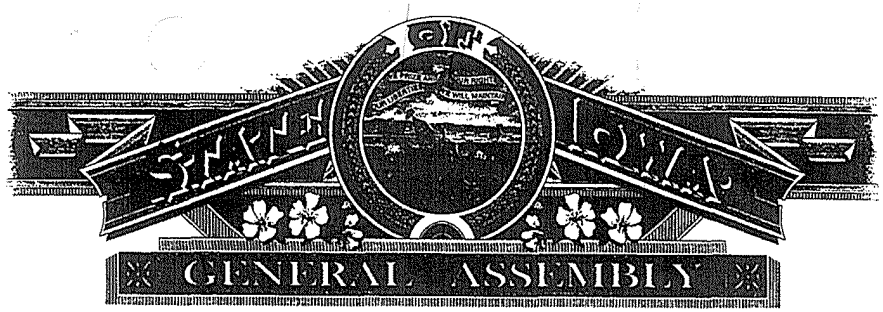
STATE OF IOWA
GENERAL ASSEMBLY



Senate File 430

AN ACT

RELATING TO VIOLATIONS OF THE OPEN RECORDS AND PUBLIC MEETINGS LAWS AND THE CREATION OF THE IOWA PUBLIC INFORMATION BOARD, AND INCLUDING EFFECTIVE DATE PROVISIONS.

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

Section 1. Section 21.6, subsection 3, paragraph a, subparagraph (3), Code Supplement 2011, is amended to read as follows:

(3) Reasonably relied upon a decision of a court, a formal opinion of the Iowa public information board, the attorney general, or the attorney for the governmental body, given in writing, or as memorialized in the minutes of the meeting at which a formal oral opinion was given, or an advisory opinion of the Iowa public information board, the attorney general, or the attorney for the governmental body, given in writing.

Sec. 2. Section 22.7, Code Supplement 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 65. Tentative, preliminary, draft, speculative, or research material, prior to its completion for the purpose for which it is intended and in a form prior to the form in which it is submitted for use or used in the actual formulation, recommendation, adoption, or execution of any official policy or action by a public official authorized to make such decisions for the governmental body or the government body. This subsection shall not apply to public records that are actually submitted for use or are used in the formulation, recommendation, adoption, or execution of any official policy or action of a governmental body or a government body by a public official authorized to adopt or execute official policy for the governmental body or the government body.

Sec. 3. Section 22.10, subsection 3, paragraph b, subparagraph (3), Code Supplement 2011, is amended to read as follows:

(3) Reasonably relied upon a decision of a court, a formal opinion of the Iowa public information board, the attorney general, or the attorney for the government body, given in writing, or as memorialized in the minutes of the meeting at which a formal oral opinion was given, or an advisory opinion of the Iowa public information board, the attorney general, or the attorney for the government body, given in writing.

Sec. 4. NEW SECTION. **23.1 Citation and purpose.**

This chapter may be cited as the *"Iowa Public Information Board Act"*. The purpose of this chapter is to provide an alternative means by which to secure compliance with and enforcement of the requirements of chapters 21 and 22 through the provision by the Iowa public information board to all interested parties of an efficient, informal, and cost-effective process for resolving disputes.

Sec. 5. NEW SECTION. **23.2 Definitions.**

1. *"Board"* means the Iowa public information board created in section 23.3.

2. *"Complainant"* means a person who files a complaint with the board.

3. *"Complaint"* means a written and signed document filed with the board alleging a violation of chapter 21 or 22.

4. *"Custodian"* means a government body, government official, or government employee designated as the lawful custodian of a government record pursuant to section 22.1.

5. *"Government body"* means the same as defined in section 22.1.

6. *"Governmental body"* means the same as defined in section 21.2.

7. *"Person"* means an individual, partnership, association, corporation, legal representative, trustee, receiver, custodian, government body, or official, employee, agency, or political subdivision of this state.

8. *"Respondent"* means any agency or other unit of state or local government, custodian, government official, or government employee who is the subject of a complaint.

Sec. 6. NEW SECTION. **23.3 Board appointed — executive director.**

1. An Iowa public information board is created consisting of nine members appointed by the governor, subject to confirmation

by the senate. No more than three members appointed shall be representatives from the media including newspapers and no more than three members appointed shall be representatives of cities, counties, and other political subdivisions of the state.

2. Appointments to the board shall be subject to sections 69.16 and 69.16A.

3. Members appointed to the board shall serve staggered four-year terms beginning and ending as provided in section 69.19.

4. A quorum of the board shall consist of five members.

5. A vacancy on the board shall be filled by the governor, as provided in subsection 1.

6. The board shall select one of its members to serve as chairperson and shall employ a person who shall be an attorney admitted to practice law before the courts of this state to serve as the executive director of the board.

7. The board shall meet at least quarterly and at the call of the chairperson.

8. The board shall be an independent agency.

Sec. 7. NEW SECTION. **23.4 Compensation and expenses.**

Board members appointed by the governor shall be paid a per diem as specified in section 7E.6 and shall be reimbursed for actual and necessary expenses incurred while on official board business. Such per diem and expenses shall be paid from funds appropriated to the board.

Sec. 8. NEW SECTION. **23.5 Election of remedies.**

1. An aggrieved person, any taxpayer to or citizen of this state, the attorney general, or any county attorney may seek enforcement of the requirements of chapters 21 and 22 by electing either to file an action pursuant to section 17A.19, 21.6, or 22.10, whichever is applicable, or in the alternative, to file a timely complaint with the board.

2. If more than one person seeks enforcement of chapter 21 or 22 with respect to the same incident involving an alleged violation, and one or more of such persons elects to do so by filing an action under section 17A.19, 21.6, or 22.10, and one or more of such persons elects to do so by filing a timely complaint with the board, the court in which the action was filed shall stay the action pending resolution of the complaint with the board, authorizing the complainant to file a complaint with respect to the same incident with the board without regard to the timeliness of the filing of the complaint at the time

the action in court is stayed.

3. If a person files an action pursuant to section 22.8 seeking to enjoin the inspection of a public record, the respondent or person requesting access to the record which is the subject of the request for injunction may remove the proceeding to the board for its determination by filing, within thirty days of the commencement of the judicial proceeding, a complaint with the board alleging a violation of chapter 22 in regard to the same matter.

Sec. 9. NEW SECTION. **23.6 Board powers and duties.**

The board shall have all of the following powers and duties:

1. Employ one employee as executive director who is an attorney admitted to practice law in the courts of this state to execute its authority and prosecute respondents in proceedings before the board and to represent the board in proceedings before a court.

2. Adopt rules pursuant to chapter 17A calculated to implement, enforce, and interpret the requirements of chapters 21 and 22 and to implement any authority delegated to the board by this chapter.

3. Issue, consistent with the requirements of section 17A.9, declaratory orders with the force of law determining the applicability of chapter 21 or 22 to specified fact situations and issue informal advice to any person concerning the applicability of chapters 21 and 22.

4. Receive complaints alleging violations of chapter 21 or 22, seek resolution of such complaints through informal assistance or through mediation and settlement, formally investigate such complaints, decide after such an investigation whether there is probable cause to believe a violation of chapter 21 or 22 has occurred, and if probable cause has been found prosecute the respondent before the board in a contested case proceeding conducted according to the provisions of chapter 17A.

5. Request and receive from a governmental body or a government body assistance and information as necessary in the performance of its duties.

6. The board may examine a record of a government body that is the subject matter of a complaint, including any record that is confidential by law. Confidential records provided to the board by a government body shall continue to maintain their confidential status. Any member or employee of the board is subject to the same policies and penalties re ing

the confidentiality of the document as an employee of the government body.

7. Issue subpoenas enforceable in court for the purpose of investigating complaints and to facilitate the prosecution and conduct of contested cases before the board.

8. After appropriate board proceedings, issue orders with the force of law, determining whether there has been a violation of chapter 21 or 22, requiring compliance with specified provisions of those chapters, imposing civil penalties equivalent to and to the same extent as those provided for in section 21.6 or 22.10, as applicable, on a respondent who has been found in violation of chapter 21 or 22, and imposing any other appropriate remedies calculated to declare, terminate, or remediate any violation of those chapters.

9. Represent itself in judicial proceedings to enforce or defend its orders and rules through attorneys on its own staff, through the office of the attorney general, or through other attorneys retained by the board, at its option.

10. Make training opportunities available to lawful custodians, governmental bodies, government bodies, and other persons subject to the requirements of chapters 21 and 22 and require, in its discretion, appropriate persons who have responsibilities in relation to chapters 21 and 22 to receive periodic training approved by the board.

11. Disseminate information calculated to inform members of the public about the public's right to access government information in this state including procedures to facilitate this access and including information relating to the obligations of governmental bodies under chapter 21 and lawful custodians under chapter 22 and other laws dealing with this subject.

12. Prepare and transmit to the governor and to the general assembly, at least annually, reports describing complaints received, board proceedings, investigations, hearings conducted, decisions rendered, and other work performed by the board.

13. Make recommendations to the governor and the general assembly proposing legislation relating to public access to government information deemed desirable by the board in light of the policy of this state to provide as much public access as possible to government information as is consistent with the public interest.

Sec. 10. NEW SECTION. **23.7 Filing of complaints with the board.**

1. The board shall adopt rules pursuant to chapter 17A providing for the timing, form, content, and means by which any aggrieved person, any taxpayer to or citizen of this state, the attorney general, or any county attorney may file a complaint with the board alleging a violation of chapter 21 or 22. The complaint must be filed within sixty days from the time the alleged violation occurred or the complainant could have become aware of the violation with reasonable diligence. All complaints filed with the board shall be public records.

2. All board proceedings in response to the filing of a complaint shall be conducted as expeditiously as possible.

Sec. 11. NEW SECTION. **23.8 Initial processing of complaint.**

Upon receipt of a complaint alleging a violation of chapter 21 or 22, the board shall do either of the following:

1. Determine that, on its face, the complaint is within the board's jurisdiction, appears legally sufficient, and could have merit. In such a case the board shall accept the complaint, and shall notify the parties of that fact in writing.

2. Determine that, on its face, the complaint is outside its jurisdiction, is legally insufficient, is frivolous, is without merit, involves harmless error, or relates to a specific incident that has previously been finally disposed of on its merits by the board or a court. In such a case the board shall decline to accept the complaint. If the board refuses to accept a complaint, the board shall provide the complainant with a written order explaining its reasons for the action.

Sec. 12. NEW SECTION. **23.9 Informal assistance — mediation and settlement.**

1. After accepting a complaint, the board shall promptly work with the parties through its employees to reach an informal, expeditious resolution of the complaint. If an informal resolution satisfactory to the parties cannot be reached, the board or the board's designee shall offer the parties an opportunity to resolve the dispute through mediation and settlement.

2. The mediation and settlement process shall enable the complainant to attempt to resolve the dispute with the aid of a neutral mediator employed and selected by the board, in its discretion, from either its own staff or an outside source.

3. Mediation shall be conducted as an informal,

nonadversarial process and in a manner calculated to help the parties reach a mutually acceptable and voluntary settlement agreement. The mediator shall assist the parties in identifying issues and shall foster joint problem solving and the exploration of settlement alternatives.

Sec. 13. NEW SECTION. **23.10 Enforcement.**

1. If any party declines mediation or settlement or if mediation or settlement fails to resolve the matter to the satisfaction of all parties, the board shall initiate a formal investigation concerning the facts and circumstances set forth in the complaint. The board shall, after an appropriate investigation, make a determination as to whether the complaint is within the board's jurisdiction and whether there is probable cause to believe that the facts and circumstances alleged in the complaint constitute a violation of chapter 21 or 22.

2. If the board finds the complaint is outside the board's jurisdiction or there is no probable cause to believe there has been a violation of chapter 21 or 22, the board shall issue a written order explaining the reasons for the board's conclusions and dismissing the complaint, and shall transmit a copy to the complainant and to the party against whom the complaint was filed.

3. *a.* If the board finds the complaint is within the board's jurisdiction and there is probable cause to believe there has been a violation of chapter 21 or 22, the board shall issue a written order to that effect and shall commence a contested case proceeding under chapter 17A against the respondent. Notwithstanding section 17A.10A, if there are no material facts in dispute, the board may order that the contested case procedures relating to the presentation of evidence shall not apply. An attorney selected by the executive director of the board shall prosecute the respondent in the contested case proceeding. At the termination of the contested case proceeding the board shall, by a majority vote of its members, render a final decision as to the merits of the complaint. If the board finds that the complaint has merit, the board may issue any appropriate order to ensure enforcement of chapter 21 or 22 including but not limited to an order requiring specified action or prohibiting specified action and any appropriate order to remedy any failure of the respondent to observe any provision of those chapters.

b. the board determines, by a majority vote of its

members, that the respondent has violated chapter 21 or 22, the board may also do any or all of the following:

(1) Require the respondent to pay damages as provided for in section 21.6 or 22.10, whichever is applicable, to the extent that provision would make such damages payable if the complainant had sought to enforce a violation in court instead of through the board.

(2) Void any action taken in violation of chapter 21 if a court would be authorized to do so in similar circumstances pursuant to section 21.6.

(3) Require the respondent to take any remedial action deemed appropriate by the board.

c. The board shall not have the authority to remove a person from public office for a violation of chapter 21 or 22. The board may file an action under chapter 21 or 22 to remove a person from office for violations that would subject a person to removal under those chapters.

d. A final board order resulting from such proceedings may be enforced by the board in court and is subject to judicial review pursuant to section 17A.19.

Sec. 14. NEW SECTION. **23.11 Defenses in a contested case proceeding.**

A respondent may defend against a proceeding before the board charging a violation of chapter 21 or 22 on the ground that if such a violation occurred it was only harmless error or that clear and convincing evidence demonstrated that grounds existed to justify a court to issue an injunction against disclosure pursuant to section 22.8.

Sec. 15. NEW SECTION. **23.12 Jurisdiction.**

The board shall not have jurisdiction over the judicial or legislative branches of state government or any entity, officer, or employee of those branches, or over the governor or the office of the governor.

Sec. 16. IOWA PUBLIC INFORMATION BOARD — TRANSITION PROVISIONS.

1. The initial members of the Iowa public information board established pursuant to this Act shall be appointed by September 1, 2012.

2. Notwithstanding any provision of this Act to the contrary, the executive director of the board shall not be hired prior to July 1, 2013.

3. Prior to July 1, 2013, the board shall meet as necessary to organize and prepare a report to be submitted to th

governor and the general assembly. The report shall include a job description for the executive director of the board, goals for board operations, procedures for the handling of confidential information by the executive director and members of the board, conflict of interest policies for board members, and performance measures to measure achievement of the board's goals.

Sec. 17. EFFECTIVE DATE. Except for the section of this Act establishing transition provisions for the Iowa public information board, this Act takes effect July 1, 2013.

JOHN P. KIBBIE
President of the Senate

KRAIG PAULSEN
Speaker of the House

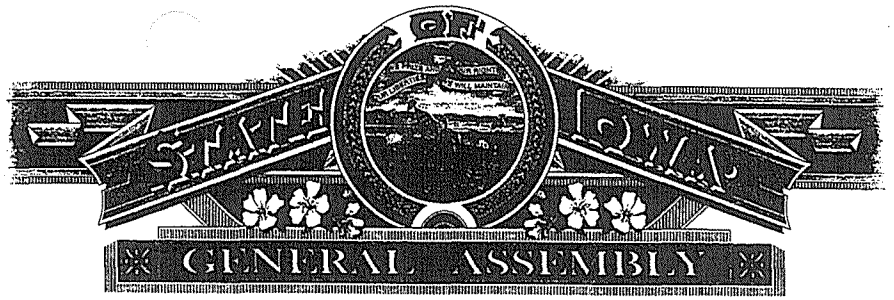
I hereby certify that this bill originated in the Senate and is known as Senate File 430, Eighty-fourth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 5/3, 2012

TERRY E. BRANSTAD
Governor

STATE OF IOWA
GENERAL ASSEMBLY



Senate File 2112

AN ACT

RELATING TO TRANSPORTATION, INCLUDING BY PROVIDING FOR THE REGISTRATION AND TITLING OF MILITARY VEHICLES AND ALLOWING A VETERAN TO REQUEST THAT THE VETERAN'S DRIVER'S LICENSE OR NONOPERATOR'S IDENTIFICATION CARD BE MARKED WITH THE WORD "VETERAN" TO INDICATE VETERAN STATUS AND ALLOWING THE COMMISSION OF VETERANS AFFAIRS TO ALLOCATE CERTAIN FUNDS.

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

Section 1. Section 321.30, subsection 2, Code 2011, is amended to read as follows:

2. *a.* Unless otherwise provided for in this chapter, the department or the county treasurer shall refuse registration and issuance of a certificate of title unless the vehicle bears a manufacturer's label pursuant to 49 C.F.R. pt. 567 certifying that the vehicle meets federal motor vehicle safety standards.

b. A military vehicle, other than a vehicle that runs on continuous tracks or wheels and tracks, that was originally manufactured for and sold directly to the armed forces of the United States in conformity with contractual specifications, as provided in 49 C.F.R. § 571.7, may be registered and issued a certificate of title if the owner provides satisfactory evidence to the department that the vehicle is substantially in compliance with federal motor vehicle safety standards. The department may adopt rules as necessary concerning the registration and titling of military vehicles in accordance with this chapter.

