shall document the medical emergency and inform the appropriate participating provider immediately after the member has been stabilized of any covered services provided.

b. Reimbursement of a nonparticipating provider shall be based on the reimbursement rates and policies applicable to the nonparticipating provider under the full benefit medical assistance program, subject to the availability and appropriation of funds to the department for such purpose.

c. Reimbursement shall be made to a nonparticipating provider only if the recipient of the services is an expansion population member with active eligibility status at the time the services are provided.

d. For the purposes of this section, "nonparticipating provider" means a hospital licensed pursuant to chapter 135B that is not a member of the expansion population provider network as specified in section 249J.7.

2. Notwithstanding the requirement of this section directing the department of human services to include provisions for reimbursement of covered services provided to an expansion population member by a nonparticipating provider under any medical assistance program waiver relating to the continuation of the IowaCare program beginning July 1, 2010, if the department of human services in consultation with the governor determines that such requirement would adversely affect continuation of or would reduce the amount of funding available for the IowaCare waiver, the department shall not include such provisions in the IowaCare waiver.

DIVISION XIII
MISCELLANEOUS STATUTORY CHANGES

Sec. 129. NEW SECTION. 157.3B EXAMINATION INFORMATION.

Notwithstanding section 147.21, individual pass or fail examination results made available from the authorized national testing agency to the board may be disclosed to the board-approved education program from which the applicant for licensure graduated for purposes of verifying accuracy of national data and reporting aggregate licensure examination results as required for a program's continued accreditation.

Sec. 130. Section 234.12A, subsection 1, Code 2009, is amended to read as follows:

1. The department of human services shall maintain an electronic benefits transfer program utilizing electronic funds transfer systems for the food assistance program. The electronic benefits transfer program implemented under this section ~~shall at a minimum provide for all of the following:~~

~~a. A retailer~~ shall not ~~be required~~ require a retailer to make cash disbursements or to provide, purchase, or upgrade electronic funds transfer system equipment as a condition of participation in the program.

~~b. A retailer providing electronic funds transfer system equipment for transactions pursuant to the program shall be reimbursed seven cents for each approved transaction pursuant to the program utilizing the retailer's equipment.~~

~~c. A retailer that provides electronic funds transfer system equipment for transactions pursuant to the program and who makes cash disbursements pursuant to the program utilizing the retailer's equipment shall be paid a fee of seven cents by the department for each cash disbursement transaction by the retailer.~~

Sec. 131. Section 237B.1, subsection 3, Code 2009, is amended to read as follows:

3. In establishing the initial and subsequent standards, the department of human services shall review other certification and licensing standards applicable to the centers. The standards established by the department shall be broad facility standards for the protection of children's safety. The department shall also apply criminal and abuse registry background check requirements for the persons who own, operate, staff, participate in, or otherwise have contact with the children receiving services from a children's center. The background check requirements shall be substantially equivalent to those applied under chapter 237 for a child foster care facility provider. The department of human services shall not establish program standards or other requirements under this section involving program development or oversight of the programs provided to the children served by children's centers.

Sec. 132. Section 249A.3, subsection 14, Code 2009, is amended to read as follows:

14. Once initial ongoing eligibility for ~~the family~~ medical assistance ~~program-related medical assistance~~ is determined for a child ~~described~~ under ~~subsection 1, paragraph "b", "f", "g", "j", "k", "l", or "n" or under subsection 2, paragraph "e", "f", or "h"~~ the age of nineteen, the department shall provide continuous eligibility for a period of up to twelve months regardless of changes in family circumstances, until the child's next annual review of eligibility under the medical assistance program, ~~if the child would otherwise be determined ineligible due to excess countable income but otherwise remains eligible~~ with the exception of the following children:

a. A newborn child of a medical assistance-eligible woman.

b. A child whose eligibility was determined under the medically needy program.

c. A child who is eligible under a state-only funded program.

d. A child who is no longer an Iowa resident.

e. A child who is incarcerated in a jail or other correctional institution.

Sec. 133. CHILD SUPPORT ENFORCEMENT INFORMATION. The sections of 2009 Iowa Acts, Senate File 319,[7] amending section 252B.5, subsection 9, paragraph "b", unnumbered paragraph 1; section 252B.9, subsection 2, unnumbered paragraph 1; section 252B.9, subsection 2, paragraph "a"; section 252B.9, subsection 2, paragraph "b", unnumbered paragraph 1; section 252B.9, subsection 2, paragraph "b", subparagraph (1); section 252B.9, subsection 3, paragraphs "e" and "g"; section 252B.9A, subsection 1; section 252G.5, subsections 2 and 3; section 598.22, subsection 3; and section 598.26, subsection 1, Code 2009, and providing for such amendments' effective date, are repealed.

Sec. 134. EFFECTIVE DATE — RETROACTIVE APPLICABILITY. The section of this division of this Act amending section 249A.3, subsection 14, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to July 1, 2008.

Sec. 135. EXCHANGE OF ELECTRONIC INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION. The executive committee of the electronic health information advisory council created in section 135.156, with the technical assistance of the advisory council and the support of the department of public health, shall review the electronic exchange of individually identifiable health information by health care providers for the purpose of treatment with the goal of facilitating informed treatment decisions and providing higher quality and safer care, while protecting the privacy of patients and the security and confidentiality of patient information. Following the review, the executive committee shall report the results of its review and recommendations, including any proposed changes in state law and rules relating to such information exchange, to the governor and the general assembly no later than December 15, 2009.

[7] Chapter 15 herein

Sec. 136. EFFECTIVE DATE — RETROACTIVE APPLICABILITY. The section of this division of this Act relating to child support enforcement information by repealing sections of 2009 Iowa Acts, Senate File 319,[8] as enacted, being deemed of immediate importance, takes effect upon enactment, and is retroactively applicable to March 23, 2009.

Sec. 137. CODE EDITOR DIRECTIVE — INTENT.

1. References in this Act to the department of elder affairs mean the department on aging in accordance with 2009 Iowa Acts, Senate File 204,[9] as enacted, unless a contrary intent is clearly evident.

2. The Iowa Code editor is directed to make conforming changes, as appropriate, to codified provisions of this Act to reflect the provisions of 2009 Iowa Acts, Senate File 204,[10] as enacted, including but not limited to replacing the words "department of elder affairs" with the words "department on aging".

Sec. 138. Sections 237A.28 and 422.100, Code 2009, are repealed.

Approved May 26, 2009, with exceptions noted.

CHESTER J. CULVER, *Governor*

Dear Mr. Secretary:

I hereby transmit House File 811, an Act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions. House File 811 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 28, subsection 3 in its entirety. This language requires the Department of Human Services to provide detailed proposals for any reorganization to the Legislature. It requires a 30-day advance notice. This provision infringes on the Executive Branch's duties to administer operations and programs. As I have previously stated, making government more efficient is a priority of my Administration, but we should not do it in a piece-meal fashion as this language would require. We need a more comprehensive reorganization.

I am unable to approve the item designated as Section 35 in its entirety. This language directs the Departments of Elder Affairs, Public Health, Human Services and Veterans Affairs to develop plans for a five-percent reduction in their respective budgets and a report of such reductions to the Legislature by December 15, 2009. A budget process is already delineated in law that starts with the Executive Branch, and this language infringes on the Executive Branch's duties to develop the state budget.

I am unable to approve the item designated as Section 37 in its entirety. Section 37 directs employees to submit actual receipts for meals and other costs and requires reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this section and believe that employees should be reimbursed only for actual expenses, this language would be particularly difficult to administer because similar language has not been consistently required by the Legislature for every state agency or department or for the Legislature's own employees. Accordingly, I have issued Executive Order Thirteen[11] to require the Department of Administrative

[8] Chapter 15 herein
[9] Chapter 23 herein
[10] Chapter 23 herein
[11] Published in IAB, Vol. XXXII, No. 5, (8/26/09), p. 596

Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I am unable to approve the item designated as Section 38 in its entirety. This language directs that all out-of-state travel for performance of official state business by state employees of the Departments of Elder Affairs, Public Health, Human Services and Veterans Affairs or agencies subject to this Act must be approved by the Executive Council. While only certain out-of-state travel must, by law, be approved by the Executive Council, this language would extend this requirement to all out-of-state travel for the performance of official state business by these agencies, including the University of Iowa Hospitals and Clinics (UIHC). Extending this requirement for all out-of-state travel for performance of official state business by UIHC is not in the best interests of providing emergency medical care and taking care of patients. This language would set a different standard for these agencies. When economic conditions required such action last December, I restricted out-of-state travel by Executive Branch employees.

For the above reasons, I respectfully disapprove of the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 811 are hereby approved this date.

Sincerely,
CHESTER J. CULVER, *Governor*

CHAPTER 183

FEDERAL BLOCK GRANT APPROPRIATIONS
AND OTHER FEDERAL FUNDING

H.F. 820

AN ACT relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment Act of 2009 funding, and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective and retroactive applicability date provisions.

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

DIVISION I
FEDERAL BLOCK GRANT AND OTHER FEDERAL FUNDING — FY 2009-2010

Section 1. SUBSTANCE ABUSE APPROPRIATION.

1. There is appropriated from the fund created by section 8.41 to the department of public health for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, the following amount:

..... $ 13,477,961

a. Funds appropriated in this subsection are the anticipated funds to be received from the federal government for the designated federal fiscal year under 42 U.S.C., ch. 6A, subc. XVII, part B, subpart ii, which provides for the substance abuse prevention and treatment block grant. The department shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

b. Of the funds appropriated in this subsection, an amount not exceeding 5 percent shall be used by the department for administrative expenses.

c. The department shall expend no less than an amount equal to the amount expended for treatment services in the state fiscal year beginning July 1, 2008, for pregnant women and women with dependent children.

d. Of the funds appropriated in this subsection, an amount not exceeding $24,585 shall be used for audits.

2. At least 20 percent of the funds remaining from the appropriation made in subsection 1 shall be allocated for prevention programs.

3. In implementing the federal substance abuse prevention and treatment block grant under 42 U.S.C., ch. 6A, subc. XVII, and any other applicable provisions of the federal Public Health Service Act under 42 U.S.C., ch. 6A, the department shall apply the provisions of Pub. L. No. 106-310, § 3305, as codified in 42 U.S.C. § 300x-65, relating to services under such federal law being provided by religious and other nongovernmental organizations.

Sec. 2. COMMUNITY MENTAL HEALTH SERVICES APPROPRIATION.

1. a. There is appropriated from the fund created by section 8.41 to the department of human services for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, the following amount:

. . . . . $ 3,500,167

b. Funds appropriated in this subsection are the anticipated funds to be received from the federal government for the designated federal fiscal year under 42 U.S.C., ch. 6A, subc. XVII, part B, subpart i, which provides for the community mental health services block grant. The department shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

c. The department shall allocate not less than 95 percent of the amount of the block grant to eligible community mental health services providers for carrying out the plan submitted to and approved by the federal substance abuse and mental health services administration for the fiscal year involved.

d. Of the amount allocated to eligible services providers under paragraph "c", 70 percent shall be distributed to the state's accredited community mental health centers established or designated by counties in accordance with law or administrative rule. If a county has not established or designated a community mental health center and has received a waiver from the mental health, mental retardation, developmental disabilities, and brain injury commission, the mental health services provider designated by that county is eligible to receive funding distributed pursuant to this paragraph in lieu of a community mental health center. The funding distributed shall be used by recipients of the funding for the purpose of developing and providing evidence-based practices and emergency services to adults with a serious mental illness and children with a serious emotional disturbance. The distribution amounts shall be announced at the beginning of the federal fiscal year and distributed on a quarterly basis according to the formulas used in previous fiscal years. Recipients shall submit quarterly reports containing data consistent with the performance measures approved by the federal substance abuse and mental health services administration.