Sec. 2. Section 321.189, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 8. *Veterans status.* Beginning no later than July 1, 2013, a licensee who is an honorably discharged

veteran of the armed forces of the United States seeking to obtain a license, other than a replacement license, pursuant to this section may request that such a license be marked to reflect the licensee's veteran status. Upon such a request the word "VETERAN" shall be marked prominently on the face of the license. Such a license shall be issued only upon receipt of satisfactory proof of veteran status pursuant to procedures established by the department in consultation with the department of veterans affairs. This subsection shall not apply to duplicate or substitute licenses or nonoperator identification cards obtained pursuant to section 321.195.

Sec. 3. Section 321.190, subsection 1, paragraph b, Code Supplement 2011, is amended to read as follows:

b. (1) The department shall not issue a card to a person holding a driver's license. However, a card may be issued to a person holding a temporary permit under section 321.181. The card shall be identical in form to a driver's license issued under section 321.189 except the word "nonoperator" shall appear prominently on the face of the card.

(2) A nonoperator's identification card issued to a person under eighteen years of age shall contain the same information as any other nonoperator's identification card except that the words "under eighteen" shall appear prominently on the face of the card.

(3) A nonoperator's identification card issued to a person eighteen years of age or older but under twenty-one years of age shall contain the same information as any other nonoperator's identification card except that the words "under twenty-one" shall appear prominently on the face of the card.

(4) A nonoperator's identification card issued to an honorably discharged veteran of the armed forces of the United States who satisfies the requirements of section 321.189, subsection 8, shall contain the same information as any other nonoperator's identification card except the word "VETERAN" shall appear prominently on the face of the card.

Sec. 4. VETERAN IDENTIFICATION — ALLOCATION. Notwithstanding section 35A.11, the commission of veterans affairs may allocate up to fifty thousand dollars from the veterans license fee fund created in section 35A.11 to the department of transportation for the fiscal year beginning July 1, 2012, and ending June 30, 2013, or so much thereof as is necessary, to be used for the implementation of this Act. Any moneys allocated pursuant to this section that

remain unencumbered or unobligated at the close of the fiscal year shall revert to the veterans license fee fund created in section 35A.11.

JOHN P. KIBBIE
President of the Senate

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2112, Eighty-fourth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/19, 2012

TERRY E. BRANSTAD
Governor

GENERAL ASSEMBLY

Senate File 2153

AN ACT

INCREASING THE SIZE OF THE COMMERCIAL AND INDUSTRIAL HIGHWAY NETWORK.

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

Section 1. Section 313.2A, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. The network of commercial and industrial highways shall not exceed two thousand ~~five~~ six hundred miles including municipal extensions of these highways.

JOHN P. KIBBIE
President of the Senate

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2153, Eighty-fourth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 3/30, 2012

TERRY E. BRANSTAD
Governor

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S.F. 2153

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Senate File 2203

AN ACT

RELATING TO NONSUBSTANTIVE CODE CORRECTIONS AND INCLUDING EFFECTIVE DATE PROVISIONS.

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

DIVISION I

NONSUBSTANTIVE CHANGES

Section 1. Section 6B.14, subsection 2, Code 2011, is amended to read as follows:

2. Prior to the meeting of the commission, the commission or a commissioner shall not communicate with the applicant, property owner, or tenant, or their agents, regarding the condemnation proceedings. The commissioners shall meet in open session to view the property and to receive evidence, but may deliberate in closed session. When deliberating in closed session, the meeting is closed to all persons who are not

commissioners except for personnel from the sheriff's office if such personnel ~~is~~ are requested by the commission. After deliberations commence, the commission and each commissioner ~~is~~ are prohibited from communicating with any party to the proceeding. However, if the commission is deliberating in closed session, and after deliberations commence the commission requires further information from a party or a witness, the commission shall notify the property owner and the acquiring agency that they are allowed to attend the meeting at which such additional information shall be provided but only for that period of time during which the additional information is being provided. The property owner and the acquiring agency shall be given a reasonable opportunity to attend the meeting. The commission shall keep minutes of all its meetings showing the date, time, and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.

Sec. 2. Section 8F.2, subsection 8, paragraph b, subparagraph (8), Code 2011, is amended to read as follows:

(8) A contract for services provided from resources made available under ~~Title~~ Tit. XVIII, XIX, or XXI of the federal Social Security Act.

Sec. 3. Section 10B.4, subsection 2, paragraph g, Code Supplement 2011, is amended to read as follows:

g. If the reporting entity is a life science enterprise, as provided in chapter 10C, Code 2011, as that chapter exists on or before June 30, 2005, the total amount of commercial sale of life science products and products other than life science products which are produced from the agricultural land held by the life science enterprise.

Sec. 4. Section 12.87, subsection 1, paragraph a, Code Supplement 2011, is amended to read as follows:

a. 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 revenue bonds capitals II 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 as provided in paragraph "b" 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 ~~as follows:~~.

Sec. 5. Section 15.104, subsection 3, unnumbered paragraph 1, Code Supplement 2011, is amended to read as follows:

Review and approve or disapprove a life science enterprise plan or amendments to that plan as provided in chapter 10C, Code 2011, and according to rules adopted by the board. A life science plan shall make a reasonable effort to provide for participation by persons who are individuals or family farm entities actively engaged in farming as defined in section 10.1. The persons may participate in the life science enterprise by holding an equity position in the life science enterprise or providing goods or service to the enterprise under contract. The plan must be filed with the board not later than June 30, 2005. The life science enterprise may file an amendment to a plan at any time. A life science enterprise is not eligible to file a plan, unless the life science enterprise files a notice with the board. The notice shall be a simple statement indicating that the life science enterprise may file a plan as provided in this section. The notice must be filed with the board not later than June 1, 2005. The notice, plan, or amendments shall be submitted by a life science enterprise as provided by the board. The board shall consult with the department of agriculture and land stewardship during its review of a life science plan or amendments to that plan. The plan shall include information regarding the life science enterprise as required by rules adopted by the board, including

but not limited to all of the following:

Sec. 6. Section 15.117A, subsection 6, paragraph b, Code Supplement 2011, is amended to read as follows:

b. Review annually all of the economic development programs administered by the authority and the board that relate to the targeted industries and make recommendations for adjustments that enhance efficiency and effectiveness. In reviewing the programs, the council shall, to the greatest extent possible, utilize economic development data and research in order to make objective, fact-based recommendations.

Sec. 7. Section 15.247, subsection 8, paragraphs c and d, Code Supplement 2011, are amended to read as follows:

c. A person within the third degree of consanguinity of an employee of the authority, a person within the third degree of consanguinity of a member of the targeted small business financial assistance board or member's relative, or a business with any financial ties to a member shall not be eligible for financial assistance under the program during the employee's employment or the member's tenure on the board, as applicable.

d. Members shall serve ~~two-year~~ two-year terms and may be reappointed. A member shall not serve more than two terms.

~~*d.*~~ *e.* The targeted small business financial assistance board shall consider all applications for financial assistance under the program submitted on or after July 1, 2007.

Sec. 8. Section 15A.9, subsection 1, paragraph b, Code Supplement 2011, is amended to read as follows:

b. (1) In order to assist a community or communities located within the state to secure new industrial manufacturing jobs, the state of Iowa makes economic development assistance available within the zone or zones, and the department of economic development shall designate a site or sites, which shall not be larger than two thousand five hundred acres, within thirty days of March 4, 1994, as a quality jobs enterprise zone or zones for the purpose of attracting a primary business and supporting businesses to locate facilities within the state.

(2) The primary business or a supporting business shall not be prohibited from participating in or receiving other economic development programs or services or electing to utilize other tax provisions to the extent authorized elsewhere by law.

Sec. 9. Section 34A.15, subsection 1, paragraphs c, e, and h, Code Supplement 2011, are amended to read as follows:

c. One person appointed by the Iowa ~~association of chiefs of~~

rules pursuant to chapter 17A and this chapter to implement the provisions of this chapter. Regional advisory boards established pursuant to section 84A.4 shall be consulted in the development and implementation of rules to be adopted pursuant to this chapter.

Sec. 38. Section 273.2, subsection 3, Code Supplement 2011, is amended to read as follows:

3. The area education agency board shall furnish educational services and programs as provided in sections 273.1, this section, sections 273.3 to 273.9, and chapter 256B to the pupils enrolled in public or nonpublic schools located within its boundaries which are on the list of accredited schools pursuant to section 256.11. The programs and services provided shall be at least commensurate with programs and services existing on July 1, 1974. The programs and services provided to pupils enrolled in nonpublic schools shall be comparable to programs and services provided to pupils enrolled in public schools within constitutional guidelines.

Sec. 39. Section 273.3, subsections 2 and 12, Code Supplement 2011, are amended to read as follows:

2. Be authorized to receive and expend money for providing programs and services as provided in sections 273.1, 273.2, this section, sections 273.4 to 273.9, and chapters 256B and 257. All costs incurred in providing the programs and services, including administrative costs, shall be paid from funds received pursuant to sections 273.1 to 273.9 and chapters 256B and 257.

12. Prepare an annual budget estimating income and expenditures for programs and services as provided in sections 273.1, 273.2, this section, sections 273.4 to 273.9, and chapter 256B within the limits of funds provided under section 256B.9 and chapter 257. The board shall give notice of a public hearing on the proposed budget by publication in an official county newspaper in each county in the territory of the area education agency in which the principal place of business of a school district that is a part of the area education agency is located. The notice shall specify the date, which shall be not later than March 1 of each year, the time, and the location of the public hearing. The proposed budget as approved by the board shall then be submitted to the state board of education, on forms provided by the department, no later than March 15 preceding the next fiscal year for approval. The state board shall review the proposed budget of

each area education agency and shall before April 1, either grant approval or return the budget without approval with comments of the state board included. An unapproved budget shall be resubmitted to the state board for final approval not later than April 15. For the fiscal year beginning July 1, 1999, and each succeeding fiscal year, the state board shall give final approval only to budgets submitted by area education agencies accredited by the state board or that have been given conditional accreditation by the state board.

Sec. 40. Section 280.13C, subsection 3, Code Supplement 2011, is amended to read as follows:

3. ~~a.~~ A student who has been removed from participation shall not recommence such participation until the student has been evaluated by a licensed health care provider trained in the evaluation and management of concussions and other brain injuries and the student has received written clearance to return to participation from the health care provider.

~~b.~~ 4. For the purposes of this section~~, a "licensed health care provider"~~:

a. "Extracurricular interscholastic activity" means any extracurricular interscholastic activity, contest, or practice, including sports, dance, or cheerleading.

b. "Licensed health care provider" means a physician, physician assistant, chiropractor, advanced registered nurse practitioner, nurse, physical therapist, or athletic trainer licensed by a board designated under section 147.13.

~~c. For the purposes of this section, an "extracurricular interscholastic activity" means any extracurricular interscholastic activity, contest, or practice, including sports, dance, or cheerleading.~~

Sec. 41. Section 313.3, subsection 1, paragraph d, Code 2011, is amended to read as follows:

d. All revenue accrued or accruing to the state of Iowa on or after January 26, 1949, from the sale of public lands within the state, under Acts of Congress approved March 3, 1845, supplemental to the Act for the ~~admission~~ Admission of the ~~states~~ States of Iowa and Florida into the Union, chapters 75 and 76 ~~(Fifth Statutes, pages 788 and 790)~~, 5 Stat. 788, 790, shall be placed in the primary road fund.

Sec. 42. Section 331.512, subsection 1, paragraph e, Code 2011, is amended to read as follows:

e. The levy for taxes for the ~~county~~ brucellosis and tuberculosis eradication fund as provided in section 165.18.

Sec. 43. Section 331.559, subsection 2, Code 2011, is amended to read as follows:

2. Collect the tax levied for the ~~county~~ brucellosis and tuberculosis eradication fund as provided in section 165.18.

Sec. 44. Section 356.36, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The Iowa department of corrections, in consultation with the Iowa state sheriff's association, the Iowa ~~association of chiefs of police and~~ peace officers association, the Iowa league of cities, and the Iowa board of supervisors association, shall draw up minimum standards for the regulation of jails, alternative jails, facilities established pursuant to chapter 356A and municipal holding facilities. When completed by the department, the standards shall be adopted as rules pursuant to chapter 17A.

Sec. 45. Section 356.37, Code 2011, is amended to read as follows:

356.37 Confinement and detention report — design proposals.

The division of criminal and juvenile justice planning of the department of human rights, in consultation with the department of corrections, the Iowa county attorneys association, the Iowa state sheriff's association, the Iowa ~~association of chiefs of police and~~ peace officers association, a statewide organization representing rural property taxpayers, the Iowa league of cities, and the Iowa board of supervisors association, shall prepare a report analyzing the confinement and detention needs of jails and facilities established pursuant to this chapter and chapter 356A. The report for each type of jail or facility shall include but is not limited to an inventory of prisoner space, daily prisoner counts, options for detention of prisoners with mental illness or substance abuse service needs, and the compliance status under section 356.36 for each jail or facility. The report shall contain an inventory of recent jail or facility construction projects in which voters have approved the issuance of general obligation bonds, essential county purpose bonds, revenue bonds, or bonds issued pursuant to chapter 423B. The report shall be revised periodically as directed by the administrator of the division of criminal and juvenile justice planning. The first submission of the report shall include recommendations on offender data needed to estimate jail space needs in the next two, three, and five years, on a county, geographic region, and statewide basis, which may be based upon information submitted

pursuant to section 356.49.

Sec. 46. Section 403.21, subsection 3, Code Supplement 2011, is amended to read as follows:

3. The community college shall send a copy of the final agreement prepared pursuant to section 260F.3 to the economic development authority. For each year in which incremental property taxes are used to retire debt service on a jobs training advance issued for a project creating new jobs, the community college shall provide to the economic development authority a report of the incremental property taxes and new jobs credits from withholding generated for that year, a specific description of the training conducted, the number of employees provided program services under the project, ~~and~~ the median wage of employees in the new jobs in the project, and the administrative costs directly attributable to the project.

Sec. 47. Section 410.1, unnumbered paragraph 5, Code 2011, is amended to read as follows:

The provisions of this chapter shall not apply to police officers and fire fighters who entered employment after March 2, 1934, except that any police officer or fire fighter who had been making payments of membership fees and assessments as provided in section 410.5 prior to July 1, 1971, shall on July 1, 1973, be fully restored and entitled to all pension rights and benefits, vested or not vested, under this chapter if the city has not returned to such police officer or fire fighter the membership fees and assessments paid by the police officer or fire fighter prior to July 1, 1971, and if such police officer or fire fighter pays to the city within six months after July 1, 1973, the amount of the fees and assessments that the police officer or fire fighter would have paid to the police officers' or fire fighters' pension fund from July 1, 1971, to July 1, 1973, if 1971 Iowa Acts ~~of the 1971 Session, Sixty-fourth General Assembly~~, ch. 108, had not been adopted. If the membership fees and assessments paid by such police officer or fire fighter prior to July 1, 1971, have been returned to the police officer or fire fighter, all pension rights and benefits, vested or not vested, under this chapter shall be fully restored to the police officer or fire fighter on July 1, 1973, if, within six months after July 1, 1973, such police officer or fire fighter repays the fees and assessments so returned and pays the amount of the fees and assessments to the city that the police officer or fire fighter would have paid to the appropriate pension fund from July 1, 1971, to

July 1, 1973, if 1971 Iowa Acts ~~of the Sixty-fourth General Assembly, 1971 Session~~, ch. 108 had not been adopted.

Sec. 48. Section 411.36, subsection 1, paragraph a, subparagraph (1), Code 2011, is amended to read as follows:

(1) Two fire fighters from different participating cities, one of whom is an active member of the retirement system and one of whom is a retired member. The fire fighters shall be appointed by the governing body of the Iowa ~~association of~~ professional fire fighters.

Sec. 49. Section 437A.3, subsection 14, Code Supplement 2011, is amended to read as follows:

14. *a. "Local amount"* means the first forty-four million four hundred forty-four thousand four hundred forty-five dollars of the acquisition cost of any major addition which is an electric power generating plant and the total acquisition cost of any other major addition.

b. "Local amount" for the purposes of determining the local taxable value for a new electric power generating plant shall annually be determined to be equal up to the first forty-four million four hundred forty-four thousand four hundred forty-five dollars of the taxable value of the new electric power generating plant. *"Local amount"* for the purposes of determining the local assessed value for a new electric power generating plant shall be annually determined to be the percentage share of the taxable value of the new electric power generating plant allocated as the local amount multiplied by the total assessed value of the new electric power generating plant.

Sec. 50. Section 437A.3, subsection 18, paragraph b, Code Supplement 2011, is amended to read as follows:

b. (1) Any acquisition on or after January 1, 2004, by a taxpayer, by transfer of ownership, self-construction, or capital lease of any interest in electric transmission operating property within a local taxing district where the acquisition cost of all interests acquired exceeds one million dollars.

(2) For purposes of this chapter, the acquisition cost of an asset acquired by capital lease is its capitalized value determined under generally accepted accounting principles.

Sec. 51. Section 451.1, subsection 3, Code 2011, is amended to read as follows:

3. *"Federal Estate Tax Act"* and all such similar terms, means ~~Title~~ Tit. III of chapter 27 of the Acts of the

Sixty-ninth Congress of the United States, first session, appearing in 44 ~~Statutes at Large~~ Stat., ~~chapter~~ ch. 27, as of January 1, 2000, as amended.

Sec. 52. Section 452A.5, Code 2011, is amended to read as follows:

452A.5 Distribution allowance.

1. A supplier shall retain a distribution allowance of not more than one and six-tenths percent of all gallons of motor fuel and a distribution allowance of not more than seven-tenths percent of all gallons of undyed special fuel removed from the terminal during the reporting period for purposes of tax computation under section 452A.8.

2. The distribution allowance shall be prorated between the supplier and the distributor or dealer as follows:

~~1.~~ *a.* Motor fuel: four-tenths percent retained by the supplier, one and two-tenths percent to the distributor.

~~2.~~ *b.* Undyed special fuel: thirty-five hundredths percent retained by the supplier, thirty-five hundredths percent to the distributor or dealer purchasing directly from a supplier.

3. Gallons exported outside of the state shall not be included in the calculation of the distribution.

Sec. 53. Section 452A.8, subsection 2, paragraph e, Code 2011, is amended to read as follows:

e. (1) The tax for compressed natural gas and liquefied petroleum gas delivered by a licensed compressed natural gas or liquefied petroleum gas dealer for use in this state shall attach at the time of the delivery and shall be collected by the dealer from the consumer and paid to the department as provided in this chapter. The tax, with respect to compressed natural gas and liquefied petroleum gas acquired by a consumer in any manner other than by delivery by a licensed compressed natural gas or liquefied petroleum gas dealer into a fuel supply tank of a motor vehicle, attaches at the time of the use of the fuel and shall be paid over to the department by the consumer as provided in this chapter.

(2) The department shall adopt rules governing the dispensing of compressed natural gas and liquefied petroleum gas by licensed dealers and licensed users. The director may require by rule that reports and returns be filed by electronic transmission. For purposes of this paragraph *"e"*, *"dealer"* and *"user"* mean a licensed compressed natural gas or liquefied petroleum gas dealer or user and *"fuel"* means compressed natural gas or liquefied petroleum gas. The department shall require

that all pumps located at dealer locations and user locations through which liquefied petroleum gas can be dispensed shall be metered, inspected, tested for accuracy, and sealed and licensed by the state department of agriculture and land stewardship, and that fuel delivered into the fuel supply tank of any motor vehicle shall be dispensed only through tested metered pumps and may be sold without temperature correction or corrected to a temperature of sixty degrees. If the metered gallonage is to be temperature-corrected, only a temperature-compensated meter shall be used. Natural gas used as fuel shall be delivered into compressing equipment through sealed meters certified for accuracy by the department of agriculture and land stewardship.

(3) (a) All gallonage which is not for highway use, dispensed through metered pumps as licensed under this section on which fuel tax is not collected, must be substantiated by exemption certificates as provided by the department or by valid exemption certificates provided by the dealers, signed by the purchaser, and retained by the dealer. A *"valid exemption certificate provided by a dealer"* is an exemption certificate which is in the form prescribed by the director to assist a dealer to properly account for fuel dispensed for which tax is not collected and which is complete and correct according to the requirements of the director.

(b) For the privilege of purchasing liquefied petroleum gas, dispensed through licensed metered pumps, on a basis exempt from the tax, the purchaser shall sign exemption certificates for the gallonage claimed which is not for highway use.

(c) The department shall disallow all sales of gallonage which is not for highway use unless proof is established by the certificate. Exemption certificates shall be retained by the dealer for a period of three years.

~~(1)~~ (4) (a) For the purpose of determining the amount of liability for fuel tax, each dealer and each user shall file with the department not later than the last day of the month following the month in which this division becomes effective and not later than the last day of each calendar month thereafter a monthly tax return certified under penalties for false certification. The return shall show, with reference to each location at which fuel is delivered or placed by the dealer or user into a fuel supply tank of any motor vehicle during the next preceding calendar month, information as

required by the department.

~~(2)~~ (b) The amount of tax due shall be computed by multiplying the appropriate tax rate per gallon by the number of gallons of fuel delivered or placed by the dealer or user into supply tanks of motor vehicles.

~~(3)~~ (c) The return shall be accompanied by remittance in the amount of the tax due for the month in which the fuel was placed into the supply tanks of motor vehicles.

Sec. 54. Section 453A.13, subsection 4, paragraph a, unnumbered paragraph 1, Code Supplement 2011, is amended to read as follows:

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

Sec. 55. Section 453A.13, subsection 4, paragraphs b and c, Code Supplement 2011, are amended to read as follows:

b. An unrevoked permit for which the holder has paid three-fourths of a full annual fee may be so surrendered during the first six months of the period covered by said payment and the ~~said~~ department, city, or county shall make refunds to the holder as follows:

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

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

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

Sec. 56. Section 455B.171, subsection 32, Code Supplement 2011, is amended to read as follows:

32. *"Sewage sludge"* means any solid, semisolid, or liquid residue removed during the treatment of municipal waste water or domestic sewage. *"Sewage sludge"* includes but is not limited to solids removed during primary, secondary, or advanced waste water treatment, scum septage, portable toilet pumpings, type III marine device pumpings as defined in 33 C.F.R. ~~part~~ ch. 1, subch. O, pt. 159, and sewage sludge products. *"Sewage sludge"* does not include grit, screenings, or ash generated during the incineration of sewage sludge.

financial institution to the account of a third party, any portion of the transaction amount which represents a sales or other tax imposed upon or included within the transaction and collected by that third party from the customer, or any portion of the transaction amount which represents interest paid to the third party by the customer.

~~3.~~ *c.* Any other transaction which the administrator determines to have direct tax consequences to the customer. The administrator also may provide for the periodic distribution to customers of summaries of transactions having known tax consequences.

Sec. 137. Section 527.9, subsection 2, Code 2011, is amended to read as follows:

2. *a.* A person desiring to operate a central routing unit shall submit to the administrator an application which shall contain all of the following information:

~~a.~~ (1) The name and business address of the owner of the proposed unit.

~~b.~~ (2) The name and business address of each data processing center and other central routing unit with which the proposed central routing unit will have direct electronic communication.

~~c.~~ (3) The location of the proposed central routing unit.

~~d.~~ (4) A schedule of the charges which will be required to be paid to that applicant by each financial institution which utilizes the proposed central routing unit.

~~The application shall be accompanied by all agreements between the proposed central routing unit and all data processing centers and other central routing units respecting the transmission of transaction data; and a copy of any agreement between the proposed central routing unit and any financial institution establishing a satellite terminal unless that agreement theretofore has been filed with the administrator pursuant to section 527.5.~~

~~e.~~ (5) An agreement by the applicant that the proposed central routing unit will be capable of accepting and routing, and will be operated to accept and route, transmissions of data originating at any satellite terminal located in this state, except limited-function terminals, whether receiving from that terminal or from a data processing center or other central routing unit.

~~f.~~ (6) A representation and undertaking that the proposed central routing unit is directly connected to every data

processing center that is directly connected to a satellite terminal located in this state, and that the proposed central routing unit will provide for direct connection in the future with any data processing center that becomes directly connected to a satellite terminal located in this state. This representation and undertaking is not required of a central routing unit with respect to limited-function terminals.

b. The application shall be accompanied by all agreements between the proposed central routing unit and all data processing centers and other central routing units respecting the transmission of transaction data; and a copy of any agreement between the proposed central routing unit and any financial institution establishing a satellite terminal unless that agreement theretofore has been filed with the administrator pursuant to section 527.5.

Sec. 138. Section 533.102, subsection 3, Code 2011, is amended to read as follows:

3. *a.* *"Credit union"* means a cooperative, nonprofit association, organized or incorporated in accordance with the provisions of this chapter or under the laws of another state or the Federal Credit Union Act, 12 U.S.C. § 1751 et seq., for the purposes of creating a source of credit at a fair and reasonable rate of interest, of encouraging habits of thrift among its members, and of providing an opportunity for its members to use and control their own money on a democratic basis in order to improve their economic and social condition.

b. A ~~credit union~~ *"credit union"* is also a supervised financial organization as that term is defined and used in chapter 537, the Iowa consumer credit code.

Sec. 139. Section 536A.10, Code 2011, is amended to read as follows:

536A.10 Issuance of license.

1. If the superintendent shall find:

~~1.~~ *a.* That the financial responsibility, experience, character and general fitness of the applicant and of the officers thereof are such as to command the confidence of the community, and to warrant the belief that the business will be operated honestly, fairly and efficiently within the purpose of this chapter;

~~2.~~ *b.* That a reasonable necessity exists for a new industrial loan company in the community to be served;

~~3.~~ *c.* That the applicant has available for the operation of the business at the specified location paid-in capital and

surplus as required by section 536A.8; and

~~4.~~ *d.* That the applicant is a corporation organized for pecuniary profit under the laws of the state of Iowa.

2. The superintendent shall approve the application and issue to the applicant a license to engage in the industrial loan business in accordance with the provisions of this chapter. The superintendent shall approve or deny an application for a license within one hundred twenty days from the date of the filing of such application.

Sec. 140. Section 542B.2, Code 2011, is amended to read as follows:

542B.2 Terms defined.

As used in the chapter, unless the context otherwise requires:

1. ~~The "board"~~ *"Board"* means the engineering and land surveying examining board provided by this chapter.

2. *"Design coordination"* includes the review and coordination of technical submissions prepared by others, including as appropriate and without limitation, consulting engineers, architects, landscape architects, land surveyors, and other professionals working under the direction of the engineer.

~~2. The term *"engineering documents"* as used in this chapter includes all plans, specifications, drawings, and reports, if the preparation of such documents constitutes or requires the practice of engineering.~~

3. ~~The term *"engineer intern"* as used in this chapter~~ *"Engineer intern"* means a person who passes an examination in the fundamental engineering subjects, but does not entitle the person to claim to be a professional engineer.

4. *"Engineering documents"* includes all plans, specifications, drawings, and reports, if the preparation of such documents constitutes or requires the practice of engineering.

5. *"Engineering surveys"* includes all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but excludes the surveying of real property for the establishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

~~4.~~ 6. ~~The term *"in responsible charge"* as used in this chapter~~ *"In responsible charge"* means having direct control of

and personal supervision over any land surveying work or work involving the practice of engineering. One or more persons, jointly or severally, may be in responsible charge.

~~5. *a.* The practice of *"land surveying"* includes providing professional services such as consultation, investigation, testimony, evaluation, planning, mapping, assembling, and interpreting reliable scientific measurements and information relative to the location of property lines or boundaries, and the utilization, development, and interpretation of these facts into an orderly survey, plat, or map. The practice of land surveying includes, but is not limited to, the following:~~

~~(1) Locating, relocating, establishing, reestablishing, setting, or resetting of permanent monumentation for any property line or boundary of any tract or parcel of land. Setting permanent monuments constitutes an improvement to real property.~~

~~(2) Making any survey for the division or subdivision of any tract or parcel of land.~~

~~(3) Determination, by the use of the principles of land surveying, of the position for any permanent survey monument or reference point, or setting, resetting, or replacing any survey monument or reference point excluding the responsibility of engineers pursuant to section 314.8.~~

~~(4) Creating and writing metes and bounds descriptions as defined in section 354.2.~~

~~(5) Geodetic surveying for determination of the size and shape of the earth both horizontally and vertically for the precise positioning of permanent land survey monuments on the earth utilizing angular and linear measurements through spatially oriented spherical geometry.~~

~~(6) Creation, preparation, or modification of electronic or computerized data, including land information systems and geographical information systems, relative to the performance of the activities identified in subparagraphs (1) through (5).~~

~~*b.* This subsection does not prohibit a professional engineer from practicing any aspect of the practice of engineering. A land surveyor is not prohibited from performing engineering surveys as defined in the practice of engineering.~~

~~*c.* A person is construed to be engaged in or offering to be engaged in the practice of land surveying if the person does any of the following:~~

~~(1) Engages in land surveying.~~

~~(2) Makes a representation by verbal claim, sign,~~

~~advertisement, letterhead, card, or other manner that the person is a land surveyor.~~

~~(3) Uses any title which implies that the person is a land surveyor or that the person is licensed under this chapter.~~

~~(4) Holds the person's self out as able to perform, or who does perform, any service or work included in the practice of land surveying.~~

~~6.~~ 7. ~~The term "land surveying documents" as used in this chapter~~ "Land surveying documents" includes all plats, maps, surveys, and reports, if the preparation thereof constitutes or requires the practice of land surveying.

~~7.~~ 8. ~~The term "land surveyor" as used in this chapter shall mean~~ "Land surveyor" means a person who engages in the practice of land surveying ~~as defined in this section~~.

~~8.~~ 9. *a.* "Practice of engineering" ~~as used in this chapter~~ means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences, such as consultation, investigation, evaluation, planning, design and design coordination of engineering works and systems, planning the use of land and water, performing engineering surveys and studies, and the review of construction for the purpose of monitoring compliance with drawings and specifications, any of which embraces such services or creative work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property, and including such other professional services as may be necessary to the planning, progress, and completion of the services identified in this ~~paragraph~~ subsection. ~~"Design coordination" includes the review and coordination of technical submissions prepared by others, including as appropriate and without limitation, consulting engineers, architects, landscape architects, land surveyors, and other professionals working under the direction of the engineer. "Engineering surveys" includes all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but excludes the surveying of real property for the establishment of land boundaries, rights-of-way, easements, and the dependent or independent~~

~~surveys or resurveys of the public land survey system.~~

b. A person is construed to be engaged in the practice of engineering if the person does any of the following:

~~a.~~ (1) Practices any branch of the profession of engineering.

~~b.~~ (2) Makes a representation by verbal claim, sign, advertisement, letterhead, card, or other manner that the person is a professional engineer.

~~c.~~ (3) Uses any title which implies that the person is a professional engineer or that the person is certified under this chapter.

~~d.~~ (4) The person holds the person's self out as able to perform, or who does perform, any service or work included in the practice of engineering.

10. *a.* "Practice of land surveying" includes providing professional services such as consultation, investigation, testimony, evaluation, planning, mapping, assembling, and interpreting reliable scientific measurements and information relative to the location of property lines or boundaries, and the utilization, development, and interpretation of these facts into an orderly survey, plat, or map. The practice of land surveying includes but is not limited to the following:

(1) Locating, relocating, establishing, reestablishing, setting, or resetting of permanent monumentation for any property line or boundary of any tract or parcel of land. Setting permanent monuments constitutes an improvement to real property.

(2) Making any survey for the division or subdivision of any tract or parcel of land.

(3) Determination, by the use of the principles of land surveying, of the position for any permanent survey monument or reference point, or setting, resetting, or replacing any survey monument or reference point excluding the responsibility of engineers pursuant to section 314.8.

(4) Creating and writing metes and bounds descriptions as defined in section 354.2.

(5) Geodetic surveying for determination of the size and shape of the earth both horizontally and vertically for the precise positioning of permanent land survey monuments on the earth utilizing angular and linear measurements through spatially oriented spherical geometry.

(6) Creation, preparation, or modification of electronic or computerized data, including land information systems and

geographical information systems, relative to the performance of the activities identified in subparagraphs (1) through (5).

b. This subsection does not prohibit a professional engineer from practicing any aspect of the practice of engineering. A land surveyor is not prohibited from performing engineering surveys as defined in the practice of engineering.

c. A person is construed to be engaged in or offering to be engaged in the practice of land surveying if the person does any of the following:

(1) Engages in land surveying.

(2) Makes a representation by verbal claim, sign, advertisement, letterhead, card, or other manner that the person is a land surveyor.

(3) Uses any title which implies that the person is a land surveyor or that the person is licensed under this chapter.

(4) Holds the person's self out as able to perform, or who does perform, any service or work included in the practice of land surveying.

~~9.~~ 11. ~~The term "professional engineer" as used in this chapter~~ *"Professional engineer"* means a person, who, by reason of the person's knowledge of mathematics, the physical sciences, and the principles of engineering, acquired by professional education or practical experience, is qualified to engage in the practice of engineering.

Sec. 141. Section 542B.14, Code 2011, is amended to read as follows:

542B.14 General requirements for licensure — temporary permit to practice engineering.

1. Each applicant for licensure as a professional engineer or land surveyor shall have all of the following requirements, respectively, to wit:

~~1.~~ *a.* As a professional engineer:

~~a.~~ (1) (a) Graduation from a course in engineering of four years or more in a school or college which, in the opinion of the board, will properly prepare the applicant for the examination in fundamental engineering subjects.

~~(2)~~ (b) However, prior to July 1, 1988, in lieu of compliance with subparagraph ~~(1)~~ division (a), the board may accept eight years' practical experience which, in the opinion of the board, is of satisfactory character to properly prepare the applicant for the examination in fundamental engineering subjects.

~~(3)~~ (c) Between July 1, 1988, and June 30, 1991, in

lieu of compliance with subparagraph ~~(1)~~ division (a), the board shall require satisfactory completion of a minimum of two years of postsecondary study in mathematics, physical sciences, engineering technology, or engineering at an institution approved by the board, and may accept six years' practical experience which, in the opinion of the board, is of satisfactory character to properly prepare the applicant for the examination in fundamental engineering subjects.

~~(4)~~ (d) For applicants who obtained an associate of science degree or a more advanced degree between July 1, 1983, and June 30, 1988, in lieu of compliance with subparagraph ~~(1)~~ division (a), the board shall only require compliance with the provisions of subparagraph ~~(3)~~ division (c) with regard to areas of study and practical experience. Applicants qualifying under this subparagraph division must meet the requirements of ~~paragraph "b"~~ subparagraph (2), by June 30, 2001.

~~b.~~ (2) Successfully passing a written, oral, or written and oral examination in fundamental engineering subjects which is designed to show the knowledge of general engineering principles. A person passing the examination in fundamental engineering subjects is entitled to a certificate as an engineer intern.