2. An amount not exceeding 5 percent of the funds appropriated in subsection 1 shall be used by the department of human services for administrative expenses. From the funds set aside by this subsection for administrative expenses, the department shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1. The auditor of state shall bill the department for the costs of the audits.

Sec. 3. MATERNAL AND CHILD HEALTH SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the department of public health for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, the following amount:

. . . . . $ 6,512,104

a. The funds appropriated in this subsection are the funds anticipated to be received from the federal government for the designated federal fiscal year under 42 U.S.C., ch. 7, subc. V, which provides for the maternal and child health services block grant. The department shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

b. Funds appropriated in this subsection shall not be used by the university of Iowa hospitals and clinics for indirect costs.

2. An amount not exceeding 10 percent of the funds appropriated in subsection 1 shall be used by the department of public health for administrative expenses.

3. The departments of public health, human services, and education and the university of Iowa's mobile and regional child health specialty clinics shall continue to pursue to the maximum extent feasible the coordination and integration of services to women and children.

4. a. Sixty-three percent of the remaining funds appropriated in subsection 1 shall be allocated to supplement appropriations for maternal and child health programs within the department of public health. Of these funds, $300,291 shall be set aside for the statewide perinatal care program.

b. Thirty-seven percent of the remaining funds appropriated in subsection 1 shall be allocated to the university of Iowa hospitals and clinics under the control of the state board of regents for mobile and regional child health specialty clinics. The university of Iowa hospitals and clinics shall not receive an allocation for indirect costs from the funds for this program. Priority shall be given to establishment and maintenance of a statewide system of mobile and regional child health specialty clinics.

5. The department of public health shall administer the statewide maternal and child health program and the disabled children's program by conducting mobile and regional child health specialty clinics and conducting other activities to improve the health of low-income women and children and to promote the welfare of children with actual or potential handicapping conditions and chronic illnesses in accordance with the requirements of Title V of the federal Social Security Act.

Sec. 4. PREVENTIVE HEALTH AND HEALTH SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the department of public health for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, the following amount:

. . . . . $ 1,064,859

Funds appropriated in this subsection are the funds anticipated to be received from the federal government for the designated federal fiscal year under 42 U.S.C., ch. 6A, subc. XVII, part A, which provides for the preventive health and health services block grant. The department shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. Of the funds appropriated in subsection 1, an amount not more than 10 percent shall be used by the department for administrative expenses.

3. Of the funds appropriated in subsection 1, the specific amount of funds stipulated by the notice of the block grant award shall be allocated for services to victims of sex offenses and for rape prevention education.

4. After deducting the funds allocated in subsections 2 and 3, the remaining funds appropriated in subsection 1 may be used by the department for healthy people 2010/healthy Iowans 2010 program objectives, preventive health advisory committee, and risk reduction services, including nutrition programs, health incentive programs, chronic disease services, emergency

medical services, monitoring of the fluoridation program and start-up fluoridation grants, and acquired immune deficiency syndrome services. The moneys specified in this subsection shall not be used by the university of Iowa hospitals and clinics or by the state hygienic laboratory for the funding of indirect costs.

Sec. 5. STOP VIOLENCE AGAINST WOMEN GRANT PROGRAM APPROPRIATION.

1. There is appropriated from the fund created by section 8.41 to the department of justice for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, the following amount:

. . . . . $ 1,393,190

Funds appropriated in this subsection are the anticipated funds to be received from the federal government for the designated fiscal year under 42 U.S.C., ch. 46, § 3796gg-1, which provides for grants to combat violent crimes against women. The department of justice shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. An amount not exceeding 10 percent of the funds appropriated in subsection 1 shall be used by the department of justice for administrative expenses. From the funds set aside by this subsection for administrative expenses, the department shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1.

Sec. 6. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS FORMULA GRANT PROGRAM. There is appropriated from the fund created by section 8.41 to the governor's office of drug control policy for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, the following amount:

. . . . . $ 77,360

Funds appropriated in this section are the funds anticipated to be received from the federal government for the designated fiscal year under 42 U.S.C., ch. 46, subc. XII-G, which provides grants for substance abuse treatment programs in state and local correctional facilities. The drug policy coordinator shall expend the funds appropriated in this section as provided in federal law making the funds available and in conformance with chapter 17A.

Sec. 7. EDWARD BYRNE JUSTICE ASSISTANCE GRANT PROGRAM APPROPRIATION.

1. There is appropriated from the fund created by section 8.41 to the governor's office of drug control policy for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, the following amount:

. . . . . $ 1,052,157

Funds appropriated in this subsection are the anticipated funds to be received from the federal government for the designated fiscal year under 42 U.S.C., ch. 46, subc. V, which provides for the Edward Byrne memorial justice assistance grant program. The drug policy coordinator shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. An amount not exceeding 10 percent of the funds appropriated in subsection 1 shall be used by the drug policy coordinator for administrative expenses. From the funds set aside by this subsection for administrative expenses, the drug policy coordinator shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1.

Sec. 8. COMMUNITY SERVICES APPROPRIATIONS.

1. a. There is appropriated from the fund created by section 8.41 to the division of community action agencies of the department of human rights for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, the following amount:

. . . . . $ 7,037,445

Funds appropriated in this subsection are the funds anticipated to be received from the federal government for the designated federal fiscal year under 42 U.S.C., ch. 106, which provides for the community services block grant. The division of community action agencies of the department of human rights shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

b. The administrator of the division of community action agencies of the department of human rights shall allocate not less than 95 percent of the amount of the block grant to eligible community action agencies for programs benefiting low-income persons. Each eligible agency shall receive a minimum allocation of not less than $100,000. The minimum allocation shall be achieved by redistributing increased funds from agencies experiencing a greater share of available funds. The funds shall be distributed on the basis of the poverty-level population in the area represented by the community action areas compared to the size of the poverty-level population in the state.

2. An amount not exceeding 5 percent of the funds appropriated in subsection 1 shall be used by the division of community action agencies of the department of human rights for administrative expenses. It is the intent of the general assembly to limit the administrative expenses percentage to 4 percent for the succeeding fiscal year. From the funds set aside by this subsection for administrative expenses, the division of community action agencies of the department of human rights shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1. The auditor of state shall bill the division of community action agencies for the costs of the audits.

Sec. 9. COMMUNITY DEVELOPMENT APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the department of economic development for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, the following amount:

. . . . . $ 25,700,000

Funds appropriated in this subsection are the funds anticipated to be received from the federal government for the designated federal fiscal year under 42 U.S.C., ch. 69, which provides for community development block grants. The department of economic development shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. An amount not exceeding $1,128,000 for the federal fiscal year beginning October 1, 2009, shall be used by the department of economic development for administrative expenses for the community development block grant. The total amount used for administrative expenses includes $614,000 for the federal fiscal year beginning October 1, 2009, of funds appropriated in subsection 1 and a matching contribution from the state equal to $514,000 from the appropriation of state funds for the community development block grant and state appropriations for related activities of the department of economic development. From the funds set aside for administrative expenses by this subsection, the department of economic development shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1. The auditor of state shall bill the department for the costs of the audit.

Sec. 10. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the division of community action agencies of the department of human rights for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, the following amount:

. . . . . $ 36,762,408

The funds appropriated in this subsection are the funds anticipated to be received from the federal government for the designated federal fiscal year under 42 U.S.C., ch. 94, subc. II, which provides for the low-income home energy assistance block grants. The division of community action agencies of the department of human rights shall expend the funds appropriat-

ed in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. Up to 15 percent of the amount appropriated in this section that is actually received shall be used for residential weatherization or other related home repairs for low-income households. Of this allocation amount, not more than 10 percent may be used for administrative expenses.

3. After subtracting the allocation in subsection 2, up to 10 percent of the remainder is allocated for administrative expenses of the low-income home energy assistance program of which $377,000 is allocated for administrative expenses of the division. The costs of auditing the use and administration of the portion of the appropriation in this section that is retained by the state shall be paid from the amount allocated in this subsection to the division. The auditor of state shall bill the division for the audit costs.

4. The remainder of the appropriation in this section following the allocations made in subsections 2 and 3, shall be used to help eligible households as defined in 42 U.S.C., ch. 94, subc. II, to meet home energy costs.

5. Not more than 10 percent of the amount appropriated in this section that is actually received may be carried forward for use in the succeeding federal fiscal year.

6. Expenditures for assessment and resolution of energy problems shall be limited to 5 percent of the amount appropriated in this section that is actually received.

Sec. 11. SOCIAL SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the department of human services for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, the following amount:

..... $ 16,680,041

Funds appropriated in this subsection are the funds anticipated to be received from the federal government for the designated federal fiscal year under 42 U.S.C., ch. 7, subc. XX, which provides for the social services block grant. The department of human services shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. Not more than $1,065,049 of the funds appropriated in subsection 1 shall be used by the department of human services for general administration. From the funds set aside in this subsection for general administration, the department of human services shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1.

3. In addition to the allocation for general administration in subsection 2, the remaining funds appropriated in subsection 1 shall be allocated in the following amounts to supplement appropriations for the federal fiscal year beginning October 1, 2009, for the following programs within the department of human services:

a. Field operations:

..... $ 6,370,179

b. Child and family services:

..... $ 951,463

c. Local administrative costs and other local services:

..... $ 675,575

d. Volunteers:

..... $ 73,963

e. MH/MR/DD/BI community services (local purchase):

..... $ 7,540,812

Sec. 12. SOCIAL SERVICES BLOCK GRANT PLAN. The department of human services during each state fiscal year shall develop a plan for the use of federal social services block grant funds for the subsequent state fiscal year.

The proposed plan shall include all programs and services at the state level which the depart-

ment proposes to fund with federal social services block grant funds, and shall identify state and other funds which the department proposes to use to fund the state programs and services.

The proposed plan shall also include all local programs and services which are eligible to be funded with federal social services block grant funds, the total amount of federal social services block grant funds available for the local programs and services, and the manner of distribution of the federal social services block grant funds to the counties. The proposed plan shall identify state and local funds which will be used to fund the local programs and services.

The proposed plan shall be submitted with the department's budget requests to the governor and the general assembly.

Sec. 13. PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS.

1. Upon receipt of the minimum formula grant from the federal alcohol, drug abuse, and mental health administration to provide mental health services for the homeless, for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, the department of human services shall assure that a project which receives funds under the formula grant from either the federal or local match share of 25 percent in order to provide outreach services to persons who have chronic mental illness and are homeless or who are subject to a significant probability of becoming homeless shall do all of the following:

a. Provide community mental health services, diagnostic services, crisis intervention services, and habilitation and rehabilitation services.

b. Refer clients to medical facilities for necessary hospital services, and to entities that provide primary health services and substance abuse services.

c. Provide appropriate training to persons who provide services to persons targeted by the grant.

d. Provide case management to homeless persons.

e. Provide supportive and supervisory services to certain homeless persons living in residential settings which are not otherwise supported.

2. Projects may expend funds for housing services including minor renovation, expansion and repair of housing, security deposits, planning of housing, technical assistance in applying for housing, improving the coordination of housing services, the costs associated with matching eligible homeless individuals with appropriate housing, and one-time rental payments to prevent eviction.