~~c.~~ (3) In addition to any other requirement, a specific record of four years or more of practical experience in engineering work which is of a character satisfactory to the board.

~~d.~~ (4) Successfully passing a written, oral, or written and oral examination designed to determine the proficiency and qualifications to engage in the practice of engineering. No applicant shall be entitled to take this examination until the applicant shows the necessary practical experience in engineering work.

~~2.~~ *b.* As a land surveyor:

~~a.~~ (1) (a) Graduation from a course of two years or more in mathematics, physical sciences, mapping and surveying, or engineering in a school or college and six years of practical experience, all of which, in the opinion of the board, will properly prepare the applicant for the examination in fundamental land surveying subjects.

~~(2)~~ (b) However, prior to July 1, 1988, in lieu of compliance with subparagraph ~~(1)~~ division (a), the board may accept eight years' practical experience which, in the opinion of the board, is of satisfactory character to properly prepare

damages against the state or a political subdivision of the state or for which the state or a political subdivision of the state would be responsible. Any violation of section 225C.28B, subsection 2, shall solely be subject to the enforcement by the commissioner of insurance and penalties granted by chapter 507B for a violation of section 507B.4, subsection ~~7~~ 3, paragraph "g".

Sec. 150. Section 455B.473, subsection 4, Code Supplement 2011, is amended to read as follows:

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

Sec. 151. Section 491.5, subsection 8, Code 2011, is amended to read as follows:

8. Any provision eliminating or limiting the personal liability of a director to the corporation or its shareholders or members for money damages as provided in section 490.202, subsection 2, paragraph "d", except that section 490.202, subsection 2, paragraph "d", subparagraph (1), subparagraph ~~(3)~~ division (c), shall have no application.

Sec. 152. Section 507B.7, subsection 1, paragraph c, Code Supplement 2011, is amended to read as follows:

c. Payment of interest at the rate of ten percent per annum if the commissioner finds that the insurer failed to pay interest as required under section 507B.4, subsection ~~16~~ 3, paragraph "p".

Sec. 153. Section 512B.13, Code 2011, is amended to read as follows:

512B.13 Institutions.

A society may create, maintain, and operate, or may establish organizations to operate, not-for-profit institutions to further the purposes permitted by section 512B.6, subsection 1, paragraph ~~"b"~~ "a", subparagraph (2). The institutions may furnish services free or at a reasonable charge. Any real or personal property owned, held, or leased by the society for

this purpose shall be reported in every annual statement. A not-for-profit institution so established is a charitable institution with all the rights, benefits, and privileges given to charitable institutions under the Constitution and laws of the State of Iowa. The commissioner may adopt appropriate rules and reporting requirements.

Sec. 154. Section 515E.4, subsection 4, Code Supplement 2011, is amended to read as follows:

4. *Compliance with unfair claim settlement practices law.* A risk retention group, its agents, and representatives, shall comply with the unfair claim settlement practices law in section 507B.4, subsection ~~10~~ 3, paragraph "j".

Sec. 155. Section 524.302, subsection 2, paragraph c, Code 2011, is amended to read as follows:

c. A provision eliminating or limiting the personal liability of a director to the corporation or its shareholders for monetary damages for breach of fiduciary duty as a director, provided that the provision does not eliminate or limit the liability of a director for any breach of the director's duty of loyalty to the corporation or its shareholders, for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, for any transaction from which the director derives an improper personal benefit, or under section 524.605, subsection 1, paragraph "a" or ~~2~~ "b". A provision shall not eliminate or limit the liability of a director for any act or omission occurring prior to the date when the provision in the articles of incorporation becomes effective.

Sec. 156. Section 536A.30, subsection 2, Code 2011, is amended to read as follows:

2. Section 536A.10, ~~subsections 2, 3, and 4~~ subsection 1, paragraphs "b", "c", and "d".

DIVISION IV

DIRECTIVES

Sec. 157. CODE EDITOR DIRECTIVES.

1. Sections 175.6, subsection 12; and 331.652, subsection 4, Code 2011, are amended by striking the word "co-operation" and inserting in lieu thereof the word "cooperation".

2. Sections 28D.1, 321.6, and 341A.17, Code 2011, are amended by striking the word "co-operation" and inserting in lieu thereof the word "cooperation".

3. Sections 13A.9, subsection 2; 29C.1, subsection 3; 169.19, subsection 5; 175.6, subsection 5; 273.9, subsection 2;

and 403.12, subsection 1, Code 2011, are amended by striking the word "co-operate" and inserting in lieu thereof the word "cooperate".

4. Sections 177A.4, 199.14, and 249.12, Code 2011, are amended by striking the word "co-operate" and inserting in lieu thereof the word "cooperate".

5. Section 179.1, subsection 5, Code 2011, is amended by striking the word "co-operatives" and inserting in lieu thereof the word "cooperatives".

6. Sections 185.1, subsection 5; 185C.1, subsection 7; 215A.1, subsection 4; and 419.1, subsection 4, Code 2011, are amended by striking the word "co-operative" and inserting in lieu thereof the word "cooperative".

7. Sections 263B.3, 456A.29, and 456B.10, Code 2011, are amended by striking the word "co-operative" and inserting in lieu thereof the word "cooperative".

8. Section 275.56, Code 2011, is amended by striking the word "re-employing" and inserting in lieu thereof the word "reemploying".

9. Section 275.56, Code 2011, is amended by striking the word "re-employed" and inserting in lieu thereof the word "reemployed".

10. Sections 341A.6, subsection 6; and 411.21, subsection 3, Code 2011, are amended by striking the word "re-employed" and inserting in lieu thereof the word "reemployed".

11. The Code editor is directed to number, renumber, designate, or redesignate to eliminate unnumbered paragraphs within sections 491.5, 491.111, 496C.21, 499.47C, 499.67, 499A.2A, 501.617, 507A.3, 507C.12, 510.2, 511.10, 514B.4, 514B.14, 514B.20, 515.70, 515F.3, 515G.3, 518.11, 524.224, 524.604, 524.801, 524.825, 524.1102, 524.1508, 538.5, 544A.11, 544A.21, 544A.25, 544B.9, 544B.14, 544C.3, 548.103, 548.113, 552.5, and 552.12, Code 2011, in accordance with established Code section hierarchy and correct internal references in the Code and in any enacted Iowa Acts, as necessary.

12. The Code editor is directed to number, renumber, designate, or redesignate to eliminate unnumbered paragraphs within section subunits in sections 490.120, subsection 7; 490.121, subsection 1; 490.744, subsection 4; 490.824, subsection 4; 490.1301, subsection 4; 490.1701, subsection 2; 490.1701, subsection 3, paragraph "b"; 496B.9, subsection 3, paragraph "b"; 499.30, subsection 2, paragraph "a"; 499.66, subsection 2; 500.3, subsection 2; 501A.206, subsection 1;

501A.502, subsection 3; 501A.715, subsection 3; 501A.904, subsection 7; 501A.906, subsection 2; 501A.1003, subsection 4, paragraph "b"; 502.321B, subsection 5; 502.509, subsection 13B; 502A.1, subsection 4; 504.202, subsection 2, paragraph "d"; 504.503, subsection 1; 504.635, subsection 4; 504.1509, subsection 1; 507.10, subsection 4, paragraph "b", subparagraph (1); 508.36, subsection 2, paragraph "d"; 508.36, subsection 5, paragraph "c", subparagraph (1), subparagraph division (c), subparagraph subdivision (v); 508.36, subsections 7 and 9; 508.37, subsection 6, paragraph "a"; 508.38, subsection 2; 509B.3, subsection 4; 513B.4, subsection 2; 513C.3, subsection 15; 513C.7, subsection 1; 513C.10, subsection 2; 514C.4, subsection 1; 514D.5, subsection 2; 515.12, subsection 5; 515.48, subsections 1 and 8; 515.109, subsection 2; 515A.18, subsection 3; 515B.5, subsection 1, paragraph "c"; 515B.6, subsection 1; 515D.2, subsection 2; 515F.5, subsection 1; 515F.13, subsection 2, paragraph "d"; 516A.2, subsection 1; 516E.3, subsection 1, paragraph "c"; 516E.3, subsection 2, paragraph "b"; 518C.6, subsection 1, paragraph "c"; 518C.7, subsection 1; 519A.3, subsection 3; 519A.4, subsection 1; 519A.9, subsection 2; 521A.5, subsection 3, paragraphs "a" and "b"; 521A.14, subsection 7; 521B.3, subsection 3; 521C.11, subsection 1; 521D.2, subsection 3; 521E.10, subsection 1; 522B.14, subsections 6, 7, and 8; 523C.5, subsection 1; 523D.3, subsection 1, paragraph "n"; 523D.5, subsection 3; 523G.6, subsection 3; 523I.316, subsection 3, paragraph "d"; 523I.508, subsections 2 and 3; 523I.812, subsection 2; 524.103, subsection 17; 524.606, subsection 2; 524.1403, subsection 2; 527.5, subsection 3; 536A.20, subsection 3; 536A.25, subsection 2; 537.1301, subsection 45; 537.2501, subsection 1, paragraph "f"; 537.2510, subsection 2, paragraph "a"; 537.3612, subsection 4; 537.5110, subsection 2; 537.5201, subsection 1; 537A.10, subsections 9 and 11; 537B.3, subsection 2; 543C.4, subsection 5; 546.10, subsection 3; 548.102, subsection 5; 551A.3, subsection 2; 551A.4, subsection 1, paragraph "b"; 552A.2, subsection 6; 554.2103, subsection 2; 554.4104, subsection 2; 554.5102, subsection 2; 554.8102, subsection 1, paragraph "i"; 554.8102, subsection 2; 554.8503, subsection 4; 554.12105, subsections 2 and 3; and 554.13103, subsections 2 and 3, Code and Code Supplement 2011, in accordance with established Code section hierarchy and correct internal references in the Code and in any enacted Iowa Acts, as necessary.

DIVISION V

EFFECTIVE DATE PROVISIONS

Sec. 158. EFFECTIVE DATE. The section of this Act amending section 602.4201, subsection 3, paragraph "h", Code 2011, as amended by 2011 Iowa Acts, ch. 121, section 60, takes effect July 1, 2012.

JOHN P. KIBBIE
President of the Senate

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2203, Eighty-fourth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 3/29, 2012

TERRY E. BRANSTAD
Governor

GENERAL ASSEMBLY

Senate File 2208

AN ACT

RELATING TO THE CONFIDENTIALITY OF AN ARREST WARRANT.

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

Section 1. Section 804.29, Code 2011, is amended to read as follows:

804.29 Confidentiality.

1. ~~All~~ Unless otherwise ordered by the court, all information filed with the court for the purpose of securing a warrant for an arrest, including but not limited to a citation and affidavits, shall be a confidential record until such time as a peace officer has made the arrest and has made the officer's return on the warrant, or the defendant has made an initial appearance in court. During the period of time that information is confidential, ~~it~~ the record shall be sealed by the court and the information contained ~~therein~~ in the record shall not be disseminated to any person ~~other than a peace officer, employee of a county attorney's office, magistrate, or another court employee, in the course of official duties~~ unless otherwise ordered by the court.

2. However, during the period of confidentiality in subsection 1, the information in the record may be disseminated, without court order, during the course of official duties to the following persons:

a. A peace officer.

b. An employee of the county attorney's office.

c. A judicial officer or other court employees.

d. An employee of the department of corrections or judicial district department of correctional services, if authorized by the director of the department of corrections.

JOHN P. KIBBIE
President of the Senate

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2208, Eighty-fourth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/12, 2012

TERRY E. BRANSTAD
Governor

SF 2216
International Registration Plan/Registration Reciprocity

Section 1	Amends Code section 321.1(60) to define "registration year" as used in Code chapter 321 to state that, for vehicles registered under Code chapter 326, "registration year" means the 12-month period determined by the DOT pursuant to Code section 326.14.
Sections 2 and 3	Amend Code sections 321.20(1) and 321.20A to change "proportional registration" to "apportioned registration" to conform to International Registration Plan (IRP) terminology. Code section 321.20(1) also states that, upon the transfer of ownership, the owner of a vehicle registered under Code chapter 326 shall apply for issuance of a certificate of title to either the DOT or the appropriate county treasurer.
Section 4	Amends Code section 321.34(4) to eliminate the option of a three-year registration payment for trailers and semitrailers registered under Code chapter 326 but retain the option of annual and five-year registration fee payments for those trailers. Retains the issuance of permanent plates for trailers, semitrailers, motor trucks, and truck tractors registered under Code chapter 326.
Section 5	Strikes Code section 321.39(1) stating that, except as otherwise provided, the registration of a vehicle registered under Code chapter 326, and of any motor truck, truck tractor, or road tractor registered for a combined gross weight exceeding 5 tons, expires at midnight on the last day of December of each year.
Section 6	Amends Code section 321.40(1) to state that application for renewal for a vehicle registered under Code chapter 326 shall be made on or after the first day of the month prior to the month of expiration of registration and up to and including the last day of the month of expiration of registration.

Section 7	Amends Code section 321.46A to change "proportional registration" to "apportioned registration" to conform to IRP terminology. States that credit on a vehicle's annual registration fee may be allowed when an owner changes a vehicle's registration from apportioned registration under Code chapter 326 to registration under Code chapter 321 and surrenders to the county treasurer proof of apportioned registration provided by the DOT.
Section 8	Amends Code section 321.105(4) to eliminate the option of a three-year registration payment for a trailer or semitrailer registered under Code chapter 326. Retains the option of annual and five-year registration payments for those vehicles.
Section 9	Amends Code section 321.106 concerning the manner by which a vehicle registered under Code chapter 326 may be registered for a portion of the registration year (known as prorated registration). The amendment is made to reflect the change from calendar year registration to staggered registration for vehicles registered under the IRP pursuant to Code chapter 326. *Section 40 states that the section amending Code section 321.106, relating to proration of certain registration fees, shall be implemented on and after January 1, 2013, for vehicles with a registration expiration date after December 31, 2012. However, the DOT may begin implementation before January 1, 2013, to the extent necessary to transition to full implementation of those provisions.*
Sections 10 and 11	Amend Code sections 321.126(1) and 321.126(2) to change "proportional registration" to "apportioned registration" to conform to IRP terminology. Code section 321.126(1) also replaces the word "multiyear" with "permanent" in reference to the registration plate issued a trailer or semitrailer registered under Code chapter 326.
Section 12	Amends Code sections 321.127(3) and 321.127(4) to change "proportional registration" to "apportioned registration" to conform to IRP terminology and to replace the word "multiyear" with "permanent" in reference to the registration plate issued a trailer or semitrailer registered under Code chapter 326.

Section 13	Amends Code sections 321.134(1) and 321.134(2) to specify that the penalties prescribed in those Code sections for delinquent registration of a vehicle do not apply to vehicles registered under Code chapter 326. Limits the option to pay the annual vehicle registration fee for trucks, truck tractors, and road tractors in two equal semiannual installments to those vehicles registered by the county treasurer. *Section 40 states that the section amending Code section 321.134(2) to eliminate semiannual installment payments for certain registration fees shall be implemented on and after January 1, 2013, for vehicles with a registration expiration date after December 31, 2012. However, the DOT may begin implementation before January 1, 2013, to the extent necessary to transition to full implementation of those provisions.*
Section 14	Amends Code sections 321.466(2) and 321.466(6) to make editorial changes and technical corrections.
Section 15	Amends Code section 321F.8 to correct a Code reference.
Section 16	Amends Code section 326.1 to state that "it is the policy of this state to promote and encourage the fullest possible use of the state's highway system by authorizing the negotiation and execution of motor vehicle reciprocity agreements. Apportioned registration shall be conducted in accordance with the International Registration Plan with respect to vehicles registered in this and other jurisdictions ..." Iowa is a member of the IRP and is required to follow its regulations.
Section 17	Amends Code section 326.2 by updating Code definitions for terms used in the IRP to use the definitions for those terms as included in the IRP. Defines the IRP to mean the registration reciprocity agreement among states of the United States, the District of Columbia, and provinces of Canada providing for payment of apportionable fees on the basis of total distance operated in all jurisdictions, in effect on January 1, 2011, or as later amended, published by the International Registration Plan, Inc., and available on the plan's Internet site.
Section 18	Adds new Code section 326.3 to define other terms used in Code chapter 326 but not defined in the IRP.

Section 19	Amends Code section 326.6 by striking the section and stating that the DOT may determine the sum total amount of registration fees necessary to register each and every vehicle in a fleet based on the annual registration fees prescribed in Code chapter 321. The language describing the process to determine the amount of registration fees is stricken because the process is defined in the IRP.
Section 20	Amends Code section 326.10A to allow payment of fees by cash, wire transfer or other means offered by the DOT, in addition to personal or corporate check.
Section 21	Amends Code section 326.11 to strike language allowing the DOT director to issue temporary written authorization for vehicles added to an owner's fleet after the beginning of the registration year. The provision is stricken because it is included in the IRP.
Section 22	Amends Code section 326.12 to make various editorial changes. Strikes 326.12(2) concerning restrictions on the deletion of vehicles from a fleet and the allowance of credit for replacement vehicles.
Section 23	Amends Code section 326.13 to change "fleet owners" to "registrants" and to strike a reference requiring fleet owners to forward certain information to the DOT director by January 1 of the current registration year.
Section 24	Amends Code section 326.14 to reflect the change from calendar year registration to staggered registration for vehicles registered under Code chapter 326. Under current law, vehicles subject to "proportional registration" (changed to "apportioned registration" by this Act) are registered by the DOT on a calendar-year basis. This Act changes that by providing for staggered registration periods of 12 months, with one registration year beginning in each month of the calendar year and expiring on the last day of the twelfth calendar month in that 12-month period. The DOT may adjust the renewal or expiration date of a vehicle's registration when necessary to equalize the number of vehicles registered in each 12-month period. The DOT is authorized to establish a procedure for the implementation of the staggered vehicle registration system.