Sec. 14. CHILD CARE AND DEVELOPMENT APPROPRIATION. There is appropriated from the fund created by section 8.41 to the department of human services for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, the following amount:

..... $ 43,311,572

Funds appropriated in this section are the funds anticipated to be received from the federal government under 42 U.S.C., ch. 105, subc. II-B, which provides for the child care and development block grant. The department shall expend the funds appropriated in this section as provided in the federal law making the funds available and in conformance with chapter 17A.

Moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall revert to be available for appropriation for purposes of the child care and development block grant in the succeeding fiscal year.

Sec. 15. PROCEDURE FOR REDUCED FEDERAL FUNDS.

1. If the funds received from the federal government for the block grants specified in this Act are less than the amounts appropriated, the funds actually received shall be prorated by the governor for the various programs, other than for the services to victims of sex offenses and for rape prevention education under section 4, subsection 3, of this Act, for which each block grant is available according to the percentages that each program is to receive as specified in this Act. However, if the governor determines that the funds allocated by the percentages will not be sufficient to accomplish the purposes of a particular program, or if the appropriation is not allocated by percentage, the governor may allocate the funds in a manner which

will accomplish to the greatest extent possible the purposes of the various programs for which the block grants are available.

2. Before the governor implements the actions provided for in subsection 1, the following procedures shall be taken:

a. The chairpersons and ranking members of the senate and house standing committees on appropriations, the appropriate chairpersons and ranking members of subcommittees of those committees, and the director of the legislative services agency shall be notified of the proposed action.

b. The notice shall include the proposed allocations, and information on the reasons why particular percentages or amounts of funds are allocated to the individual programs, the departments and programs affected, and other information deemed useful. Chairpersons and ranking members notified shall be allowed at least two weeks to review and comment on the proposed action before the action is taken.

Sec. 16. PROCEDURE FOR INCREASED FEDERAL FUNDS.

1. If funds received from the federal government in the form of block grants exceed the amounts appropriated in sections 1, 2, 3, 4, 7, 9, and 11 of this Act, the excess shall be prorated to the appropriate programs according to the percentages specified in those sections, except additional funds shall not be prorated for administrative expenses.

2. If actual funds received from the federal government from block grants exceed the amount appropriated in section 10 of this Act for the low-income home energy assistance program, not more than 15 percent of the excess may be allocated to the low-income residential weatherization program and not more than 5 percent of the excess may be used for administrative costs.

3. If funds received from the federal government from community services block grants exceed the amount appropriated in section 8 of this Act, 100 percent of the excess is allocated to the community services block grant program.

Sec. 17. PROCEDURE FOR EXPENDITURE OF ADDITIONAL FEDERAL FUNDS. If other federal grants, receipts, and funds and other nonstate grants, receipts, and funds become available or are awarded which are not available or awarded during the period in which the general assembly is in session, but which require expenditure by the applicable department or agency prior to March 15 of the fiscal year beginning July 1, 2009, and ending June 30, 2010, these grants, receipts, and funds are appropriated to the extent necessary, provided that the fiscal committee of the legislative council is notified within thirty days of receipt of the grants, receipts, or funds and the fiscal committee of the legislative council has an opportunity to comment on the expenditure of the grants, receipts, or funds.

Sec. 18. DEPARTMENT OF ADMINISTRATIVE SERVICES. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part of the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of administrative services for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 19. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of agriculture and land stewardship for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 20. OFFICE OF AUDITOR OF STATE. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the office of auditor of state for the

purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 21. DEPARTMENT FOR THE BLIND. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department for the blind for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 22. IOWA STATE CIVIL RIGHTS COMMISSION. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the Iowa state civil rights commission for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 23. COLLEGE STUDENT AID COMMISSION. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the college student aid commission for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 24. DEPARTMENT OF COMMERCE. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of commerce for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 25. DEPARTMENT OF CORRECTIONS. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of corrections for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 26. DEPARTMENT OF CULTURAL AFFAIRS. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of cultural affairs for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 27. DEPARTMENT OF ECONOMIC DEVELOPMENT. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of economic development for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 28. DEPARTMENT OF EDUCATION. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of education for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 29. DEPARTMENT OF ELDER AFFAIRS. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of elder

affairs for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 30. OFFICE OF ENERGY INDEPENDENCE. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the office of energy independence for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 31. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the Iowa ethics and campaign disclosure board for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 32. IOWA FINANCE AUTHORITY. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the Iowa finance authority for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 33. OFFICES OF THE GOVERNOR AND LIEUTENANT GOVERNOR. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the offices of the governor and lieutenant governor for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 34. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the governor's office of drug control policy for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 35. DEPARTMENT OF HUMAN RIGHTS. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of human rights for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 36. DEPARTMENT OF HUMAN SERVICES. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of human services, for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 37. DEPARTMENT OF INSPECTIONS AND APPEALS. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of inspections and appeals for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 38. JUDICIAL BRANCH. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the judicial branch for the purposes set

forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 39. DEPARTMENT OF JUSTICE. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of justice for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 40. IOWA LAW ENFORCEMENT ACADEMY. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the Iowa law enforcement academy for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 41. DEPARTMENT OF MANAGEMENT. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of management for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 42. DEPARTMENT OF NATURAL RESOURCES. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of natural resources for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 43. BOARD OF PAROLE. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the board of parole for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 44. DEPARTMENT OF PUBLIC DEFENSE. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of public defense for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 45. PUBLIC EMPLOYMENT RELATIONS BOARD. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the public employment relations board for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 46. DEPARTMENT OF PUBLIC HEALTH. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of public health for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 47. DEPARTMENT OF PUBLIC SAFETY. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of public

safety, for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 48. STATE BOARD OF REGENTS. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the state board of regents for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 49. DEPARTMENT OF REVENUE. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of revenue for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 50. OFFICE OF SECRETARY OF STATE. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the office of secretary of state for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 51. IOWA STATE FAIR AUTHORITY. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the Iowa state fair authority for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 52. OFFICE FOR STATE-FEDERAL RELATIONS. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the office for state-federal relations for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 53. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the Iowa telecommunications and technology commission for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 54. OFFICE OF TREASURER OF STATE. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the office of treasurer of state for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 55. DEPARTMENT OF TRANSPORTATION. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of transportation for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 56. DEPARTMENT OF VETERANS AFFAIRS. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of veter-

ans affairs for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Sec. 57. DEPARTMENT OF WORKFORCE DEVELOPMENT. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of workforce development for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

DIVISION II
FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDING

Sec. 58. APPLICABILITY OF APPROPRIATIONS — TRANSFERS — UNANTICIPATED FUNDS.

1. a. The appropriations of available federal grants, receipts, and funds made to the departments and agencies in division I of this Act and in 2008 Iowa Acts, chapter 1177, sections 17 through 57, do not apply to the federal funding available through the federal American Recovery and Reinvestment Act of 2009 for the fiscal years addressed by the federal Act or to additional, unanticipated funding from federal law enacted after the effective date of this division of this Act.

b. However, if it is determined by the department of management, with the written consent of the governor, that federal grants, receipts, and funds available through the federal American Recovery and Reinvestment Act of 2009 are needed and are available without any match requirement and have not been appropriated in this division of this Act or are provided through federal match of state or local funds that have been appropriated, the appropriations described in paragraph "a" shall apply.

2. The department of management, with the written consent and approval of the governor, may exercise the transfer authority authorized in section 8.39, to transfer any of the appropriations made in this division of this Act to appropriations made from the general fund of the state for the fiscal year beginning July 1, 2008, or the fiscal year beginning July 1, 2009, provided the transfer is made within the same fiscal year for which the appropriation is made in this division of this Act. Any such transfer is subject to the notice provisions of section 8.39, subsection 3.

Sec. 59. FEDERAL RECOVERY AND REINVESTMENT FUND APPROPRIATION FOR SCHOOLS — FY 2008-2009.

1. There is appropriated from the federal recovery and reinvestment fund created in section 8.41A, as enacted in this division of this Act, to the department of management for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

From funding designated for education stabilization, to be used for state foundation aid to school districts in accordance with section 257.16, subsection 1:

..... $ 40,000,000

2. The appropriation made in subsection 1 is in lieu of an equal amount of the appropriation from the general fund of the state in section 257.16, subsection 1, for the fiscal year beginning July 1, 2008, and ending June 30, 2009, after applying the reduction made pursuant to executive order number 10[1] issued December 22, 2008, and shall be used to pay that part of state foundation aid which represents the allowable growth amounts for all school districts under section 257.8, subsection 1.

3. For purposes of distributing the appropriation made in subsection 1 to school districts, the distribution amount shall be calculated as part of the May 2009 payment to each school district in the same ratio that the weighted enrollment, determined in accordance with section 257.6, subsection 5, of the school district for the budget year beginning July 1, 2008, bears to

[1] Published in IAB, Vol. XXXII, No. 5, (8/26/09), p. 590-591

the total weighted enrollment of all school districts in the state for that budget year. However, if the federal funding is not received in time to be included in the May 2009 payment, the distribution amount shall instead be included in the earliest possible payment to each school district, calculated as provided in this subsection.

Sec. 60. STATE FOUNDATION AID FOR SCHOOLS — FY 2009-2010. Notwithstanding the standing appropriation in section 257.16, subsection 1, for state foundation aid for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the amount appropriated from the general fund of the state pursuant to that section for the following designated purpose shall not exceed the following amount:

For state foundation aid under section 257.16, subsection 1:

. . . . . $ 2,587,500,000

1. Of the amount designated in this section for state foundation aid, $309,001,736 is allocated for the teacher salary supplements, the professional development supplements, and the early intervention supplement in accordance with section 257.10, subsections 9 through 11, and section 257.37A.

2. If the remaining balance of the moneys designated in this section, after the allocation made in subsection 1, is less than the amount required to pay the remainder of state foundation aid pursuant to section 257.16, subsection 1, the difference shall be deducted from the payments to each school district and area education agency in the manner provided in section 257.16, subsection 4. The reduction for area education agencies shall be added to the reduction made pursuant to section 257.35, subsection 5, as amended by this division of this Act.

Sec. 61. FEDERAL RECOVERY AND REINVESTMENT FUND APPROPRIATIONS — FY 2009-2010. There is appropriated from the federal recovery and reinvestment fund created in section 8.41A, as enacted in this division of this Act, to the department of management for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. From funding designated for education stabilization:

a. For state foundation aid to schools, to be used as provided in this lettered paragraph for state foundation aid to schools in accordance with section 257.16, subsection 1:

. . . . . $ 202,546,705

(1) The appropriation made in this lettered paragraph is in lieu of an equal amount of the appropriation made from the general fund of the state for the fiscal year beginning July 1, 2009, and ending June 30, 2010, pursuant to section 257.16, as limited by this division of this Act, and shall be used to pay that part of state foundation aid which represents the allowable growth amounts for all school districts under section 257.8, subsection 1.

(2) For purposes of distributing the appropriation made in this lettered paragraph to school districts, the distribution amount shall be calculated equally in the monthly payment to each school district in the same ratio that the weighted enrollment, determined in accordance with section 257.6, subsection 5, of the school district for the budget year beginning July 1, 2009, bears to the total weighted enrollment of all school districts in the state for that budget year.

b. For distribution to school districts for professional development related to implementation of the model core curriculum adopted by the state board of education in accordance with section 256.7, subsection 26, and implemented in accordance with section 280.3, subsection 3:

. . . . . $ 2,000,000

(1) The department of education shall distribute funds appropriated in this lettered paragraph for the purpose of this lettered paragraph based on the average per diem contract salary for each district as reported to the department for the school year beginning July 1, 2008, multiplied by the total number of full-time equivalent teachers in the base year. These funds shall not supplant existing funding for professional development activities.

(2) Notwithstanding any provision to the contrary, moneys received by a school district un-

der this lettered paragraph shall not revert but shall remain available for the same purpose in the succeeding fiscal year.

(3) A school district shall submit a report to the department of education in a manner determined by the department describing its use of the funds received under this lettered paragraph. The department shall submit a report on school district use of the moneys distributed pursuant to this lettered paragraph to the department of management and the legislative services agency not later than January 15 of the fiscal year for which moneys are allocated for purposes of this lettered paragraph.

c. For instructional support state aid under section 257.20, for the fiscal year beginning July 1, 2009, in lieu of the appropriation made in section 257.20, subsection 2:

. . . . . $ 13,103,950

Notwithstanding section 257.20, subsection 3, the appropriation made in this lettered paragraph shall be allocated in the same manner as the allocation of the appropriation was made for the same purpose in the previous fiscal year.

d. For distribution by the department of management to the institutions under the control of the state board of regents:

. . . . . $ 80,280,000

The department of management shall report to the legislative services agency on or before July 1, 2009, as to the distribution of the amount appropriated in this lettered paragraph among the five institutions.

e. For general state financial aid to merged areas as defined in section 260C.2 in accordance with chapters 258 and 260C to supplement the appropriation made for this purpose in 2009 Iowa Acts, Senate File 470,[2] if enacted:

. . . . . $ 23,100,000

The amount appropriated in this lettered paragraph shall be allocated to merged areas in proportion to each merged area's share of general state financial aid appropriated in 2009 Iowa Acts, Senate File 470,[3] if enacted.

2. From funding designated for government stabilization, for administration and regulation:

a. For the department of administrative services:

. . . . . $ 100,000

b. For the department of inspections and appeals, for health facility and dependent adult-related investigations:

. . . . . $ 400,000

c. For the department of management:

. . . . . $ 200,000

d. For the legislative services agency:

. . . . . $ 100,000

3. From funding designated for government stabilization, for general state financial aid to merged areas as defined in section 260C.2 in accordance with chapters 258 and 260C to supplement the appropriation made for this purpose in 2009 Iowa Acts, Senate File 470,[4] if enacted:

. . . . . $ 2,500,000

The amount appropriated in this subsection shall be allocated to merged areas in proportion to each merged area's share of general state financial aid appropriated in 2009 Iowa Acts, Senate File 470,[5] if enacted.

4. From funding designated for government stabilization, for the department of corrections:

a. For the operation of the Fort Madison correctional facility:

. . . . . $ 4,347,000

b. For the operation of the Anamosa correctional facility:

. . . . . $ 931,000

c. For the operation of the Oakdale correctional facility:

. . . . . $ 2,030,000

[2] Chapter 177 herein
[3] Chapter 177 herein
[4] Chapter 177 herein
[5] Chapter 177 herein

d. For the operation of the Newton correctional facility:
..... $ 1,029,000
e. For the operation of the Mt. Pleasant correctional facility:
..... $ 903,000
f. For the operation of the Rockwell City correctional facility:
..... $ 301,000
g. For the operation of the Clarinda correctional facility:
..... $ 2,506,000
h. For the operation of the Mitchellville correctional facility:
..... $ 679,000
i. For the operation of the Fort Dodge correctional facility:
..... $ 1,064,000
j. For general administration of the department:
..... $ 210,000
5. From funding designated for government stabilization, for the department of public defense for the military division:
..... $ 180,000
6. From funding designated for government stabilization, for the department of public safety:
..... $ 750,000
7. From funding designated for government stabilization, for the department of public health:
a. For elderly wellness:
..... $ 700,000
b. For community capacity:
..... $ 500,000
c. For resource management, to be allocated to the areas of greatest need:
..... $ 1,800,000
8. From funding designated for government stabilization, for the department of human services:
a. For the medical assistance program:
..... $ 6,237,173
Of the funds appropriated in this lettered paragraph, $6,000,000 is allocated for rebasing of nursing facility reimbursement and $237,173 for interpreter services associated with 2009 Iowa Acts, Senate File 389,[6] if enacted.
b. For coverage of children under the medical assistance and hawk-i programs and for additional coverage provisions for children under 2009 Iowa Acts, Senate File 389,[7] if enacted:
..... $ 6,263,231
Of the funds appropriated in this lettered paragraph, $510,249 is allocated for supplemental dental services under the hawk-i program.
c. For transfer to the department of public health to be used for 0.25 full-time equivalent position and other costs associated with the volunteer health care provider program:
..... $ 20,000
d. For the property tax relief fund in lieu of an equal amount of the appropriation made from the general fund of the state in section 426B.1, subsection 2:
..... $ 10,480,000
Notwithstanding section 426B.1, subsection 2, for the fiscal year beginning July 1, 2009, the amount of the appropriation made from the general fund of the state in section 426B.1, subsection 2, shall be reduced by $2,964,543 and the appropriation made from the property tax relief fund and for the fiscal year to supplement the medical assistance program in section 426B.1, subsection 3, shall be reduced by the same amount.
e. For the risk pool created in the property tax relief fund in accordance with section 426B.5:
..... $ 10,000,000

[6] Chapter 118 herein
[7] Chapter 118 herein

f. For a demonstration project providing health care coverage premium assistance for direct care workers to implement recommendations developed pursuant to 2008 Iowa Acts, chapter 1188, section 72:

. . . . . $ 400,000

g. For the department's field operations, if 2009 Iowa Acts, Senate File 389,[8] is enacted:

. . . . . $ 680,596

The funds appropriated in this lettered paragraph shall be used for 17.00 additional full-time equivalent positions for implementation costs associated with 2009 Iowa Acts, Senate File 389,[9] if enacted.

h. For child and family services:

. . . . . $ 2,500,000

Of the amount appropriated in this lettered paragraph, $500,000 shall be used for additional funding of shelter care.

9. From funding designated for government stabilization, for the state department of transportation:

. . . . . $ 5,550,000

Fifty percent of the amount appropriated in this subsection shall be deposited into the street construction fund of the cities and fifty percent shall be deposited into the secondary road fund of the counties, to be used for construction, reconstruction, repair, and maintenance of city roads or secondary roads. The moneys allocated to such funds shall be expended within two years. The department shall, in cooperation with the cities and counties, provide a report to the legislative services agency regarding the projects funded by this appropriation by January 15 each year until the projects are completed.

Sec. 62. AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 — ALLOCATION FOR INFANT AND TODDLER CARE QUALITY.

1. Of the moneys appropriated from the additional funding allocated under the federal American Recovery and Reinvestment Act of 2009 for the federal child care and development block grant to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, that are federally designated for activities that improve the quality of infant and toddler care, $2,365,556 is transferred to the early childhood programs grant account in the Iowa empowerment fund and shall be used in accordance with this section for a program through community empowerment areas for supporting low-income families in securing high-quality child care.

2. The funds transferred pursuant to this section shall be distributed as grants to community empowerment areas by applying the formula for the early childhood program grant account in section 28.9, subsection 4, paragraph "b". Notwithstanding section 8.33, the funds shall be available for expenditure by community empowerment areas in accordance with this section for the fiscal year beginning July 1, 2009, and the succeeding fiscal year.

3. For the purposes of this subsection, "federal poverty level" means the poverty level defined by the most recently revised poverty income guidelines published by the United States department of health and human services. The program shall provide financial assistance to families with infants and toddlers less than age two that have a family income of more than 145 percent but not more than 185 percent of the federal poverty level. However, the department may adjust the qualifying criteria or the financial assistance purpose provisions specified in this subsection or make other changes as necessary for implementation to conform with federal requirements for the funding. Outcome reporting and other grant requirements shall be developed by the department in cooperation with the Iowa empowerment board.

4. The financial assistance shall be for any of the following purposes:

a. For making temporary payments to qualifying families whose members are recently unemployed and seeking work to use in meeting immediate family needs.

b. For providing sliding scale subsidies for qualifying families for child care provided to the families' infants and toddlers by providers who are accredited by the national association for

[8] Chapter 118 herein

[9] Chapter 118 herein

the education of young children or the national association for family child care, or who have a rating at level 3 or higher under the child care quality rating system implemented pursuant to section 237A.30.

Sec. 63. DEPARTMENT OF HUMAN SERVICES TRANSFERS — FY 2008-2009. There is transferred to the human services reinvestment fund created in this division of this Act, from the following appropriations made for the purposes indicated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts:

1. For child support recovery, in 2008 Iowa Acts, chapter 1187, section 8:
..... $ 3,465,000

2. For child and family services, in 2008 Iowa Acts, chapter 1187, section 16:
..... $ 1,128,221

3. For adoption subsidy, in 2008 Iowa Acts, chapter 1187, section 17:
..... $ 1,151,849

4. For the state resource center at Glenwood, in 2008 Iowa Acts, chapter 1187, section 22, subsection 1, paragraph "a":
..... $ 2,301,276

5. For the state resource center at Woodward, in 2008 Iowa Acts, chapter 1187, section 22, subsection 1, paragraph "b":
..... $ 1,347,221

Sec. 64. DEPARTMENT OF HUMAN SERVICES TRANSFERS — FY 2009-2010. There is transferred to the human services reinvestment fund created in this division of this Act, from the following appropriations made for the purposes indicated from the general fund of the state in 2009 Iowa Acts, House File 811,[10] if enacted, to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts:

1. For child support recovery:
..... $ 2,937,999

2. For child and family services:
..... $ 1,387,581

For fiscal year 2009-2010 the statewide expenditure target under section 232.143 for group foster care maintenance and services shall be $32,812,819 in lieu of the target amount specified in the appropriation from which this transfer is made.

3. For the state resource center at Glenwood:
..... $ 2,544,675

4. For the state resource center at Woodward:
..... $ 642,029

Sec. 65. HUMAN SERVICES REINVESTMENT FUND.

1. The human services reinvestment fund is created in the office of the treasurer of state under the authority of the department of human services.

2. There is appropriated from the human services reinvestment fund to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts to be used for the following designated purposes:

a. For the Iowa juvenile home at Toledo:
..... $ 836,515

b. For the state training school at Eldora:
..... $ 1,327,300

c. For the state mental health institute at Cherokee:
..... $ 673,209

d. For the state mental health institute at Clarinda:
..... $ 804,256

e. For the state mental health institute at Independence:
..... $ 1,177,799

[10] Chapter 182 herein

f. For the state mental health institute at Mt. Pleasant:
. . . . . $ 222,694
g. For distribution to counties for state case services for persons with mental illness, mental retardation, and developmental disabilities:
. . . . . $ 325,430
h. For costs associated with the commitment and treatment of sexually violent predators in the unit located at the state mental health institute at Cherokee:
. . . . . $ 503,554
i. For the department's field operations:
. . . . . $ 8,386,761
j. For the department's general administration:
. . . . . $ 1,500,000

3. There is appropriated from the human services reinvestment fund for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount to be used for the following designated purpose:

For the legislative services agency to be used for costs associated with the legislative health care coverage commission created in 2009 Iowa Acts, Senate File 389,[11] if enacted, or a similar legislative commission:
. . . . . $ 315,000[12]

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2010.