Section 24 (continued)	The procedure may provide for a one-time collection of fewer than 12 or up to 18 months of registration fees in order to transition to staggered registration periods.
Section 25	Amends Code section 326.15 to make various editorial changes.
Section 26	Amends Code section 326.16 to make various editorial changes. Allows notice of suspension of registration for nonpayment of fees to be sent by regular mail rather than certified mail.
Section 27	Amends Code section 326.19A to make various editorial changes. Retains language that allows the DOT to assess a penalty in the amount of 20 percent of apportioned fees if an audit confirms a registrant has failed to maintain certain operational records, but strikes specific language regarding the process to determine the amount of apportioned fees because the process is defined in the IRP.
Section 28	Amends Code section 326.21 to make various editorial changes. Strikes reference to laws of other "states" and inserts "jurisdictions" as both Canadian provinces and states of the United States are involved in the IRP.
Section 29	Amends Code section 326.22 to update terminology to conform to the IRP. Uses the word "credentials" rather than referring to plates, stickers or registration receipts, and uses the termed "apportioned registration agreement."
Sections 30, 31, 32, 34, 35, 36 and 37	Amend Code sections 326.25, 326.26, 326.27, 326.29, 326.30, 326.31 and 326.32 to make various editorial changes and update terminology to conform to the IRP.
Section 33	Amends Code section 326.28 to strike reference to a fee for copying certain records. The DOT has a fee policy that applies to copies of DOT records.
Section 38	Amends Code section 326.46 and clarifies that the temporary registration provided for in this section is unladen weight registration. Property or passengers may not be transported while the vehicle is subject to temporary registration under this provision.

Section 39	Repeals Code sections 326.7, 326.8, 326.9, 326.17, 326.18, 326.19 and 326.20. The provisions included in these Code sections are addressed in the IRP or are obsolete.
Section 40	States that the section amending Code section 321.134(2) to eliminate semiannual installment payments for certain registration fees, and the section amending Code section 321.106, relating to proration of certain registration fees, shall be implemented on and after January 1, 2013, for vehicles with a registration expiration date after December 31, 2012. However, the DOT may begin implementation before January 1, 2013, to the extent necessary to transition to full implementation of those provisions.

GENERAL ASSEMBLY

109

Senate File 2216

AN ACT

RELATING TO APPORTIONED REGISTRATION OF COMMERCIAL MOTOR VEHICLES UNDER THE INTERNATIONAL REGISTRATION PLAN, AND INCLUDING IMPLEMENTATION PROVISIONS.

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

Section 1. Section 321.1, subsection 60, Code Supplement 2011, is amended to read as follows:

60. *"Registration year"* means the period of twelve consecutive months beginning on the first day of the month following the month of the birth of the owner of the vehicle

for vehicles registered by the county treasurer ~~and~~, except that *"registration year"* means the calendar year for ~~vehicles registered by the department or~~ motor trucks and truck tractors with a combined gross weight exceeding five tons which are registered by the county treasurer. For leased vehicles registered by the county treasurer, except for motor trucks and truck tractors with a combined gross weight exceeding five tons, *"registration year"* means the period of twelve consecutive months beginning on the first day of the month following the month in which the lease expires. For vehicles registered under chapter 326, *"registration year"* means the twelve-month period determined by the department pursuant to section 326.14.

Sec. 2. Section 321.20, subsection 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Except as provided in this chapter, an owner of a vehicle subject to registration shall make application to the county treasurer of the county of the owner's residence, or if a nonresident, to the county treasurer of the county where the primary users of the vehicle are located, or if a lessor of the vehicle pursuant to chapter 321F which vehicle has a gross vehicle weight of less than ten thousand pounds, to the county treasurer of the county of the lessee's residence, or if a firm, association, or corporation with vehicles in multiple counties, the owner may make application to the county treasurer of the county where the primary user of the vehicle is located, for the registration and issuance of a certificate of title for the vehicle upon the appropriate form furnished by the department. However, upon the transfer of ownership, the owner of a vehicle subject to the ~~proportional~~ apportioned registration provisions of chapter 326 shall make application for ~~registration and~~ issuance of a certificate of title to either the department or the appropriate county treasurer. The application shall be accompanied by a fee of twenty dollars, and shall bear the owner's signature. A nonresident owner of two or more vehicles subject to registration may make application for registration and issuance of a certificate of title for all vehicles subject to registration to the county treasurer of the county where the primary user of any of the vehicles is located. The owner of a mobile home or manufactured home shall make application for a certificate of title under this section from the county treasurer of the county where the mobile home or manufactured home is located. The application shall contain:

Sec. 3. Section 321.20A, Code 2011, is amended to read as follows:

321.20A Certificate of title and registration fees — commercial vehicles.

1. Notwithstanding other provisions of this chapter, the owner of a commercial vehicle subject to the ~~proportional~~ apportioned registration provisions of chapter 326 may make application to the department or the appropriate county treasurer for a certificate of title. The application for certificate of title shall be made within thirty days of purchase or transfer and shall be accompanied by a twenty dollar title fee and the appropriate fee for new registration. The department or the county treasurer shall deliver the certificate of title to the owner if there is no security interest. If there is a security interest, the title, when issued, shall be delivered to the first secured party. Delivery may be made using electronic means.

2. An owner of more than fifty commercial vehicles subject to the ~~proportional~~ apportioned registration provisions of chapter 326 who is issued a certificate of title under this section shall not be subject to annual registration fees until the commercial vehicle is driven or moved upon the highways. The annual registration fee due shall be prorated for the remaining unexpired months of the registration year. Ownership of the commercial vehicle shall not be transferred until annual registration fees have been paid to the department.

Sec. 4. Section 321.34, subsection 4, Code Supplement 2011, is amended to read as follows:

4. ~~*Multiyear*~~ *Permanent plates.* In lieu of issuing annual registration plates for trailers, semitrailers, motor trucks, and truck tractors, the department may issue a ~~multiyear registration plate for a three-year period or a~~ permanent registration plate for trailers, ~~and~~ semitrailers, ~~licensed under chapter 326, and a permanent registration plate for~~ motor trucks, and truck tractors licensed under chapter 326, upon payment of the appropriate registration fee. Payment of fees for trailers and semitrailers for a permanent registration plate shall, at the option of the registrant, be made at five-year intervals or on an annual basis. Fees from ~~three-year and~~ five-year payments shall not be reduced or prorated. Payment of fees for motor trucks and truck tractors shall be made on an annual basis.

Sec. 5. Section 321.39, subsection 1, Code 2011, is amended

by striking the subsection.

Sec. 6. Section 321.40, subsection 1, Code 2011, is amended to read as follows:

1. Application for renewal ~~of~~ for a vehicle ~~registration~~ registered under this chapter shall be made on or after the first day of the month prior to the month of expiration of registration and up to and including the last day of the month following the month of expiration of registration. The registration shall be renewed upon payment of the appropriate annual registration fee. Application for renewal for a vehicle registered under chapter 326 shall be made on or after the first day of the month prior to the month of expiration of registration and up to and including the last day of the ~~month following the~~ month of expiration of registration.

Sec. 7. Section 321.46A, Code 2011, is amended to read as follows:

321.46A Change from ~~proportional~~ apportioned registration — credit.

An owner changing a vehicle's registration from ~~proportional~~ apportioned registration under chapter 326 to registration under this chapter shall be entitled to a credit on the vehicle's annual registration fees under this chapter. The credit ~~shall~~ may be allowed when the owner surrenders to the county treasurer proof of ~~proportional~~ apportioned registration provided by the department. The amount of the credit shall be calculated based on the unexpired complete calendar months remaining in the registration year from the date the application is filed with the county treasurer.

Sec. 8. Section 321.105, subsection 4, Code 2011, is amended to read as follows:

4. In addition to the payment of an annual registration fee for each trailer and semitrailer to be issued ~~an annual~~ a registration plate under chapter 326, an additional registration fee may be paid for a period of ~~two or~~ four subsequent registration years.

Sec. 9. Section 321.106, Code 2011, is amended to read as follows:

321.106 Registration for fractional part of year.

1. When a ~~vehicle is registered under chapter 326 or a~~ motor truck, truck tractor, or road tractor is registered by the county treasurer for a combined gross weight exceeding five tons and there is no delinquency and the registration is made in February or succeeding months through November, the

annual registration fee shall be prorated for the remaining unexpired months of the registration year. A fee shall not be required for the month of December for a vehicle registered on a calendar year basis on which there is no delinquency. However, ~~except for a vehicle registered under chapter 326,~~ when such a vehicle is registered in November, the vehicle may be registered for the remaining unexpired months of the registration year or for the remaining unexpired months of the registration year and for the next registration year, upon payment of the applicable registration fees.

2. When a vehicle is registered under chapter 326 and there is no delinquency and the registration is made in the second through eleventh month of the registration year, the annual registration fee shall be prorated for the remaining unexpired months of the registration year. However, when such a vehicle is registered in the eleventh month of the registration year, the vehicle may be registered for the remaining unexpired months of the registration year and for the next registration year, upon payment of the applicable registration fees.

~~2.~~ 3. When a vehicle is registered on a birth month basis and there is no delinquency and the registration is made in the month after the beginning of the registration year or succeeding months, the annual registration fee shall be prorated for the remaining unexpired months of the registration year. A fee shall not be required for the month of the owner's birthday for a vehicle on which there is no delinquency. However, when a vehicle registered on a birth month basis is registered during the eleventh month of the registration year, the vehicle may be registered for the remaining unexpired months of the registration year or for the remaining unexpired months of the registration year and for the next registration year, upon payment of the applicable registration fees.

~~3.~~ 4. If a fee computed under this section contains a fractional part of a dollar, the fee shall be computed to the nearest whole dollar. A fee computed under this section shall not be less than five dollars. The fee so computed shall be deemed to be the annual registration fee for the remainder of the registration year. This subsection does not apply to vehicles registered under chapter 326.

~~4.~~ 5. A reduction in the annual registration fee shall not be allowed by the department until the applicant files satisfactory evidence to prove that there is no delinquency in registration.

Sec. 10. Section 321.126, subsection 1, paragraphs d and e, Code 2011, are amended to read as follows:

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

e. A refund for trailers and semitrailers issued a ~~multiyear~~ permanent registration plate pursuant to chapter 326 shall be paid by the department upon application.

Sec. 11. Section 321.126, subsection 2, Code 2011, is amended to read as follows:

2. Notwithstanding any provision of this section to the contrary, there shall be no refund of ~~proportional~~ apportioned registration fees unless the state which issued the base plate for the vehicle allows such refund. If an owner subject to ~~proportional~~ apportioned registration leases the vehicle for which the refund is sought, the claim shall be filed in the names of both the lessee and the lessor and the refund payment made payable to both the lessor and the lessee. The term "*owner*" for purposes of this section shall include a person in whom is vested right of possession or control of a vehicle which is subject to a lease, contract, or other legal arrangement vesting right of possession or control in addition to the term as defined in section 321.1, subsection 49.

Sec. 12. Section 321.127, subsections 3 and 4, Code 2011, are amended to read as follows:

3. For trailers or semitrailers issued a ~~multiyear~~ permanent registration plate, a refund shall be paid equal to the annual fee for twelve months times the remaining number of complete registration years.

4. Refunds for vehicles registered for ~~proportional~~ apportioned registration under chapter 326 shall be paid on the basis of unexpired complete calendar months remaining in the registration year from the date the claim for refund~~,~~ and the license plate~~, and registration receipt~~ are received by the department.

Sec. 13. Section 321.134, subsections 1 and 2, Code 2011,

are amended to read as follows:

1. On the first day of the second month following the beginning of each registration year a penalty of five percent of the annual registration fee shall be added to the annual registration fees not paid by that date and an additional penalty of five percent shall be added the first day of each succeeding month, until the fee is paid. A penalty shall not be less than five dollars. If the owner of a vehicle surrenders the registration plates for a vehicle prior to the plates becoming delinquent, to the county treasurer of the county where the vehicle is registered, or to the department if the vehicle is registered under chapter 326, the owner may register the vehicle any time thereafter upon payment of the annual registration fee for the registration year without penalty. ~~The penalty on vehicles registered under chapter 326 shall accrue February 1 of each year.~~ To avoid a penalty or an additional penalty in the case of a delinquent registration through a county treasurer, if the last calendar day of a month falls on Saturday, Sunday, or a holiday, the payment deadline is extended to include the first business day of the following month. For payments made through a county treasurer's authorized website only, if the last day of the month falls on a Saturday, Sunday, or a holiday, the electronic payment must be initiated by midnight on the first business day of the next month. All other electronic payments must be initiated by midnight on the last day of the month preceding the delinquent date.

2. The annual registration fee for trucks, truck tractors, and road tractors registered by the county treasurer, as provided in sections 321.121 and 321.122, may be payable in two equal semiannual installments if the annual registration fee exceeds the annual registration fee for a vehicle with a gross weight exceeding five tons. The penalties provided in subsection 1 shall be computed on the amount of the first installment only and on the first day of the seventh month of the registration period the same rate of penalty shall apply to the second installment, until the fee is paid. ~~Semiannual installments do not apply to commercial vehicles, as defined under section 326.2, subject to proportional registration, with a base state other than the state of Iowa, as defined in section 326.2, subsection 1. The penalty on vehicles registered under chapter 326 accrues August 1 of each year except as provided in section 326.6. The department shall not~~

~~allow the annual registration fee for a commercial vehicle registered under chapter 326 to be paid in two equal semiannual installments for five years after the registrant has paid the annual registration fee late for two consecutive years.~~

Sec. 14. Section 321.466, subsections 2 and 6, Code 2011, are amended to read as follows:

2. During or after the seventh month of a current registration year, the owner of a motor truck, truck tractor, or road tractor, ~~semitrailer or trailer may,~~ if the owner's operation has not resulted in a conviction or action pending under this section, may increase the gross weight registration of the vehicle to a higher gross weight ~~classification~~ registration by payment of one-twelfth of the difference between the annual fee for the higher gross weight and the amount of the fee for the gross weight at which ~~it~~ the vehicle is registered, multiplied by the number of unexpired months of the registration year.

6. For the purposes of this section cracked or ground soybeans, ~~sargo~~ sorgo, corn, wheat, rye, oats, or other grain shall be deemed to be raw farm products, provided that such products are being directly delivered to a farm, from the place where the whole grain had been delivered from a farm for the purpose of cracking or grinding and immediate delivery to the farm to which such cracked or ground products are being delivered.

Sec. 15. Section 321F.8, Code 2011, is amended to read as follows:

321F.8 Registration of vehicle required.

All motor vehicles which are primarily garaged or located in this state and which are the subject of a lease shall be registered in this state. This section shall not be construed to exempt any motor vehicle from registration which is otherwise subject to registration under the provisions of chapter 321, provided, however, that the provisions of this section shall not apply to motor vehicles in fleets whose registrations are apportioned under the provisions of ~~section 326.2~~ chapter 326.

Sec. 16. Section 326.1, Code 2011, is amended to read as follows:

326.1 Policy.

It is the policy of this state to promote and encourage the fullest possible use of ~~its~~ the state's highway system by authorizing the negotiation and execution of motor

vehicle ~~reciprocal or proportional registration agreements, arrangements and declarations with other jurisdictions~~ reciprocity agreements. Apportioned registration shall be conducted in accordance with the international registration plan with respect to vehicles registered in this and ~~such~~ other jurisdictions, thus contributing to the economic and social development and growth of this state.

Sec. 17. Section 326.2, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

326.2 Definitions.

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

1. *"Commercial vehicle"* means any vehicle which is operated in interstate commerce or combined intrastate and interstate commerce and used for the transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property.

2. *"Department"* means the department of transportation.

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

4. *"International registration plan"* or *"plan"* means the registration reciprocity agreement among states of the United States, the District of Columbia, and provinces of Canada providing for payment of apportionable fees on the basis of total distance operated in all jurisdictions, in effect on January 1, 2011, or as later amended, published by international registration plan, inc., and available on the plan's internet site.

5. *"Registration fee"* means the annual motor vehicle registration fee imposed pursuant to section 321.105, unless otherwise specified.

6. *"Trip"* for purposes of section 326.23 means:

a. A one-way movement from one point originating outside this state and destined to another point outside this state.

b. A round-trip movement between two points within this state.

c. A round-trip movement originating in this state or destined for a point within this state.

7. The terms *"combination"* or *"combination of vehicles"*, *"gross weight"*, *"highway"*, *"motor vehicle"*, *"nonresident"*, *"owner"*, *"person"*, *"semitrailer"*, *"trailer"*, *"truck tractor"*, and *"vehicle"* mean as defined in section 321.1.

Sec. 18. NEW SECTION. **326.3 Additional definitions.**

As used in this chapter, unless the context otherwise requires, the following terms have the following meaning, as provided in the international registration plan, or the meaning ascribed in the international registration plan as it may exist at the time of its applicability to the provisions of this chapter:

1. *"Applicant"* means a person in whose name an application is filed for registration under the plan.

2. *"Apportionable fee"* means any periodic recurring fee or tax required for registering vehicles, such as registration, license, or weight fees.