4. Any unexpended or unobligated moneys remaining in the human services reinvestment fund at the close of the fiscal year beginning July 1, 2009, or succeeding fiscal years shall be credited to the general fund of the state.

Sec. 66. COMMUNITY DEVELOPMENT BLOCK GRANT — HOUSING AND RECOVERY ACT.

1. There is appropriated from the fund created by section 8.41 to the department of economic development for the federal fiscal year beginning October 1, 2007, and ending September 30, 2008, the following amount:
. . . . . $ 21,607,197

2. The funds appropriated in this section are community development block grant funds awarded to the state under the federal Housing and Economic Recovery Act of 2008, Pub. L. No. 110-289.

3. The department of economic development shall expend the funds appropriated in this section for emergency assistance for redevelopment of abandoned and foreclosed homes and residential properties, commonly referred to as the neighborhood stabilization program, as provided in the federal law and in conformance with chapter 17A. An amount not to exceed 4 percent of the funds appropriated in this section shall be used by the department for administrative expenses. From the funds set aside for administrative expenses, the department shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in this section.

4. This section is retroactively applicable to October 1, 2007.

Sec. 67. COMMUNITY DEVELOPMENT BLOCK GRANT — DISASTER RELIEF.

1. There is appropriated from the fund created by section 8.41 to the department of economic development for the federal fiscal year beginning October 1, 2007, and ending September 30, 2008, the following amount:
. . . . . $ 125,297,142

2. The funds appropriated in this section are federal community development block grant funds awarded to the state under the federal Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, Pub. L. No. 110-329.

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[11] Chapter 118 herein

[12] See chapter 179, §160 herein

3. The department of economic development shall expend the funds appropriated in this section for disaster relief, long-term recovery, and restoration of infrastructure as provided in the federal law making the funds available and in conformance with chapter 17A. An amount not to exceed 3 percent of the funds appropriated in this section shall be used by the department for administrative expenses. From the funds set aside for administrative expenses, the department shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in this section.

4. If the actual federal funding received is less than or greater than the amount appropriated in this section, the procedures specified in 2007 Iowa Acts, chapter 204, section 16 or 17, are applicable.

5. This section is retroactively applicable to October 1, 2007.

Sec. 68. NEW SECTION. 8.41A FEDERAL RECOVERY AND REINVESTMENT FUND.

1. A federal recovery and reinvestment fund is created in the state treasury under the control of the department of management consisting of moneys received from the federal government for state and local government fiscal relief under the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, and other moneys received for state and local government fiscal relief under any other federal legislation. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys credited to the fund that remain unexpended or unobligated at the end of a fiscal year shall not revert to any other fund.

2. Moneys appropriated from the fund shall be expended as provided in the federal law making the moneys available and in conformance with chapter 17A.

3. The recipient of an appropriation made from the fund shall account for the appropriation in a manner agreed to by the department of management and the legislative services agency.

4. The governor shall create an Iowa accountability and transparency board to monitor the state's use of federal American Recovery and Reinvestment Act of 2009 funding in order to prevent fraud, waste, and abuse, and to make recommendations to the governor and general assembly to assure best practices are implemented for the use of the funding.

Sec. 69. Section 257.35, subsection 5, Code 2009, is amended to read as follows:

5. Notwithstanding subsection 1, and in addition to the reduction applicable pursuant to subsection 2, the state aid for area education agencies and the portion of the combined district cost calculated for these agencies for ~~the~~ each fiscal year of the fiscal period beginning July 1, 2008, and ending June 30, 2010, shall be reduced by the department of management by two million five hundred thousand dollars. The reduction for each area education agency for each fiscal year of the fiscal period beginning July 1, 2008, and ending June 30, 2010, shall be prorated based on the reduction that the agency received in the fiscal year beginning July 1, 2003.

Sec. 70. Section 298.10, Code 2009, is amended to read as follows:

298.10 LEVY FOR CASH RESERVE.

1. The board of directors of a school district may certify for levy by April 15 of a school year, a tax on all taxable property in the school district in order to raise an amount for a necessary cash reserve for a school district's general fund. The amount raised for a necessary cash reserve does not increase a school district's authorized expenditures as defined in section 257.7.

2. For fiscal years beginning on or after July 1, 2012, the cash reserve levy for a budget year shall not exceed twenty percent of the general fund expenditures for the year previous to the base year minus the general fund unexpended fund balance for the year previous to the base year.

Sec. 71. 2009 Iowa Acts, Senate File 376,[13] section 13, subsection 5, unnumbered paragraph 1, if enacted, is amended to read as follows:

For ~~public~~ broadband technology grants for the deployment and sustainability of high-speed broadband access:

. . . . . $ 25,000,000

[13] Chapter 173 herein

Sec. 72. 2009 Iowa Acts, House File 414,[14] section 45, subsection 2, is amended to read as follows:

2. The section of this division of this Act appropriating federal community development block grant funds is retroactively applicable to ~~June 30, 2008~~ October 1, 2007.

Sec. 73. 2009 Iowa Acts, House File 811,[15] section 32, subsection 1, paragraph a, subparagraph (1), if enacted, is amended to read as follows:

(1) For the fiscal year beginning July 1, 2009, the total state funding amount for the nursing facility budget shall not exceed ~~$146,803,575~~ $152,803,575.

Sec. 74. EFFECTIVE DATE — RETROACTIVE APPLICABILITY.

1. Except as provided in subsection 2, this division of this Act, being deemed of immediate importance, takes effect upon enactment.

2. The section of this division of this Act amending section 257.35 is retroactively applicable to July 1, 2008.

Approved May 26, 2009

CHAPTER 184

APPROPRIATIONS — INFRASTRUCTURE AND CAPITAL PROJECTS

H.F. 822

AN ACT relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and other funds, creating and funding the Iowa flood center, providing for related matters, and providing effective and retroactive applicability date provisions.

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

DIVISION I
REBUILD IOWA INFRASTRUCTURE FUND

Section 1. There is appropriated from the rebuild Iowa infrastructure fund to the following departments and agencies for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

a. For distribution to other governmental entities for the payment of services related to the integrated information for Iowa system, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 3,700,000

Moneys appropriated in this lettered paragraph shall be separately accounted for in a distribution account and shall be distributed to other governmental entities based upon a formula established by the department to pay for services provided during the fiscal year to such other governmental entities by the department associated with the integrated information for Iowa system.

During the fiscal year, the department may use up to $1,000,000 of unexpended or unobligated funds in the information technology operations fund established under the provisions

[14] Chapter 170 herein
[15] Chapter 182 herein

of section 8A.123 to provide funding for costs associated with the integrated information for Iowa system. By October 31, 2010, the department shall report to the department of management and the legislative services agency regarding any moneys that are used for this purpose.

b. For routine maintenance of state buildings and facilities, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 3,000,000

c. For costs associated with improvements to and renovation of the Wallace building for extending the useful life of the building:

. . . . . $ 1,500,000

d. For upgrades to the electrical distribution system serving the capitol complex:

. . . . . $ 850,000

e. For costs associated with capitol interior and exterior restoration and for compliance with the federal Americans With Disabilities Act:

. . . . . $ 5,000,000

f. For heating, ventilating, and air conditioning improvements in the Hoover state office building:

. . . . . $ 1,500,000

g. For costs associated with the central energy plant addition and improvements:

. . . . . $ 623,000

h. For costs associated with Mercy capitol hospital building operations upon acquisition of the hospital, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 500,000

i. For costs associated with the restoration and renovation, including major repairs and major maintenance, at the governor's mansion at Terrace Hill:

. . . . . $ 769,543

j. For the state's share of support in conjunction with the city of Des Moines and local area businesses to provide a free shuttle service to the citizens of Iowa that includes transportation between the capitol complex and the downtown Des Moines area, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 200,000

Details for the shuttle service, including the route to be served, shall be determined pursuant to an agreement to be entered into by the department with the Des Moines area regional transit authority (DART) and any other participating entities.

Of the amount appropriated in this lettered paragraph, up to $50,000 shall be used to encourage state employees to utilize transit services provided by the Des Moines area regional transit authority.

2. DEPARTMENT OF CORRECTIONS

For project management costs at Fort Madison and Mitchellville prison, associated with construction projects at the department, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 1,750,000

3. DEPARTMENT OF CULTURAL AFFAIRS

a. For deposit into the Iowa great places program fund created in section 303.3D for Iowa great places program projects that meet the definition of the term "vertical infrastructure" in section 8.57, subsection 6, paragraph "c":

. . . . . $ 1,900,000

b. For costs relating to a traveling exhibit and museum exhibit of the sesquicentennial of the American civil war including but not limited to restoration and duplication of muster records, publishing and publication costs, relocation of battle flag laboratory to a public viewing area including educational and program costs, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 350,000

c. For grants for a cultural community grant program, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 200,000

The department shall establish a cultural community grant program to provide grants for a cultural and educational center to showcase an immigrant community from Laos and Vietnam and their cultures. The department shall distribute the grants on a competitive basis to communities with an approved plan for the establishment of the cultural center. Applications must be submitted to the department no later than July 15, 2009.

d. For historical site preservation grants to be used for the restoration, preservation, and development of historic sites:

. . . . . $ 1,000,000

In making grants pursuant to this lettered paragraph, the department shall consider the existence and amount of other funds available to an applicant for the designated project. A grant awarded from moneys appropriated in this lettered paragraph shall not exceed $100,000 per project. Not more than $200,000 may be awarded in the same county in the same round of grant reviews.

4. DEPARTMENT OF ECONOMIC DEVELOPMENT

a. For equal distribution to regional sports authority districts certified by the department pursuant to section 15E.321, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 500,000

b. For deposit into the workforce training and economic development funds for each community college in section 260C.18A, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 2,000,000

Moneys from this lettered paragraph may be used to provide job training services to underserved populations in Iowa. "Underserved populations" include people making less than twenty thousand dollars annual net income, minorities, women, disabled persons, the elderly, and people convicted of felonies trying to reenter society after release from prison.

c. For a city with a population between seven hundred fifty and eight hundred fifty within a county with a population of between six thousand seven hundred and six thousand eight hundred as determined by the 2000 certified federal census for demolition costs for a building asbestos abatement:

. . . . . $ 50,000

d. For costs associated with the hosting of a national junior summer olympics by a nonprofit sports organization, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 200,000

e. For the renovation of a building for the relocation of a juvenile courthouse in a county with a population between thirty-nine thousand and forty-one thousand as determined by the 2000 certified federal census:

. . . . . $ 100,000

f. For fire station improvements in a city with a population between twenty-one thousand and twenty-three thousand as determined by the 2000 certified federal census:

. . . . . $ 200,000

g. For a community center that hosts congregate meals in a city with a population between seven hundred forty-six and seven hundred fifty-six as determined by the 2000 certified federal census for compliance with the federal Americans With Disabilities Act:

. . . . . $ 10,000

5. DEPARTMENT OF EDUCATION

To provide resources for structural and technological improvements to local libraries and for the enrich Iowa program, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 1,000,000

Of the moneys appropriated in this subsection, $50,000 shall be allocated equally to each library service area.

6. DEPARTMENT OF HUMAN SERVICES

For a mental health systems community development building safety improvements including electrical wiring and emergency systems in a city with a population between five thousand fifty and six thousand fifty as determined by the 2000 certified federal census:

. . . . . $ 200,000

7. DEPARTMENT OF NATURAL RESOURCES

a. For implementation of lake projects that have established watershed improvement initiatives and community support in accordance with the department's annual lake restoration plan and report, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 2,800,000

It is the intent of the general assembly that the department of natural resources shall implement the lake restoration annual report and plan submitted to the joint appropriations subcommittee on transportation, infrastructure, and capitals and the legislative services agency pursuant to section 456A.33B. The lake restoration projects that are recommended by the department to receive funding for fiscal year 2007-2008 and that satisfy the criteria in section 456A.33B, including local commitment of funding for the projects, shall be funded in the amounts provided in the report.

b. For floodplain management and dam safety, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 2,000,000

Of the amounts appropriated in this lettered paragraph, up to $400,000 is authorized for stream gages to be used for tracking and predicting flood events and for compiling necessary data relating to flood frequency analysis.

Of the number of full-time equivalent positions authorized to the department for FY 2009-2010 pursuant to 2009 Iowa Acts, Senate File 467,[1] if enacted, up to 21.00 full-time equivalent positions shall be allocated for the floodplain management and dam safety program.

c. For deposit in the loess hills development and conservation fund created in section 161D.2 for allocation to the fund's hungry canyons account for purposes of streambed erosion and degradation to the loess hills area, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 100,000

d. For the administration of a water trails and low head dam public hazard statewide plan, including salaries, support, maintenance, and miscellaneous purposes, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 800,000

8. DEPARTMENT OF PUBLIC DEFENSE

a. For major maintenance projects at national guard armories and facilities:

. . . . . $ 1,500,000

b. For construction and renovation costs at the Davenport aviation readiness center:

. . . . . $ 2,000,000

c. For construction and renovation costs at the Mt. Pleasant readiness center:

. . . . . $ 1,000,000

9. DEPARTMENT OF PUBLIC HEALTH

For a grant to an existing national affiliated volunteer eye organization that has an established program for children and adults and that is solely dedicated to preserving sight and preventing blindness through education, nationally certified vision screening and training, community and patient service programs, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 130,000

10. STATE BOARD OF REGENTS

For the establishment and administration of an Iowa flood center at the state university of Iowa for use by the university's college of engineering, pursuant to section 466C.1, as enacted in this Act, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 1,300,000

11. IOWA STATE FAIR

For infrastructure improvements to the Iowa state fairgrounds including but not limited to the construction of an agricultural exhibition center on the Iowa state fairgrounds:

. . . . . $ 5,500,000

[1] Chapter 175 herein

12. DEPARTMENT OF TRANSPORTATION

a. To provide funds for capital improvements and for related studies for expanding passenger rail services in Iowa, notwithstanding section 8.57, subsection 6, paragraph "c":
. . . . . $ 3,000,000

b. For acquiring, constructing, and improving recreational trails within the state:
. . . . . $ 3,500,000

Moneys appropriated in this lettered paragraph may be used for purposes of building equestrian or snowmobile trails that run parallel to a recreational trail. It is the intent of the general assembly to promote multiple uses for trails funding in this lettered paragraph and to maximize the number of trail users.

Of the amounts appropriated in this lettered paragraph, $750,000 shall be allocated for the development of a riverwalk in a central Iowa city with a population between one hundred ninety-five thousand and two hundred thousand as determined by the 2000 federal census and $500,000 shall be allocated for the construction and development of a trail bridge across a river located in northeastern Iowa that would link the east and west sides of the Pinicon ridge park.

c. For deposit into the railroad revolving loan and grant fund created in section 327H.20A, notwithstanding section 8.57, subsection 6, paragraph "c":
. . . . . $ 1,500,000

Of the amount appropriated in this lettered paragraph, $1,000,000 shall be allocated for the replacement of a railroad bridge over the Cedar river in a city with a population between sixty-eight thousand five hundred and sixty-nine thousand.

d. For infrastructure improvement grants at general aviation airports within the state:
. . . . . $ 750,000

e. For deposit into the public transit infrastructure grant fund created in section 324A.6A:
. . . . . $ 1,250,000

f. To assist local governments to rebuild and repair local roads, notwithstanding section 8.57, subsection 6, paragraph "c":
. . . . . $ 14,750,000

Fifty percent of the amount appropriated in this lettered paragraph shall be deposited into the street construction fund of the cities and fifty percent shall be deposited into the secondary road fund of the counties, to be used for construction, reconstruction, repair, and maintenance of city roads or secondary roads. The moneys allocated to such funds shall be expended within two years. The department shall, in cooperation with the cities and counties, provide a report to the legislative services agency regarding the projects funded by this appropriation by January 15 each year until the projects are completed.

13. TREASURER OF STATE

a. For county fair infrastructure improvements for distribution in accordance with chapter 174 to qualified fairs which belong to the association of Iowa fairs:
. . . . . $ 1,590,000

b. For deposit in the watershed improvement fund created in section 466A.2, notwithstanding section 8.57, subsection 6, paragraph "c":
. . . . . $ 5,000,000

14. DEPARTMENT OF VETERANS AFFAIRS

For transfer to the Iowa finance authority for the continuation of the home ownership assistance program for persons who are or were eligible members of the armed forces of the United States, pursuant to section 16.54, notwithstanding section 8.57, subsection 6, paragraph "c":
. . . . . $ 1,600,000

Of the funds transferred pursuant to this subsection, the Iowa finance authority may retain not more than $20,000 for administrative purposes.

Sec. 2. There is appropriated from the rebuild Iowa infrastructure fund to the following departments and agencies for the fiscal year beginning July 1, 2010, and ending June 30, 2011,

the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

For projects related to major repairs and major maintenance for state buildings and facilities under the purview of the department:

. . . . . $ 10,000,000

Of the amount appropriated in this subsection, up to $1,000,000 may be used for demolition purposes.

2. DEPARTMENT OF CORRECTIONS

For expansion, including land acquisition, of the community-based corrections facility at Des Moines:

. . . . . $ 5,000,000

The appropriation in this subsection is contingent upon relocation of the sex offender treatment program from the community-based corrections facility at Des Moines to the property in northeast Des Moines identified by the fifth judicial district in the facility and site study final report submitted December 12, 2008.

3. DEPARTMENT OF ECONOMIC DEVELOPMENT

For costs associated with the renovation and expansion of phase II of a zoo project located in a city with a population of between one hundred ninety thousand and two hundred thousand as determined by the 2000 certified federal census:

. . . . . $ 500,000

4. STATE BOARD OF REGENTS

For phase II of the construction and renovation of the veterinary medical facilities at Iowa state university of science and technology, specifically the renovation and modernization of the area formerly occupied by the large animal area of the teaching hospital for expanded clinical services in a small animal hospital:

. . . . . $ 13,000,000

5. IOWA STATE FAIR

For infrastructure improvements to the Iowa state fairgrounds including but not limited to the construction of an agricultural exhibition center on the Iowa state fairgrounds:

. . . . . $ 2,500,000

6. DEPARTMENT OF TRANSPORTATION

a. For deposit into the railroad revolving loan and grant fund created in section 327H.20A, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 2,000,000

b. To assist local governments to rebuild and repair local roads, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 24,700,000

Fifty percent of the amount appropriated in this lettered paragraph shall be deposited into the street construction fund of the cities and fifty percent shall be deposited into the secondary road fund of the counties, to be used for construction, reconstruction, repair, and maintenance of city roads or secondary roads. The moneys allocated to such funds shall be expended within two years. The department shall, in cooperation with the cities and counties, provide a report to the legislative services agency regarding the projects funded by this appropriation by January 15 each year until the projects are completed.

Sec. 3. There is appropriated from the rebuild Iowa infrastructure fund to the department of transportation for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For deposit into the railroad revolving loan and grant fund created in section 327H.20A, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 2,000,000

Sec. 4. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act

shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION II
REBUILD IOWA INFRASTRUCTURE FUND — GROW IOWA VALUES FUND

Sec. 5. Notwithstanding the amount of the standing appropriation from the rebuild Iowa infrastructure fund as provided in section 15G.110, subsection 2, there is appropriated from the rebuild Iowa infrastructure fund to the department of economic development for deposit into the grow Iowa values fund, in lieu of the appropriation made in section 15G.110, subsection 2, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 45,000,000

Sec. 6. 2009 Iowa Acts, House File 817,[2] section 2, if enacted, is amended to read as follows:

SEC. 2. GROW IOWA VALUES FUND APPROPRIATION — TRANSFER.

1. ~~In lieu of any standing appropriation in section 15G.111 from the grow Iowa values fund to the department of economic development, for the fiscal year beginning July 1, 2009, there is appropriated from the grow Iowa values fund to the department of economic development for purposes of administering financial assistance programs:~~

~~. . . . . $ 31,000,000~~

Of the amount allocated for departmental purposes in section 15G.111, subsection 4, if enacted by 2009 Iowa Acts, Senate File 344,[3] section 2, the department of economic development shall allocate one million dollars for transfer to the general fund of the state for purposes of funding the increased amount of tax credits authorized in this Act. The amount remaining after allocating the one million dollars for transfer shall be allocated for departmental purposes as described in section 15G.111, subsection 4, if enacted by 2009 Iowa Acts, Senate File 344,[4] section 2.

2. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, the one million dollars allocated for transfer pursuant to subsection 1 is transferred ~~from the grow Iowa values fund~~ to the general fund of the state only if a tax credit is awarded pursuant to section 15.335, as amended by this Act. If one or more tax credits are not awarded, the department may reallocate the one million dollars for departmental purposes.

Sec. 7. REDUCTION OF THE GROW IOWA VALUES FUND APPROPRIATION TO THE DEPARTMENT OF ECONOMIC DEVELOPMENT. In lieu of the fifty million dollars appropriated for the fiscal year beginning July 1, 2009, and ending June 30, 2010, from the grow Iowa values fund to the department of economic development pursuant to section 15G.111, subsection 3, if enacted by 2009 Iowa Acts, Senate File 344,[5] section 2, there is appropriated from the grow Iowa values fund to the department of economic development for the fiscal year beginning July 1, 2009, and ending June 30, 2010, forty-five million dollars for purposes of making expenditures pursuant to chapter 15G.

Sec. 8. GROW IOWA VALUES FUND ALLOCATIONS. In lieu of the amounts allocated pursuant to section 15G.111, subsections 4 through 10, if enacted by 2009 Iowa Acts, Senate File 344,[6] section 2, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, of the forty-five million dollars appropriated to the department of economic development pursuant to this division of this Act, the department shall allocate the following amounts for the follow-

[2] Chapter 171 herein
[3] Chapter 123 herein
[4] Chapter 123 herein
[5] Chapter 123 herein
[6] Chapter 123 herein

ing purposes as described in section 15G.111, subsections 4 through 10, if enacted by 2009 Iowa Acts, Senate File 344,[7] section 2:

1. For departmental purposes, twenty-eight million eight hundred thousand dollars. Of the moneys allocated pursuant to this subsection and in lieu of the two million dollars allocated for deposit in the renewable fuel infrastructure fund under section 15G.111, subsection 4, paragraph "h", if enacted by 2009 Iowa Acts, Senate File 344,[8] section 2, the department shall allocate one million eight hundred thousand dollars for deposit in the renewable fuel infrastructure fund.
2. For the state board of regents institutions, four million five hundred thousand dollars.
3. For state parks, nine hundred thousand dollars.
4. For deposit in the Iowa cultural trust fund, nine hundred thousand dollars.
5. For community colleges, six million three hundred thousand dollars.
6. For regional financial assistance, nine hundred thousand dollars. Of the moneys allocated pursuant to this subsection and in lieu of the three hundred fifty thousand dollars transferred under section 15G.111, subsection 9, paragraph "a", if enacted by 2009 Iowa Acts, Senate File 344,[9] section 2, the department shall transfer three hundred fifteen thousand dollars to Iowa state university of science and technology, for purposes of providing financial assistance to establish small business development centers.
7. For commercialization services, two million seven hundred thousand dollars.