3. *a. "Apportionable vehicle"* means any power unit that is used or intended for use in two or more member jurisdictions and that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property if one of the following applies:

(1) The power unit has two axles and a gross vehicle weight or registered gross vehicle weight in excess of twenty-six thousand pounds.

(2) The power unit has three or more axles, regardless of weight.

(3) The power unit is used in combination, when the gross vehicle weight of such combination exceeds twenty-six thousand pounds.

b. A recreational vehicle, a vehicle displaying restricted plates, a bus used in the transportation of chartered parties, or a government-owned vehicle is not an apportionable vehicle; except that a truck or truck tractor, or the power unit in a combination of vehicles having a gross vehicle weight of twenty-six thousand pounds or less, or a bus used in the transportation of chartered parties may be registered under the plan at the option of the registrant.

4. *"Apportioned vehicle"* means an apportionable vehicle that has been registered under the plan.

5. *"Audit"* means the physical examination of a registrant's operational records, including source documents, to verify the distances reported in the registrant's application for apportioned registration and the accuracy of the registrant's record-keeping system for its fleet. Such an examination may be of multiple fleets for multiple years.

6. *"Audit procedures manual"* or *"APM"* means the audit procedures manual required to be maintained in the plan.

7. *"Auxiliary axle"* means an auxiliary undercarriage

assembly with a fifth wheel and tow bar used to convert a semitrailer to a trailer.

8. *"Axle"* means an assembly of a vehicle consisting of two or more wheels whose centers are in one horizontal plane, by means of which a portion of the weight of a vehicle and its load, if any, is continually transmitted to the roadway. For purposes of registration under the plan, an "axle" is any such assembly whether or not it is load-bearing only part of the time.

9. *"Base jurisdiction"* means the member jurisdiction, selected in accordance with the plan, to which an applicant applies for apportioned registration under the plan or the member jurisdiction that issues apportioned registration to a registrant under the plan.

10. *"Cab card"* means an evidence of registration, other than a plate, issued for an apportioned vehicle registered under the plan by the base jurisdiction and carried in or on the identified vehicle.

11. *"Chartered party"* means a group of persons who, pursuant to a common purpose and under a single contract, have acquired the exclusive use of a passenger-carrying motor vehicle to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the group after leaving the place of origin. *"Chartered party"* includes services rendered to a number of passengers that a passenger carrier or its agent has assembled into a travel group through sales of a ticket to each individual passenger covering a round trip from one or more points of origin to a single advertised destination.

12. *"Credentials"* means the cab card and plate issued in accordance with the plan.

13. *"Fleet"* means one or more apportionable vehicles designated by a registrant for distance reporting under the plan.

14. *"Jurisdiction"* means a country or a state, province, territory, possession, or federal district of a country.

15. *"Lease"* means a transaction evidenced by a written document in which a lessor vests exclusive possession, control, and responsibility for the operation of a vehicle in a lessee for a specific term. A long-term lease is for a period of thirty calendar days or more. A short-term lease is for a period of less than thirty calendar days.

16. *"Lessee"* means a person that is authorized to have

exclusive possession and control of a vehicle owned by another person under terms of a lease agreement.

17. *"Lessor"* means a person that, under the terms of a lease agreement, authorizes another person to have exclusive possession of, control of, and responsibility for the operation of a vehicle.

18. *"Member jurisdiction"* means a jurisdiction that has applied and has been approved for membership in the plan in accordance with the plan.

19. *"Operational records"* means source documents that evidence distance traveled by a fleet in each member jurisdiction, such as fuel reports, trip sheets, and driver logs, including those which may be generated through on-board devices and maintained electronically, as required by the audit procedures manual.

20. *"Plate"* means the license plate, including renewal decals, if any, issued for a vehicle registered under the plan by the base jurisdiction.

21. *"Power unit"* means a motor vehicle as distinguished from a trailer, semitrailer, or auxiliary axle, but not including an automobile or a motorcycle.

22. *"Properly registered vehicle"* means a vehicle which has been registered in full compliance with the laws of all jurisdictions in which it is intended to operate.

23. *"Reciprocity"* means the reciprocal grant by one jurisdiction of operating rights or privileges in properly registered vehicles registered by another jurisdiction, especially but not exclusively including privileges generally conferred by vehicle registration.

24. *"Reciprocity agreement"* means an agreement, arrangement, or understanding between two or more jurisdictions under which each of the participating jurisdictions grants reciprocal rights or privileges to properly registered vehicles that are registered under the laws of other participating jurisdictions.

25. *"Recreational vehicle"* means a vehicle used for personal pleasure or personal travel and not in connection with any commercial endeavor.

26. *"Registrant"* means a person in whose name a properly registered vehicle is registered.

27. *"Registration year"* means the twelve-month period during which, under the laws of the base jurisdiction, the registration issued to a registrant by the base jurisdiction is valid.

28. *"Reporting period"* means the period of twelve consecutive months immediately prior to July 1 of the calendar year immediately preceding the beginning of the registration year for which apportioned registration is sought. However, if the registration year begins on any date in July, August, or September, the reporting period shall be the previous such twelve-month period.

29. *"Restricted plate"* means a plate that has a time, geographic area, distance, or commodity restriction or a mass transit or other special plate issued for a bus leased or owned by a municipal government, a state or provincial transportation authority, or a private party, and operated as part of an urban mass transit system, as defined by the jurisdiction that issues the plate.

30. *"Total distance"* means all distance, including that accrued on trip permits, operated by a fleet of apportioned vehicles in all member jurisdictions during the reporting period.

31. *"Trip permit"* means a permit issued by a member jurisdiction in lieu of apportioned or full registration.

32. *"Truck"* means a power unit designed, used, or maintained primarily for the transportation of property.

Sec. 19. Section 326.6, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

326.6 Apportionable registration fees.

The department may determine the sum total amount of registration fees necessary to register each and every vehicle in a fleet based on the annual registration fees prescribed in chapter 321.

Sec. 20. Section 326.10A, Code 2011, is amended to read as follows:

326.10A Payment ~~by check~~.

The department shall accept payment of fees under this chapter by personal or corporate check, cash, wire transfer, or other means allowed by the department. ~~The~~ A fee shall be deemed to have been paid upon receipt of the ~~check~~ payment in full. If the ~~check~~ payment is not honored, all fees and penalties shall accumulate as if the fee ~~was~~ were not paid. After appropriate warning from the department, the registration account shall be suspended, collection pursued, and the delinquent registration fees shall become a debt due the state of Iowa. After a dishonored ~~check~~ payment has been received from an applicant, payments submitted by the applicant

during the following year must be made with guaranteed funds. However, the department may instead accept payment in the form of a corporate check made on behalf of the applicant from an approved company with a satisfactory payment history.

Sec. 21. Section 326.11, Code 2011, is amended to read as follows:

326.11 Subsequently acquired vehicles.

Vehicles acquired by a ~~fleet owner~~ registrant after the commencement of the registration year and subsequently added to the fleet shall be ~~prorated by applying the mileage percentage used in the original application for such fleet for such registration period to registration fees due under chapter 321. An application for registration shall be filed with the department~~ apportioned pursuant to the provisions of chapter 321 and the international registration plan.

~~The director may issue temporary written authorization to carriers for vehicles acquired by a fleet owner and added to the fleet owner's prorate fleet after the beginning of the registration year. The temporary authority shall permit the operation of a commercial vehicle until permanent identification is issued, except that the temporary authority shall expire after sixty days.~~

Sec. 22. Section 326.12, Code 2011, is amended to read as follows:

326.12 Vehicles deleted — registration transferred.

~~Fleet owners~~ Registrants who delete commercial vehicles displaying Iowa base plates from the fleet after the commencement of the registration year shall be allowed to transfer registration credit to a replacement vehicle in accordance with this section. Iowa shall allow credit for non-Iowa based deleted vehicles only if the ~~state~~ jurisdiction designated by the ~~fleet owner~~ registrant as the base ~~state~~ jurisdiction of the deleted vehicle permits transfer of registration credit to the replacement vehicle. Allowance of credit for deleted vehicles shall be subject to the following conditions:

1. The fee for ~~reissuance or~~ issuance of registration credentials ~~or~~ for ~~transfer of credentials~~ a replacement vehicle shall be seven dollars.

~~2. No deletion shall be made nor credit allowed toward registration of a replacement vehicle unless the vehicle to be removed from service has been sold, junked, repossessed, foreclosed by mechanic's lien, title transferred by operation~~

~~of law, or cancellation or expiration of a lease arrangement. The deleted vehicle shall have been disposed of on or before the date the replacement vehicle was acquired or in the possession of the applicant.~~

~~3.~~ 2. If a leased vehicle is to be deleted from the fleet and unexpired registration fees applied to the replacement vehicle, the lessee shall refund any unexpired registration fees paid by the lessor to the lessee on the transferred vehicle.

~~4.~~ 3. Credit shall be given for unexpired months.

~~5.~~ 4. The registration of the vehicle being added to the fleet is not delinquent under chapter 321.

Sec. 23. Section 326.13, Code 2011, is amended to read as follows:

326.13 Information under oath.

The department shall require ~~fleet owners~~ registrants to submit under oath any information deemed necessary by the department to carry out the provisions of this chapter. ~~Information furnished under this chapter shall be forwarded to the director of the department by each fleet owner no later than January 1 of the current registration year.~~

Sec. 24. Section 326.14, Code 2011, is amended to read as follows:

326.14 ~~Plates and receipts~~ Credentials — registration ~~period~~ year and renewal — penalty.

1. The department shall issue a single registration plate and registration receipt for each vehicle pursuant to apportionment agreements or provisions authorized under this chapter. ~~The registration period for a vehicle registered pursuant to this chapter is from January 1 through December 31 of each year.~~

2. *a.* Each registration year for a vehicle registered pursuant to this chapter is a twelve-month period commencing on the first day of a calendar month and ending on the last day of the twelfth month in that twelve-month period. Vehicles subject to registration shall be registered for a registration year as determined by the department. The department may adjust the renewal or expiration date of a vehicle's registration when deemed necessary to equalize the number of vehicles registered in each twelve-month period or for the administrative efficiency of the department.

b. The department may establish a procedure for the implementation of a staggered registration system for vehicles

registered pursuant to the international registration plan. Procedures established under this section may provide for a one-time collection of fewer than twelve or up to eighteen months of registration fees.

~~2.~~ 3. An application for renewal of registration shall be postmarked or received in the office of motor carrier services of the department no later than ~~January 31~~ the last day of the registration expiration month. A five percent late filing penalty shall be assessed to an application for renewal postmarked or received on or after ~~February 1~~ the first day following the last day of the registration expiration month, with an additional five percent penalty assessed the first of each month thereafter until the application is filed. The enforcement deadline for failure to display a registration plate and registration is ~~March 15 at~~ 12:01 a.m. of the first day following the last day of the registration expiration month.

Sec. 25. Section 326.15, Code 2011, is amended to read as follows:

326.15 Refunds of registration fees.

1. Refunds of registration fees paid for motor vehicles under this chapter shall be in accordance with section 321.126. In addition, if a motor vehicle is removed from an apportioned fleet, the ~~owner in whose name the motor vehicle was registered~~ registrant shall return the registration plate to the department and make a claim for refund. A refund shall not be allowed without documentation of the subsequent registration of the motor vehicle.

2. A qualified ~~fleet owner~~ registrant may certify to the department that the registration plate has been destroyed in lieu of surrendering the plate. The department shall adopt rules to define a qualified ~~fleet owner~~ registrant.

Sec. 26. Section 326.16, subsections 1 and 2, Code 2011, are amended to read as follows:

1. If the fees for ~~proportional~~ apportioned registration are not paid to each ~~contracting~~ member jurisdiction entitled thereto on the basis of the ~~proportional~~ apportioned registration application and supporting documents filed with the department by the ~~fleet owner~~ registrant within a reasonable amount of time as determined by the department, the department shall calculate late payment penalties. The ~~fleet owner~~ registrant shall be notified by regular mail that fees and penalties are due and must be paid within thirty days of

the invoice date. If fees and penalties are not received, the ~~fleet owner~~ registrant shall be notified by ~~certified~~ regular mail that the ~~owner's~~ registration has been suspended.

2. A five percent late payment penalty shall be assessed if an invoice is not paid within thirty days of the invoice date ~~or within thirty days of January 31 of the registration year, whichever is later~~, with an additional five percent penalty assessed the first of each month thereafter until all fees and penalties are paid. In addition, the fees due for registration in this state shall be a debt due to the state of Iowa.

Sec. 27. Section 326.19A, Code 2011, is amended to read as follows:

326.19A Failure to maintain operational records — penalty.

1. The department may assess a penalty in an amount equal to twenty percent of the ~~amount calculated under section 326.6, subsection 2, paragraph "b", if the audit of the apportioned fleet owner under section 326.19~~ apportioned fees if an audit conducted pursuant to the international registration plan confirms that the ~~fleet owner~~ registrant has failed to maintain operational records on all of the following:

a. Verification of ~~miles~~ distance for the preceding year.

~~*b. Jurisdictional percentages claimed pursuant to section 326.6, subsection 1.*~~

~~*c.*~~ *b.* Reciprocity agreements to which the department may be a party.

2. The department shall adopt rules specifying the records and other information required for an audit under ~~section 326.19~~ the international registration plan.

Sec. 28. Section 326.21, Code 2011, is amended to read as follows:

326.21 Laws of other ~~states~~ jurisdictions — Iowa interests.

In the absence of an agreement with another jurisdiction, the department may examine the laws and requirements of such jurisdiction and declare the extent and nature of exemptions, benefits, and privileges to be extended to vehicles or owners of vehicles properly registered or licensed in such other jurisdiction. The department shall consider the interests of the state of Iowa and ~~the~~ its citizens ~~thereof~~, the interests of the other jurisdictions and ~~the~~ their citizens ~~thereof~~, and the benefits which will accrue to the economy of the state of Iowa from the uninterrupted flow of commerce in declarations made ~~under~~ pursuant to this section. Each declaration shall specify that the extent of exemptions, benefits, and privileges

is subject to revision without notice upon adoption by the general assembly of legislation in conflict with the terms of any such declaration.

Sec. 29. Section 326.22, Code 2011, is amended to read as follows:

326.22 Operational laws of Iowa applicable.

A nonresident registered vehicle is subject to all laws and rules governing the operation of such vehicle on the highways of this state. The registration ~~plates, stickers, or other identification~~ credentials assigned and furnished to any vehicle for the current registration year by the ~~state~~ jurisdiction in which the vehicle is registered shall be displayed on the vehicle substantially as provided in chapter 321 for vehicles registered pursuant to the provisions of this chapter. In addition, a fee set by the department to cover actual cost shall be charged for each plate, sticker, or other identification furnished for each vehicle registered in accordance with the provisions of this section or extended reciprocity in accordance with the provisions of this section. A charge shall not be made for the initial ~~registration receipt~~ credentials issued for each vehicle registered pursuant to an ~~apportionment~~ apportioned registration agreement. A fee set by the department to cover actual costs shall be charged for issuance of duplicate plates, stickers, other required identification, or ~~registration receipts~~ other credentials.

Sec. 30. Section 326.25, Code 2011, is amended to read as follows:

326.25 Applications — investigations.

1. The department shall examine and determine the genuineness, regularity, and legality of every application lawfully made pursuant to this chapter, and may in all cases make investigations as may be deemed necessary or require additional information. The department shall reject any such application if not satisfied of the genuineness, regularity, or legality ~~thereof~~ of the application or the truth of any statement contained ~~therein~~ in the application, or for any other reason, when authorized by law. The department is ~~hereby~~ authorized to take possession of any indicia of ~~proportional~~ apportioned registration or reciprocity upon expiration, revocation, cancellation, or suspension ~~thereof~~ of the registration, or which is fictitious, or which has been unlawfully or erroneously issued.

2. The department may suspend or revoke the registration

indicia of a vehicle registered on ~~a prorated~~ an apportioned basis in any one of the following events:

a. When the department is satisfied that such registration indicia was issued upon fraudulent application. Bona fide errors shall be corrected within fifteen days after notification by the department.

b. When the department determines that the required fee has not been paid and ~~same~~ the fee is not paid upon reasonable notice and demand.

c. When the registration indicia is knowingly displayed on a vehicle which is not in the ~~prorate~~ apportioned fleet of the registrant.

d. Upon a determination that the motor vehicle does not have financial liability coverage as required under section 321.20B.

Sec. 31. Section 326.26, Code 2011, is amended to read as follows:

326.26 Forms.

The department shall prescribe and provide suitable forms of application, ~~registration receipts~~ credentials, and all other forms requisite or deemed necessary to carry out the provisions of this chapter.

Sec. 32. Section 326.27, Code 2011, is amended to read as follows:

326.27 Violations to negate agreements.

Operation of a commercial vehicle or vehicles in violation of the requirements of this chapter, the motor vehicle registration laws of this state, or the terms of any agreement negotiated by the department pursuant to this chapter may, after due notice and hearing, be grounds for denial of reciprocal or ~~proportional~~ apportioned registration privileges ~~on~~ for the vehicle or vehicles of an owner so operated. ~~Any~~ An owner denied such reciprocal or ~~proportional~~ apportioned registration privileges shall be subject to payment of full annual Iowa registration fees ~~on~~ for any such vehicle operated on Iowa highways. In addition to denial of reciprocal or ~~proportional~~ apportioned registration privileges, it shall be a simple misdemeanor, unless such act is declared under Iowa law to be a felony, for any person to operate under reciprocity or ~~proportional~~ apportioned registration in violation of any requirements of this chapter.