Sec. 9. CONDITIONAL GROW IOWA VALUES FUND APPROPRIATIONS. If 2009 Iowa Acts, Senate File 344[10] is not enacted, for the fiscal year beginning July 1, 2009 and ending June 30, 2009,[11] the following amounts are appropriated from the grow Iowa values fund in lieu of the amounts appropriated under section 15G.111:

1. To the department of economic development for departmental purposes as described in section 15G.111, subsection 1, twenty-eight million eight hundred thousand dollars.
2. To the department of economic development for financial assistance to the state board of regents institutions pursuant to section 15G.111, subsection 2, four million five hundred thousand dollars.
3. To the department of economic development for financial assistance to state parks pursuant to section 15G.111, subsection 3, nine hundred thousand dollars.
4. To the treasurer of state for deposit in the Iowa cultural trust fund pursuant to section 15G.111, subsection 4, nine hundred thousand dollars.
5. To the department of economic development for deposit in the workforce training and economic development funds of the community colleges pursuant to section 15G.111, subsection 5, six million three hundred thousand dollars.
6. To the department of economic development for providing economic development region financial assistance pursuant to section 15G.111, subsection 6, nine hundred thousand dollars. Of the moneys appropriated pursuant to this subsection and in lieu of the three hundred fifty thousand dollars transferred under section 15G.111, subsection 6, paragraph "b", the department shall transfer three hundred fifteen thousand dollars to Iowa state university of science and technology, for purposes of providing financial assistance to establish small business development centers.
7. To the department of economic development for providing commercialization services pursuant to section 15G.111, subsection 7, two million seven hundred thousand dollars.

DIVISION III
TECHNOLOGY REINVESTMENT FUND

Sec. 10. There is appropriated from the technology reinvestment fund created in section 8.57C to the following departments and agencies for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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[7] Chapter 123 herein
[8] Chapter 123 herein
[9] Chapter 123 herein
[10] Chapter 123 herein
[11] According to enrolled Act; the year "2010" probably intended

1. DEPARTMENT OF ADMINISTRATIVE SERVICES
For technology improvement projects:
. . . . . $ 2,037,184
2. DEPARTMENT OF CORRECTIONS
For costs associated with the Iowa corrections offender network data system:
. . . . . $ 500,000
3. DEPARTMENT OF EDUCATION
a. For maintenance and lease costs associated with connections for Part III of the Iowa communications network:
. . . . . $ 2,727,000
b. For the implementation of an educational data warehouse that will be utilized by teachers, parents, school district administrators, area education agency staff, department of education staff, and policymakers:
. . . . . $ 600,000
The department may use a portion of the moneys appropriated in this lettered paragraph for an etranscript data system capable of tracking students throughout their education via interconnectivity with multiple schools.
4. DEPARTMENT OF HUMAN RIGHTS
For costs associated with the justice enterprise data warehouse:
. . . . . $ 361,072
5. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD
For technological improvements for the board's electronic filing system including an online searchable database:
. . . . . $ 15,000
6. IOWA LAW ENFORCEMENT ACADEMY
For technology upgrades for the development of computer online testing and training and for a firearms training simulator:
. . . . . $ 185,000
7. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION
a. For replacement of equipment for the Iowa communications network:
. . . . . $ 2,211,863
The commission may continue to enter into contracts pursuant to section 8D.13 for the replacement of equipment and for operations and maintenance costs of the network.
In addition to moneys appropriated in this lettered paragraph, the commission may use a financing agreement entered into by the treasurer of state in accordance with section 12.28 for the replacement of equipment for the network. For purposes of this lettered paragraph, the treasurer of state is not subject to the maximum principal limitation contained in section 12.28, subsection 6. Repayment of any amounts financed shall be made from receipts associated with fees charged for use of the network.
b. For generator replacement:
. . . . . $ 2,755,246
c. For continued additions to network redundancy for continuity of operations for the capitol complex:
. . . . . $ 2,320,000
8. DEPARTMENT OF PUBLIC DEFENSE
For the homeland security and emergency management division for providing a grant to the statewide 211 nonprofit call centers to enhance its human resources assistance directory project:
. . . . . $ 250,000
The division shall award moneys appropriated pursuant to this section[12] to support the statewide improvement of the free and confidential 211 hotline available twenty-four hours a day, seven days a week, that provides information or refers callers to appropriate private or government entities that provide assistance relating to families, housing, food, health, legal advice, child and senior services, or volunteer opportunities.

[12] According to enrolled Act; the word "subsection" probably intended

9. DEPARTMENT OF PUBLIC SAFETY

For continuation of payments on the lease-purchase of the automated fingerprint identification system:

. . . . . $ 350,000

Sec. 11. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION IV
TAX-EXEMPT BOND PROCEEDS RESTRICTED
CAPITAL FUNDS ACCOUNT

Sec. 12. There is appropriated from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund to the department of administrative services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For projects related to major repairs and major maintenance for state buildings and facilities under the purview of the department:

. . . . . $ 195,484

Sec. 13. TAX-EXEMPT STATUS — USE OF APPROPRIATIONS. Payment of moneys from the appropriations in this division of this Act shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the tobacco settlement authority.

DIVISION V
TRANSFERS

Sec. 14. ENDOWMENT FOR IOWA'S HEALTH RESTRICTED CAPITALS FUND AND TAX-EXEMPT BOND PROCEEDS RESTRICTED CAPITALS FUND — TRANSFERS. Notwithstanding any provision of law to the contrary, the unencumbered or unobligated balances of the endowment for Iowa's health restricted capitals fund at the close of the fiscal year beginning July 1, 2009, and the tax-exempt bond proceeds restricted capitals fund at the close of the fiscal year beginning July 1, 2009, or the close of any succeeding fiscal year, shall be transferred to the department of administrative services for projects related to major repairs and major maintenance for state buildings and facilities under the purview of the department. Upon receipt of a transfer, the department of administrative services shall report to the legislative services agency and to the department of management the amount transferred in conjunction with the department's report filed pursuant to section 8.57, subsection 6, paragraph "h".

DIVISION VI
IOWA FLOOD CENTER

Sec. 15. NEW SECTION. 466C.1 IOWA FLOOD CENTER.

1. The state board of regents shall establish and maintain in Iowa City as a part of the state university of Iowa an Iowa flood center. In conducting the activities of this chapter, the center shall work cooperatively with the department of natural resources, the department of agriculture and land stewardship, the water resources coordinating council, and other state and federal agencies.

2. The Iowa flood center shall have all of the following purposes:

a. To develop hydrologic models for physically based flood frequency estimation and real-time forecasting of floods, including hydraulic models of flood plain inundation mapping.

b. To establish community-based programs to improve flood monitoring and prediction along Iowa's major waterways and to support ongoing flood research.

c. To share resources and expertise of the Iowa flood center.

d. To assist in the development of a workforce in the state knowledgeable regarding flood research, prediction, and mitigation strategies.

DIVISION VII
CHANGES TO PRIOR APPROPRIATIONS

Sec. 16. 2005 Iowa Acts, chapter 178, section 9, is amended to read as follows:

SEC. 9. REVERSION.

1. ~~Notwithstanding~~ Except as provided in subsection 2 and notwithstanding section 8.33, moneys appropriated from the rebuild Iowa infrastructure fund in this division of this Act, except for the moneys appropriated in section 1, subsection 2, paragraph "a", for maintenance costs of the department of corrections and subsection 5, paragraph "d", for the vocational rehabilitation division of the department of education, shall not revert at the close of the fiscal year for which they were appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2008, or until the project for which the appropriation was made is completed, whichever is earlier. This section does not apply to the sections in this division of this Act that were previously enacted and are amended in this division of this Act.

2. Notwithstanding section 8.33, moneys appropriated in section 3, subsection 1, paragraph "h" of this division of this Act shall not revert at the close of the fiscal year for which they were appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2009, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 17. 2007 Iowa Acts, chapter 219, section 7, subsection 1, is amended to read as follows:

1. For costs associated with the construction and establishment of the Iowa institute for biomedical discovery at the state university of Iowa:

FY 2008-2009	$	10,000,000
FY 2009-2010	$	~~10,000,000~~ 0
FY 2010-2011	$	10,000,000

Sec. 18. 2008 Iowa Acts, chapter 1178, section 18, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Notwithstanding section 8.33, moneys appropriated in this section shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2009. The full-time equivalent position authorized in this section shall continue to be authorized until the close of the fiscal year that begins July 1, 2009.

Sec. 19. 2008 Iowa Acts, chapter 1178, section 19, is amended to read as follows:

SEC. 19. WATER TRAILS AND LOW HEAD DAM PUBLIC HAZARD STATEWIDE PLAN — APPROPRIATION. There is appropriated from any interest or earnings on moneys in the federal economic stimulus and jobs holding fund to the department of natural resources for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the establishment and administration of a water trails and low head dam public hazard statewide plan, including salaries, support, maintenance, and miscellaneous purposes:

. . . . . $ 250,000

Notwithstanding section 8.33, moneys appropriated in this section shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2009.

Sec. 20. 2008 Iowa Acts, chapter 1179, section 1, subsection 1, paragraph e, is amended to read as follows:

e. For the state's share of support in conjunction with the city of Des Moines and local area businesses to provide a free shuttle service to the citizens of Iowa visiting the capitol complex that includes transportation between the capitol complex and the downtown Des Moines area, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ ~~170,000~~
183,000

Details for the shuttle service, including the route to be served, shall be determined pursuant to an agreement to be entered into by the department with the Des Moines area regional transit authority (DART) and any other participating entities.

Of the amount appropriated in this lettered paragraph, up to $50,000 shall be used to encourage state employees to utilize transit services provided by the Des Moines area regional transit authority.

Sec. 21. 2008 Iowa Acts, chapter 1179, section 1, subsection 1, is amended by adding the following new paragraphs:

NEW PARAGRAPH. h. For projects related to major repairs and major maintenance for state buildings and facilities under the purview of the department:

. . . . . $ 2,000,000

NEW PARAGRAPH. i. For capital improvements at the civil commitment unit for a sexual offenders facility at Cherokee:

. . . . . $ 829,000

NEW PARAGRAPH. j. For costs associated with capitol interior and exterior restoration and for compliance with the federal Americans With Disabilities Act:

. . . . . $ 1,900,000

NEW PARAGRAPH. k. For renovations to the capitol complex utility tunnel system:

. . . . . $ 1,000,000

NEW PARAGRAPH. l. For heating, ventilating, and air conditioning improvements in the Hoover state office building:

. . . . . $ 165,000

NEW PARAGRAPH. m. (1) For the purchase of Mercy capitol hospital:

. . . . . $ 3,950,000

(2) It is the intent of the general assembly that the department will use other appropriations made or other funds available to the department for the acquisition of buildings to complete the purchase of this building.

(3) The department is authorized to enter into agreements for the use of Mercy capitol hospital, once acquired by the state, with any state agency or other governmental entity or political subdivision, as deemed appropriate by the department.