Sec. 33. Section 326.28, Code 2011, is amended to read as follows:

326.28 Copies of records — fee.

A fee shall be charged for copies of ~~such~~ records ~~as may be~~ provided ~~from the office of~~ by the department or the director. ~~Such fee shall be one dollar for the first page and fifty cents for each additional page of copy received at any one time.~~

Sec. 34. Section 326.29, Code 2011, is amended to read as follows:

326.29 Fees to road use tax fund.

Fees collected by the department pursuant to this chapter shall be remitted to the treasurer of state for deposit in the road use tax fund except that fees collected for other ~~states~~ jurisdictions shall be placed in a special fund known as the "reciprocity fund". The department, at least monthly, shall order the disbursement of such fees collected to the appropriate ~~states~~ jurisdictions. Interest earned on the "reciprocity fund" shall be retained by the state and shall be credited to the road use tax fund.

Sec. 35. Section 326.30, Code 2011, is amended to read as follows:

326.30 Motor vehicle law applicable.

All provisions of chapter 321, insofar as applicable, are extended to include owners who register and title vehicles in this state on ~~a proportional~~ an apportioned registration basis or who operate interstate on Iowa highways under reciprocity.

Sec. 36. Section 326.31, Code 2011, is amended to read as follows:

326.31 Filing incorrect information — effect.

1. If the director has reason to believe that a ~~fleet owner~~ registrant has filed incorrect information with the department, for the purpose of reducing the ~~fleet owner's~~ registrant's obligation for registration fees or fuel taxes, the director may revoke the apportioned registration privileges on all of the vehicles owned by the person. A person who has such privileges revoked shall be required to register all of the vehicles owned by the person with the appropriate county treasurer for a period of no less than one year and no more than five years thereafter. The department may use all reports pertaining to the registration fees and motor fuel taxes in ascertaining the accuracy of reports filed pertaining to registration fees and motor fuel taxes.

2. A person whose privileges are revoked may request an administrative hearing of ~~said~~ the action in accordance with chapter 17A, and during the period pending the hearing, the apportioned registration privileges shall be reinstated if the

~~fleet owner~~ registrant posts security with the department in an amount sufficient to pay the full annual fees if an adverse decision is rendered at the hearing. At ~~such~~ the hearing, the ~~fleet owner~~ registrant shall have the burden of proof as to the accuracy of any report filed by the ~~fleet owner~~ registrant with the department. Judicial review of any decision reached at the administrative hearing may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A.

Sec. 37. Section 326.32, Code 2011, is amended to read as follows:

326.32 Additional fees or restrictions by other ~~states~~ jurisdictions — effect.

If the laws of any other ~~state or country~~ jurisdiction impose any taxes, fees, charges, penalties, obligations, prohibitions, or limitations of any kind upon the vehicles of residents of Iowa, in addition to those imposed upon the vehicles of residents of such other ~~state or country~~ jurisdiction by the state of Iowa, the department may impose and collect fees and charges in the same amount and impose the same obligations, prohibitions, or limitations upon the owner or operator of a vehicle registered in such other ~~state or country~~ jurisdiction.

Sec. 38. Section 326.46, Code 2011, is amended to read as follows:

326.46 Temporary unladen weight registration.

The department may issue temporary registration for unregistered vehicles subject to registration under this chapter upon application by the owner and payment of a fee of ten dollars for each vehicle. The registration shall be valid for fifteen days and for one trip between specified points of origin and destination, with intermediate points authorized by the department. Property or passengers shall not be transported while the vehicle is subject to temporary registration.

Sec. 39. REPEAL. Sections 326.7, 326.8, 326.9, 326.17, 326.18, 326.19, and 326.20, Code 2011, are repealed.

Sec. 40. IMPLEMENTATION. The section of this Act amending section 321.134, subsection 2, to eliminate semiannual installment payments for certain registration fees, and the section of this Act amending section 321.106, relating to proration of certain registration fees, shall be implemented on and after January 1, 2013, for vehicles with a registration expiration date after December 31, 2012. However, the department of transportation may begin implementation before

January 1, 2013, to the extent necessary to transition to full implementation of those provisions.

JOHN P. KIBBIE
President of the Senate

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2216, Eighty-fourth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/19, 2012

TERRY E. BRANSTAD
Governor

GENERAL ASSEMBLY

Senate File 2217

AN ACT

RELATING TO FLOOD MITIGATION BY ESTABLISHING A FLOOD MITIGATION PROGRAM, ESTABLISHING A FLOOD MITIGATION BOARD, AUTHORIZING THE USE OF CERTAIN SALES TAX REVENUE AND OTHER FINANCIAL ASSISTANCE FOR FLOOD MITIGATION PROJECTS, ESTABLISHING A FLOOD MITIGATION FUND, AUTHORIZING THE ISSUANCE OF BONDS FOR CERTAIN FLOOD MITIGATION PROJECTS, PROVIDING FOR APPROPRIATIONS, AND INCLUDING EFFECTIVE DATE PROVISIONS.

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

Section 1. Section 29C.8, subsection 3, Code Supplement 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *h.* Carry out duties related to the flood mitigation program and the flood mitigation board under chapter 418.

Sec. 2. Section 331.430, subsection 2, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* Payments authorized to be made from the debt service fund to a flood project fund under section 418.14, subsection 4.

Sec. 3. Section 384.4, subsection 1, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *e.* Payments authorized to be made from the debt service fund to a flood project fund under section 418.14, subsection 4.

Sec. 4. NEW SECTION. 418.1 Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. *"Base year"* means the fiscal year ending during the calendar year in which the governmental entity's project is approved by the board under section 418.9.

2. *"Board"* means the flood mitigation board as created in section 418.5.

3. *"Division"* means the homeland security and emergency management division of the department of public defense.

4. *"Governmental entity"* means any of the following:

a. A county.

b. A city.

c. A joint board or other legal or administrative entity established or designated in an agreement pursuant to chapter 28E between any of the following:

(1) Two or more cities located in whole or in part within the same county.

(2) A county and one or more cities that are located in whole or in part within the county.

(3) A county, one or more cities that are located in whole or in part within the county, and a drainage district formed by mutual agreement under section 468.142 located in whole or in part within the county.

5. *"Project"* means the construction and reconstruction of levees, embankments, impounding reservoirs, or conduits that are necessary for the protection of property from the effects of floodwaters and may include the deepening, widening, alteration, change, diversion, or other improvement of watercourses if necessary for the protection of such property from the effects of floodwaters. A project may consist of one or more phases of construction or reconstruction that are contracted for separately if the larger project, of which the project is a part, otherwise meets the requirements of this subsection.

6. *"Retail establishment"* means a business operated by a retailer as defined in section 423.1.

7. *"Sales tax"* means the sales and services tax imposed pursuant to section 423.2.

Sec. 5. NEW SECTION. 418.4 Projects.

1. *a.* A governmental entity may use the moneys in its flood project fund established pursuant to section 418.13 to fund projects that meet the requirements of this section.

b. A governmental entity as defined in section 418.1, subsection 4, paragraph *"c"*, shall have the power to construct, acquire, own, repair, improve, operate, and maintain a project, may sue and be sued, contract, and acquire and hold real and personal property, subject to the limitation in paragraph *"c"*, and such other powers as may be included in the chapter 28E

agreement. Such a governmental entity may contract with a city or the county participating in the chapter 28E agreement to perform any governmental service, activity, or undertaking that the city or county is authorized by law to perform, including but not limited to contracts for administrative services.

c. A governmental entity's authority, established under paragraph "*b*" or other provision of law, to acquire or hold real and personal property shall for the purposes of undertaking a project under this chapter be limited to acquiring and holding that portion of such property which is necessary for infrastructure related to flood mitigation.

2. Prior to undertaking a project, the governmental entity shall adopt a project plan. The project plan shall include a detailed description of the project, including all phases of construction or reconstruction included in the project, state the estimated cost of the project and the maximum amount of debt to be incurred for purposes of funding the project, and include a detailed description of all anticipated funding sources for the project, including information relating to either the proposed use of financial assistance from the flood mitigation fund under section 418.10 or the proposed use of sales tax increment revenues received under section 418.12. The project plan shall also include information related to the approval criteria in section 418.9, subsection 2.

3. A governmental entity shall not award a contract for the construction or reconstruction of or otherwise undertake construction or reconstruction of a project under this chapter unless all of the following conditions are met:

a. Bidding for the project has been completed. A governmental entity shall comply with the competitive bid procedures in chapter 26 for the bidding and construction of the project and shall comply with the provisions of chapter 573.

b. For projects proposing to use sales tax increment revenues or approved by the board to use sales tax increment revenues, the project, or an earlier phase of the project, has been approved to receive financial assistance in an amount equal to at least twenty percent of the total project cost or thirty million dollars, whichever is less, under the federal Water Resources Development Act or other federal program providing assistance specifically for hazard mitigation.

c. The project plan has been approved by the board under section 418.9.

d. Following approval of the project plan by the board, the governmental entity has adopted a resolution authorizing the use of sales tax increment revenue from the governmental entity's flood project fund, if sales tax increment revenue was approved by the board as a funding source for the project. Within ten days of adoption, the governmental entity shall provide a copy of the resolution to the department of revenue.

4. A governmental entity shall not seek approval from the board for a project if the governmental entity previously had a project approved pursuant to section 418.9 or if the governmental entity previously was part of a governmental entity as defined in section 418.1, subsection 4, paragraph "*c*", that had a project approved pursuant to section 418.9.

5. If a project is eligible for state financial assistance under section 29C.6, subsection 17, such project is ineligible for approval by the board under this chapter.

6. Following approval of a project under section 418.9, the governmental entity shall on or before December 15 of each year submit a report to the board detailing all of the following:

a. The current status of the project.

b. Total expenditures and the types of expenditures that have been made related to the project.

c. The amount of the total project cost remaining as of the date the report is submitted.

d. The amounts, types, and sources of funding being used.

e. The amount of bonds issued or other indebtedness incurred for the project, including information related to the rate of interest, length of term, costs of issuance, and net proceeds. The report shall also include the amounts and types of moneys used for payment of such bonds or indebtedness.

7. A governmental entity may contract with a council of governments to perform any duty or power authorized under this chapter or for the completion of a project.

Sec. 6. NEW SECTION. 418.5 Flood mitigation board.

1. The flood mitigation board is established consisting of nine voting members and four ex officio, nonvoting members, and is located for administrative purposes within the division. The administrator of the division shall provide office space, staff assistance, and necessary supplies and equipment for the board. The administrator shall budget funds to pay the necessary expenses of the board. 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 voting membership of the board shall include all of the following:

a. Four members of the general public. Two general public members shall have demonstrable experience or expertise in the field of natural disaster recovery and two general public members shall have demonstrable experience or expertise in the field of flood mitigation.

b. The director of the department of natural resources or the director's designee.

c. The secretary of agriculture or the secretary's designee.

d. The treasurer of state or the treasurer's designee.

e. The administrator of the division or the administrator's designee.

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

3. The general public members shall be appointed by the governor, subject to confirmation by the senate. The appointments shall comply with sections 69.16 and 69.16A.

4. The chairperson and vice chairperson of the board shall be designated by the governor from the board members listed in subsection 2. 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. The members appointed under subsection 2, paragraph *"a"*, 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.

6. The board's ex officio membership shall include four members of the general assembly with 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. 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.

7. A majority of the board constitutes a quorum.

Sec. 7. NEW SECTION. **418.6 Expenses of board members.**

The voting members of the board are entitled to receive reimbursement for actual expenses incurred while engaged in the

performance of official duties. A member of the board is not eligible to receive the additional expense allowance provided in section 7E.6, subsection 2.

Sec. 8. NEW SECTION. **418.7 Division duties.**

The division, subject to approval by the board, shall adopt administrative rules pursuant to chapter 17A necessary to administer the flood mitigation program. The division shall provide the board with assistance in implementing administrative functions and providing technical assistance and application assistance to applicants under the program.

Sec. 9. NEW SECTION. **418.8 Flood mitigation program.**

1. The board shall establish and the division, subject to direction and approval by the board, shall administer a flood mitigation program to assist governmental entities in undertaking projects approved under this chapter. The flood mitigation program shall include projects approved by the board to utilize either financial assistance from the flood mitigation fund created under section 418.10 or sales tax revenues remitted to the governmental entity under section 418.12. A governmental entity shall not be approved by the board to utilize both financial assistance from the flood mitigation fund and sales tax revenues remitted to the governmental entity.

2. The board shall, by rules adopted under section 418.7, prescribe application instructions, forms, and other requirements deemed necessary to operate the flood mitigation program.

3. The board may contract with or otherwise consult with the Iowa flood center, established under section 466C.1, to assist the board in administering the flood mitigation program.

4. The board shall submit a written report to the governor and the general assembly on or before January 15 of each year. The report shall include information relating to all projects approved by the board for inclusion in the flood mitigation program, the status of such projects, summaries of each report submitted to the board under section 418.4, subsection 6, information relating to the types of funding being used for each approved project, including all indebtedness incurred by the applicable governmental entities, and any recommendations for legislative action to modify the provisions of this chapter.

Sec. 10. NEW SECTION. **418.9 Project application review.**

1. *a.* A governmental entity shall submit an application

to the board for approval of a project plan. The board shall not approve a project for inclusion in the program if the application is submitted after January 1, 2016.

b. The application shall specify whether the governmental entity is requesting financial assistance from the flood mitigation fund or approval for the use of sales tax revenues. Applications for financial assistance from the flood mitigation fund shall describe the type and amount of assistance requested. Applications for the use of sales tax revenues shall state the amount of sales tax revenues necessary for completion of the project.

2. Each application shall include or have attached to the application, the governmental entity's project plan adopted under section 418.4, subsection 2. When reviewing applications, in addition to the project plan, the board shall consider, at a minimum, all of the following:

a. Whether the project is designed to mitigate future flooding of property that has sustained significant flood damage and is likely to sustain significant flood damage in the future.

b. Whether the project plan addresses the impact of flooding both upstream and downstream from the area where the project is to be undertaken and whether the project conforms to any applicable floodplain ordinance.

c. Whether the area that would benefit from the project's flood mitigation efforts is sufficiently valuable to the economic viability of the state or is of sufficient historic value to the state to justify the cost of the project.

d. The extent to which the project would utilize local matching funds. The board shall not approve a project unless at least fifty percent of the total cost of the project, less any federal financial assistance for the project, is funded using local matching funds, and unless the project will result in nonpublic investment in the governmental entity's area as defined in section 418.11, subsection 3, of an amount equal to fifty percent of the total cost of the project. For purposes of this paragraph, "*nonpublic investment*" means investment by nonpublic entities consisting of capital investment or infrastructure improvements occurring in anticipation of or as a result of the project during the period of time between July 1, 2008, and ten years after the board approved the project.

e. The extent of nonfinancial support committed to the project from public and nonpublic sources.

f. Whether the project is designed in coordination with other watershed management measures adopted by the governmental entity or adopted by the participating jurisdictions of the governmental entity, as applicable.

g. Whether the project plan is consistent with the applicable comprehensive, countywide emergency operations plan in effect and other applicable local hazard mitigation plans.

h. Whether financial assistance through the flood mitigation program is essential to meet the necessary expenses or serious needs of the governmental entity related to flood mitigation.

3. If requested by the board during consideration of an application, the governmental entity shall pay for an independent engineering review of the project to determine the technical feasibility, engineering standards, and total estimated cost of the project. An engineering review required by the board under this subsection may be completed by the United States army corps of engineers.

4. Upon review of the applications, the board, following consultation with the economic development authority, shall approve, defer, or deny the applications. If a project plan is denied, the board shall state the reasons for the denial and the governmental entity may resubmit the application so long as the application is filed on or before January 1, 2016. If a project plan application is approved, the board shall specify whether the governmental entity is approved for the use of sales tax revenues under section 418.12 or whether the governmental entity is approved to receive financial assistance from the flood mitigation fund under section 418.10. If the board approves a project plan application that includes financial assistance from the flood mitigation fund, the board shall negotiate and execute on behalf of the division all necessary agreements to provide such financial assistance. If the board approves a project plan application that includes the use of sales tax increment revenues, the board shall establish the annual maximum amount of such revenues that may be remitted to the governmental entity not to exceed the limitations in section 418.12, subsection 4. The board may, however, establish remittance limitations for the project lower than the individual project remittance limitations specified for projects under section 418.12, subsection 4.

5. The board shall not approve a project plan application that includes financial assistance from the flood mitigation fund or the use of sales tax revenue to pay principal and

interest on or to refinance any debt or other obligation existing prior to the approval of the project.

6. The board shall not approve a project plan application for which the amount of sales tax increment revenue remitted to the governmental entity would exceed fifteen million dollars in any one fiscal year or if approval of the project would result in total remittances in any one fiscal year for all approved projects to exceed, in the aggregate, thirty million dollars.

7. 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 division any time moneys are disbursed to a recipient of financial assistance under the program.

8. If, following approval of a project application under the program, it is determined that the amount of federal financial assistance exceeds the amount of federal financial assistance specified in the application, the board shall reduce the award of financial assistance from the flood mitigation fund or reduce the amount of sales tax revenue to be received for the project by a corresponding amount.

Sec. 11. NEW SECTION. **418.10 Flood mitigation fund.**

1. A flood mitigation fund is created as a separate and distinct fund in the state treasury under the control of the board and consists of moneys appropriated by the general assembly and any other moneys available to and obtained or accepted by the board for placement in the fund. Moneys in the fund shall only be used for the purposes of this section.