Sec. 22. 2008 Iowa Acts, chapter 1179, section 1, subsection 13, paragraph c, is amended to read as follows:

c. For the construction of a depot and platform to accommodate the future Amtrak service from Dubuque to Chicago, notwithstanding section 8.57, subsection 6, paragraph "c":

. . . . . $ 300,000

Sec. 23. 2008 Iowa Acts, chapter 1179, section 1, subsection 14, paragraph a, is amended to read as follows:

a. For county fair infrastructure improvements for distribution in accordance with chapter 174 to qualified fairs which belong to the association of Iowa fairs:

. . . . . $ ~~1,590,000~~
1,060,000

~~Of the amount appropriated in this lettered paragraph, $530,000 shall be deposited into the fairgrounds infrastructure aid fund created pursuant to section 12.101, as enacted in this Act, for fairgrounds infrastructure aid as provided in section 12.102, as enacted in this Act.~~

Sec. 24. 2008 Iowa Acts, chapter 1179, section 6, is amended to read as follows:

SEC. 6. DEPARTMENT OF CORRECTIONS. There is appropriated from the rebuild Iowa infrastructure fund to the department of corrections for the designated fiscal years the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For expansion of the Iowa correctional facility for women at Mitchellville:

FY ~~2010-2011~~ 2011-2012 ..... $ 11,700,000

FY ~~2011-2012~~ 2012-2013 ..... $ 8,779,000

Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, ~~2010~~ 2011, and ending June 30, ~~2011~~ 2012, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, ~~2013~~ 2014, or until the project for which the appropriation was made is completed, whichever is earlier.

Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, ~~2011~~ 2012, and ending June 30, ~~2012~~ 2013, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, ~~2014~~ 2015, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 25. 2008 Iowa Acts, chapter 1179, section 15, subsection 4, paragraph b, is amended to read as follows:

b. To the public broadcasting division for the purchase and installation of generators at transmitter sites:

..... $ 1,602,437

Of the amount appropriated in this lettered paragraph, up to $210,477 may be used for operational costs of the division for FY 2008-2009 and up to $1,000,000 may be used for operational costs of the division for FY 2009-2010, notwithstanding section 8.57C, subsection 2.

Sec. 26. 2008 Iowa Acts, chapter 1186, section 20, subsection 2, is amended to read as follows:

2. Notwithstanding any provision of law to the contrary, the unencumbered or unobligated balances of the healthy Iowans tobacco trust ~~at the close of~~ available prior to the close of the fiscal year beginning July 1, 2008, or the endowment for Iowa's health account ~~at the close~~ available prior to the close of the fiscal year beginning July 1, 2008~~, or the close of any succeeding fiscal year~~ shall be transferred to the general fund of the state.

Sec. 27. 2009 Iowa Acts, Senate File 344,[13] section 9, subsection 3, if enacted, is amended by striking the subsection and inserting in lieu thereof the following:

3. Effective July 1, 2009, all funds remaining in the accelerated career education account of the physical infrastructure assistance fund created in section 15E.175 shall be transferred to the accelerated career education fund established in section 260G.6, subsection 1, as amended by this Act.

Sec. 28. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

1. Except as provided in subsection 2, this division of this Act, being deemed of immediate importance, takes effect upon enactment.

2. The sections of this division of this Act, amending 2008 Iowa Acts, chapter 1179, section 1, subsection 13, paragraph "c"; section 1, subsection 14, paragraph "a"; and section 15, subsection 4, paragraph "b", apply retroactively to July 1, 2008.

DIVISION VIII
CODE AND MISCELLANEOUS CHANGES

Sec. 29. Section 8.57, subsection 6, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. Annually, on or before December 31 of each year, a recipient of moneys from the rebuild Iowa infrastructure fund for any purpose shall report to the state

[13] Chapter 123 herein

agency to which the moneys are appropriated the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

Sec. 30. Section 8.57C, subsection 3, paragraph b, Code 2009, is amended to read as follows:

b. There is appropriated from the rebuild Iowa infrastructure fund for ~~each~~ the fiscal year ~~of the fiscal period~~ beginning July 1, 2008, and ending June 30, ~~2010~~ 2009, the sum of seventeen million five hundred thousand dollars, and for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the sum of fourteen million five hundred twenty-five thousand dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 31. Section 12E.12, subsection 1, paragraph b, subparagraph (2), subparagraph division (b), Code 2007, as amended by 2008 Iowa Acts, chapter 1186, section 16, is amended to read as follows:

(b) For each fiscal year beginning July 1, 2009, the moneys deposited in the endowment for Iowa's health account of the tobacco settlement trust fund are transferred to the ~~general fund of the state~~ rebuild Iowa infrastructure fund. ~~The moneys transferred shall be used for the purposes specified in section 12E.3A.~~

Sec. 32. Section 15.329, subsection 7, Code 2009, is amended by striking the subsection.

Sec. 33. Section 15F.201, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. "River enhancement community attraction and tourism project" means a project that creates or enhances recreational opportunities and community attractions on and near lakes or rivers or river corridors within cities across the state under the purview of the program.

Sec. 34. NEW SECTION. 15F.206 RIVER ENHANCEMENT COMMUNITY ATTRACTION AND TOURISM PROJECTS — APPLICATION REVIEW.

1. Applications for assistance for river enhancement community attraction and tourism projects shall be submitted to the department. For those applications that meet the eligibility criteria, the department shall provide a staff review analysis and evaluation to the vision Iowa program review committee referred to in section 15F.304, subsection 2, and the board.

2. When reviewing the applications, the vision Iowa program review committee and the department shall consider, at a minimum, all of the following:

a. Whether the wages, benefits, including health benefits, safety, and other attributes of the project would improve the quality of life or the quality of attraction or tourism employment in the community.

b. The extent to which such a project would generate additional recreational and cultural attractions or tourism opportunities.

c. The ability of the project to produce a long-term, tax-generating economic impact.

d. The location of the projects and geographic diversity of the applications.

e. The project is primarily a vertical infrastructure project with demonstrated substantial regional or statewide economic impact. For purposes of the program, "vertical infrastructure" means land acquisition and construction, major renovation and major repair of buildings, all appurtenant structures, utilities, site development, and recreational trails and water trails. "Vertical infrastructure" does not include routine, recurring maintenance, or operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement.

f. Whether the applicant has received financial assistance under the program for the same project.

g. The extent to which the project has taken the following planning principles into consideration:

(1) Efficient and effective use of land resources and existing infrastructure by encouraging development in areas with existing infrastructure or capacity to avoid costly duplication of services and costly use of land.

(2) Provision for a variety of transportation choices, including pedestrian traffic.

(3) Maintenance of a unique sense of place by respecting local cultural and natural environmental features.

(4) Conservation of open space and farmland and preservation of critical environmental areas.

(5) Promotion of the safety, livability, and revitalization of existing urban and rural communities.

3. Upon review of the recommendations of the review committee, the board shall approve, defer, or deny the applications.

4. Upon approval of an application for financial assistance under the program, the board shall notify the treasurer of state regarding the amount of moneys needed to satisfy the award of financial assistance and the terms of the award. The treasurer of state shall notify the department anytime moneys are disbursed to a recipient of financial assistance under the program.

Sec. 35. Section 15F.304, subsection 2, Code 2009, is amended to read as follows:

2. A review committee composed of eight members of the board shall review vision Iowa program applications and river enhancement community attraction and tourism project applications submitted to the board and make recommendations regarding the applications to the board. The review committee shall consist of members of the board listed in section 15F.102, subsection 2, paragraphs "d" through "h".

Sec. 36. Section 15F.304, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The review committee shall consider, review, and make recommendations regarding applications for assistance for river enhancement community attractions and tourism projects a[14] provided in section 15F.206.

Sec. 37. Section 15G.111, subsection 4, paragraph a, Code 2009, as amended by 2009 Iowa Acts, Senate File 344,[15] section 2, if enacted, is amended to read as follows:

a. For administrative costs, an amount not more than ~~one and one-half percent~~ six hundred thousand dollars of the moneys subject to allocation under this subsection.

Sec. 38. Section 135.63, subsection 2, paragraph l, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The replacement or modernization of any institutional health facility if the replacement or modernization does not add new health services or additional bed capacity for existing health services, notwithstanding any provision in this division to the contrary. With respect to a nursing facility, "replacement" means establishing a new facility within the same county as the prior facility to be closed. With reference to a hospital, "replacement" means establishing a new hospital that demonstrates compliance with all of the following criteria through evidence submitted to the department:

Sec. 39. 1989 Iowa Acts, chapter 131, section 63, is amended to read as follows:

SEC. 63. Sections 455G.6 and 455G.7 are repealed effective July 1, ~~2009~~ 2010, except as such sections apply with respect to any outstanding bonds issued thereunder, or refinancing of such outstanding bonds.

Sec. 40. Sections 12.101 and 12.102, Code 2009, are repealed.

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[14] According to enrolled Act; the word "as" probably intended

[15] Chapter 123 herein

Sec. 41. EFFECTIVE DATE. The section of this division of this Act amending section 12E.12 takes effect June 30, 2009.

Approved May 26, 2009

CHAPTER 185

PROPOSED CONSTITUTIONAL AMENDMENT —
NATURAL RESOURCES AND OUTDOOR
RECREATION TRUST FUND

H.J.R. 1

Second Time Passed

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources.

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

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Article VII of the Constitution of the State of Iowa is amended by adding the following new section:

NATURAL RESOURCES. SEC. 10. A natural resources and outdoor recreation trust fund is created within the treasury for the purposes of protecting and enhancing water quality and natural areas in this State including parks, trails, and fish and wildlife habitat, and conserving agricultural soils in this State. Moneys in the fund shall be exclusively appropriated by law for these purposes.

The general assembly shall provide by law for the implementation of this section, including by providing for the administration of the fund and at least annual audits of the fund.

Except as otherwise provided in this section, the fund shall be annually credited with an amount equal to the amount generated by a sales tax rate of three-eighths of one percent as may be imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State.

No revenue shall be credited to the fund until the tax rate for the sales tax imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State in effect on the effective date of this section is increased. After such an increased tax rate becomes effective, an amount equal to the amount generated by the increase in the tax rate shall be annually credited to the fund, not to exceed an amount equal to the amount generated by a tax rate of three-eighths of one percent imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State.

Sec. 2. SUBMISSION FOR RATIFICATION. The foregoing proposed amendment, having been adopted and agreed to by the Eighty-second General Assembly, 2008 Session, thereafter duly published, and now adopted and agreed to by the Eighty-third General Assembly in this joint resolution, shall be submitted to the people of the State of Iowa at the general election in November of the year two thousand ten in the manner required by the Constitution of the State of Iowa and the laws of the State of Iowa.

ANALYSIS OF TABLES

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[1] Iowa Code chapter 9A, Code 2009, repealed by 2009 Iowa Acts chapter 33, §20; new Iowa Code chapter enacted at chapter 9A placement

[2] Code 2007

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[5] Section enacted in 2008 Iowa Acts at 261E.12, but renumbered in Code 2009 to 261E.13

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[6] Iowa Code chapter 692A, Code 2009, repealed by 2009 Iowa Acts chapter 119, §31; new Iowa Code chapter enacted at chapter 692A placement

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[1] To be codified in Code 2011; 2009 Iowa Acts, ch 175, §25 herein amending 2008 Iowa Acts, chapter 1033, §1

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