2. Payments of interest, repayments of moneys loaned pursuant to this chapter, and recaptures of grants, if provided for in the financial assistance agreements, shall be deposited in the fund.

3. The moneys in the fund shall be used to provide assistance in the form of grants, loans, and forgivable loans. The board may only provide financial assistance from moneys in the fund.

4. Moneys credited to the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this chapter. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

5. If any portion of the moneys appropriated for deposit in the fund have not been awarded during the fiscal year for which the appropriation is made, the portion which has not been awarded may be utilized by the board to provide financial assistance under the program in subsequent fiscal years.

6. The board may make a multiyear commitment to a governmental entity of up to four million dollars in any one fiscal year.

7. Moneys received by a governmental entity from the fund shall be deposited in the governmental entity's flood project fund under section 418.13.

8. The board is not required to award financial assistance pursuant to this section unless moneys are appropriated to and available from the fund.

9. Following completion of all projects approved to utilize financial assistance from the fund and upon a determination by the board that remaining moneys in the fund are no longer needed for the program, all moneys remaining in the fund or subsequently deposited in the fund shall be credited for deposit in the general fund of the state.

Sec. 12. NEW SECTION. **418.11 Sales tax increment calculation.**

1. The department of revenue shall calculate quarterly the amount of increased sales tax revenues for each governmental entity approved to use sales tax increment revenues and the amount of such revenues to be transferred to the sales tax increment fund pursuant to section 423.2, subsection 11, paragraph *"b"*.

2. The department of revenue shall calculate the amount of the increase for purposes of subsection 1 as follows:

a. Determine the amount of sales subject to the tax under section 423.2 in each applicable area specified in subsection 3, during the corresponding quarter in the base year from retail establishments in such areas.

b. Determine the amount of sales subject to the tax under section 423.2 in each applicable area specified in subsection 3, during the corresponding quarter in each subsequent calendar year from retail establishments in such areas.

c. Subtract the base year quarterly amount determined under paragraph *"a"* from the subsequent calendar year quarterly amount in paragraph *"b"*.

d. If the amount determined under paragraph *"c"* is positive, the product of the amount determined under paragraph *"c"* times

the tax rate imposed under section 423.2 shall constitute the amount of increased sales tax revenue pursuant to subsection 1.

3. *a.* For projects approved for a governmental entity as defined in section 418.1, subsection 4, paragraph *"a"*, the area used to determine the sales tax increment shall include only the unincorporated areas of the county.

b. For projects approved for a governmental entity as defined in section 418.1, subsection 4, paragraph *"b"*, the area used to determine the sales tax increment shall include only the incorporated areas of the city.

c. For projects approved for a governmental entity as defined in section 418.1, subsection 4, paragraph *"c"*, the area used to determine the sales tax increment shall include the incorporated areas of each city that is participating in the chapter 28E agreement, the unincorporated areas of the participating county, and the area of any participating drainage district not otherwise included in the areas of the participating cities or county, as applicable.

4. Each governmental entity shall assist the department of revenue in identifying retail establishments in the governmental entity's applicable area that are collecting sales tax. This process shall be ongoing until the governmental entity ceases to utilize sales tax revenue under this chapter.

Sec. 13. NEW SECTION. **418.12 Sales tax increment fund.**

1. A sales tax increment fund is established as a separate and distinct fund in the state treasury under the control of the department of revenue consisting of the amount of the increased state sales and services tax revenues collected by the department of revenue within each applicable area specified in section 418.11, subsection 3, and deposited in the fund pursuant to section 423.2, subsection 11, paragraph *"b"*. Moneys deposited in the fund are appropriated to the department of revenue for the purposes of this section. Moneys in the fund shall only be used for the purposes of this section.

2. An account is created within the fund for each governmental entity that has adopted a resolution under section 418.4, subsection 3, paragraph *"d"*.

3. The department of revenue shall deposit in the fund the moneys described in subsection 1 beginning the first day of the quarter following receipt of a resolution under section 418.4, subsection 3, paragraph *"d"*. However, in no case shall a sales tax increment be calculated under section 418.11 or such moneys be deposited in the fund under this section prior to January

1, 2014.

4. *a.* Upon request of a governmental entity, the department of revenue shall remit the moneys in the governmental entity's account within the fund to the governmental entity for deposit in the governmental entity's flood project fund. Such requests shall be made not more than quarterly. Requests for remittance shall be submitted on forms prescribed by the department of revenue. In lieu of quarterly requests, a governmental entity may submit a certified schedule of principal and interest payments on bonds issued under section 418.14. If such a certified schedule is submitted, the department of revenue shall, subject to the remittance limitations of this chapter, remit from the governmental entity's account to the governmental entity for deposit in the governmental entity's flood project fund the amounts necessary for such principal and interest payments in accordance with the certified schedule. Requests for remittance shall be made for the amount of moneys in the governmental entity's account necessary to pay the governmental entity's costs or obligations related to the project, according to the sales tax revenue funding needs specified in the approved project plan. A governmental entity shall not, however, during any fiscal year receive remittances under this section exceeding fifteen million dollars or seventy percent of the total yearly amount of increased sales tax increment revenue in the governmental entity's applicable area and deposited in the governmental entity's account, whichever is less. The total amount of remittances during any fiscal year for all governmental entities approved to use sales tax revenues under this chapter shall not exceed, in the aggregate, thirty million dollars. Remittances from the department of revenue shall be deposited in the governmental entity's flood project fund under section 418.13.

b. The department of revenue shall adopt rules for the remittance of moneys to governmental entities.

5. If the department of revenue determines that the revenue accruing to the fund or accounts within the fund exceeds thirty million dollars or exceeds the amount necessary for the purposes of this chapter if the amount necessary is less than thirty million dollars, then those excess moneys shall be credited by the department of revenue for deposit in the general fund of the state.

6. *a.* Each governmental entity approved by the board to use sales tax increment revenues for a project under this

chapter shall submit two reports to the board certifying the total amount of nonpublic investment, as defined in section 418.9, subsection 2, paragraph "d", that has occurred in the governmental entity's area as defined in section 418.11, subsection 3. The first report shall be submitted not later than five years after the board approved the project. The second report shall be submitted to the board not later than ten years after the board approved the project.

b. If the nonpublic investment requirements of section 418.9, subsection 2, paragraph "d", are not satisfied, the board shall reduce the governmental entity's amount of sales tax increment revenues eligible to be remitted during the remaining period of time for receiving remittances by an amount equal to the shortfall in nonpublic investment. However, such a reduction shall not be to an amount less than zero.

Sec. 14. NEW SECTION. **418.13 Flood project fund.**

1. Sales tax revenue remitted by the department of revenue to a governmental entity under section 418.12 or financial assistance received by a governmental entity pursuant to section 418.10 shall be deposited in the governmental entity's flood project fund created for purposes of this chapter and shall be used to fund the costs of the governmental entity's approved project and to pay principal and interest on bonds issued pursuant to section 418.14, if applicable.

2. In addition to the moneys received pursuant to section 418.10 or 418.12, a governmental entity may deposit in the flood project fund any other moneys lawfully received by the governmental entity, including but not limited to local sales and services tax receipts collected under chapter 423B.

Sec. 15. NEW SECTION. **418.14 Bond issuance.**

1. *a.* A governmental entity receiving sales tax revenues pursuant to this chapter is authorized to issue bonds that are payable from revenues deposited in the governmental entity's flood project fund created pursuant to section 418.13 for the purpose of funding a project in the area from which sales tax revenues will be collected.

b. A governmental entity shall have the authority to pledge irrevocably to the payment of the bonds an amount of revenue derived from the sales tax revenue received by the governmental entity pursuant to section 418.12 for each of the years the bonds remain outstanding, together with other amounts held in the flood project fund of the governmental entity.

c. The costs of a project may include but are not limited

to administrative expenses, construction and reconstruction costs, engineering, fiscal, financial and legal expenses, surveys, plans and specifications, interest during construction or reconstruction and for one year after completion of the project, initial reserve funds, acquisition of real or personal property necessary for the construction or reconstruction of the project, subject to the limitation in section 418.4, subsection 1, paragraph "c", and such other costs as are necessary and incidental to the construction or reconstruction of the project and the financing thereof. The governmental entity shall have the power to retain and enter into agreements with engineers, fiscal agents, financial advisers, attorneys, architects, and other consultants or advisers for planning, supervision, and financing of a project upon such terms and conditions as shall be deemed by the governing body of the governmental entity as advisable and in the best interest of the governmental entity. Bonds issued under the provisions of this chapter are declared to be investment securities under the laws of the state of Iowa.

2. *a.* If a governmental entity elects to authorize the issuance of bonds payable as provided in this section, the governmental entity shall follow the authorization procedures for cities set forth in section 384.83.

b. A governmental entity shall have the authority to issue bonds for the purpose of refunding outstanding bonds issued under this section without otherwise complying with the notice and hearing provisions of section 384.83.

3. *a.* Except as otherwise provided in this section, bonds issued pursuant to this section shall not be subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds. Bonds issued under this section shall not limit or restrict the authority of a governmental entity as defined in section 418.1, subsection 4, paragraphs "a" and "b", or a city, county, or drainage district participating in a governmental entity as defined in section 418.1, subsection 4, paragraph "c", to issue bonds for the project under other provisions of the Code.

b. The bonds may be issued in one or more series and shall comply with all of the following:

(1) The bonds shall bear the date of issuance.

(2) The bonds shall specify whether they are payable on demand or the time of maturity.

(3) The bonds shall bear interest at a rate not exceeding

that permitted by chapter 74A.

(4) The bonds shall be in a denomination or denominations, be in the form, have the rank or priority, be executed in the manner, be payable in the medium of payment, at the place or places, be subject to the terms of redemption, with or without premium, be secured in the manner, and have the other characteristics, as may be provided by the resolution authorizing their issuance. The resolution authorizing the issuance of the bonds may also prescribe additional provisions, terms, conditions, and covenants which the governmental entity deems advisable, including provisions for creating and maintaining reserve funds and the issuance of additional bonds ranking on a parity with such bonds and additional bonds junior and subordinate to such bonds.

c. The bonds may be sold at public or private sale at a price as may be determined by the governmental entity.

d. The principal and interest on the bonds issued by a governmental entity under this section shall be payable solely and only from and secured by the revenue derived from the sales tax revenues received by the governmental entity pursuant to section 418.12 and from other funds of the governmental entity lawfully available from the governmental entity's flood project fund established under section 418.13.

4. *a.* Bonds, notes, or other obligations issued by a governmental entity for purposes of financing a project under this chapter are not an obligation of this state. Except to the extent a debt service levy is authorized for the payment of a governmental entity's costs related to bonds, notes, or other obligations as provided in paragraph "*b*", bonds, notes, or other obligations issued by a governmental entity for purposes of financing a project under this chapter are not an obligation of any political subdivision of this state other than the governmental entity, and such bonds, notes, or other obligations shall not constitute an indebtedness of any political subdivision of this state within the meaning of any constitutional or statutory debt limitation or restriction. A governmental entity shall not pledge the credit or taxing power of this state. Except as provided in paragraph "*b*", a governmental entity shall not pledge the credit or taxing power of any political subdivision of this state other than the governmental entity or make its bonds issued under this section payable out of any moneys except those in the governmental entity's flood project fund.

b. If the moneys in the governmental entity's flood project fund are insufficient to pay the governmental entity's costs related to bonds, notes, or other obligations issued under this chapter, the amounts necessary to pay such costs may be levied and transferred for deposit in the governmental entity's flood project fund from the debt service fund of the governmental entity or, if applicable, the debt service fund of a participating city or county for a governmental entity as defined in section 418.1, subsection 4, paragraph "*c*", but only if and to the extent provided in the resolution authorizing the issuance of bonds and, if applicable, the chapter 28E agreement.

c. The sole remedy for a breach or default of a term of a bond issued under this section is a proceeding in law or in equity by suit, action, or mandamus to enforce and compel performance of the duties required by this chapter and of the terms of the resolution authorizing the issuance of the bonds.

Sec. 16. NEW SECTION. **418.15 Durational limitation on use of revenues — property disposition.**

1. A governmental entity shall not receive remittances of sales tax revenue under this chapter after twenty years from the date the governmental entity's project was approved by the board.

2. If the governmental entity ceases to need the sales tax revenues prior to the expiration of the limitation under subsection 1, the governmental entity shall notify the director of revenue.

3. Upon the receipt of a notification pursuant to subsection 2, or the expiration of the limitation under subsection 1, the department of revenue shall cease to deposit revenues into the governmental entity's account in the sales tax increment fund.

4. All property and improvements acquired by a governmental entity as defined in section 418.1, subsection 4, paragraph "*c*", relating to a project shall be transferred to the county, city, or drainage district designated in the chapter 28E agreement to receive such property and improvements. The county, city, or drainage district to which such property or improvements are transferred shall, unless otherwise provided in the chapter 28E agreement, be solely responsible for the ongoing maintenance and support of such property and improvements.

Sec. 17. Section 423.2, subsection 11, Code Supplement 2011, is amended to read as follows:

11. *a.* All revenues arising under the operation of the

provisions of this section shall be deposited into the general fund of the state.

b. Subsequent to the deposit into the general fund of the state ~~and after the transfer of such~~ pursuant to paragraph "*a*", the department shall do the following in the order prescribed:

(1) Transfer the revenues collected under chapter 423B~~, the department shall transfer~~.

(2) Transfer one-sixth of ~~such~~ the remaining revenues to the secure an advanced vision for education fund created in section 423F.2. This ~~paragraph~~ subparagraph (2) is repealed December 31, 2029.

(3) Subject to the limitation on the calculation and deposit of sales tax increment revenues in section 418.12, beginning the first day of the quarter following adoption of the resolution pursuant to section 418.4, subsection 3, paragraph "*d*", transfer to the account created in the sales tax increment fund for each governmental entity approved to use sales tax increment revenues under chapter 418, that portion of the increase in sales tax revenue, determined in section 418.11, subsection 2, paragraph "*d*", in the applicable area of the governmental entity, that remains after the transfer required under subparagraph (2) of this paragraph "*b*".

Sec. 18. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

JOHN P. KIBBIE
President of the Senate

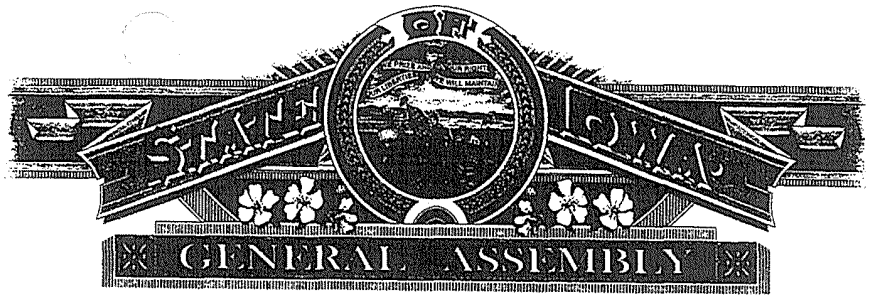
KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2217, Eighty-fourth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/19, 2012

TERRY E. BRANSTAD
Governor



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Senate File 2218

AN ACT

RELATING TO SCHOOL BUS SAFETY, INCLUDING PROVIDING PENALTIES FOR FAILURE TO OBEY SCHOOL BUS WARNING LAMPS AND STOP SIGNAL ARMS, PROVIDING FOR A SCHOOL BUS SAFETY STUDY AND ADMINISTRATIVE REMEDIES, AND MAKING AN APPROPRIATION.

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

Section 1. Section 321.372, Code 2011, is amended by adding the following new unnumbered paragraph before subsection 1:

NEW UNNUMBERED PARAGRAPH. This section shall be known and may be cited as the *"Keep Aware Driving — Youth Need School Safety Act"*.

Sec. 2. Section 321.372, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 5. *a.* The driver of a school bus who commits a violation of subsection 1 or 2 is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 10.

b. A person convicted of a violation of subsection 3 is subject to the following:

(1) For a first offense under subsection 3, the person is guilty of a simple misdemeanor punishable by a fine of at least two hundred fifty dollars but not more than six hundred seventy-five dollars or by imprisonment for not more than thirty days, or by both.

(2) For a second or subsequent offense under subsection 3, the person is guilty of a serious misdemeanor.

Sec. 3. Section 321.482A, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Notwithstanding section 321.482, a person who is convicted of operating a motor vehicle in violation of section 321.178,

subsection 2, paragraph *"a"*, subparagraph (2), section 321.180B, subsection 6, section 321.194, subsection 1, paragraph *"c"*, section 321.256, section 321.257, section 321.275, subsection 4, section 321.276, 321.297, 321.298, 321.299, 321.302, 321.303, 321.304, 321.305, 321.306, 321.307, 321.308, section 321.309, subsection 2, or section 321.311, 321.319, 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324, 321.324A, 321.327, 321.329, ~~or~~ 321.333, or 321.372, subsection 3, causing serious injury to or the death of another person may be subject to the following penalties in addition to the penalty provided for a scheduled violation in section 805.8A or any other penalty provided by law:

Sec. 4. Section 805.8A, subsection 10, paragraph b, Code Supplement 2011, is amended by striking the paragraph.

Sec. 5. SCHOOL BUS SAFETY STUDY — RULEMAKING — REQUESTS FOR REEXAMINATION OF A DRIVER — EDUCATION PROGRAMS — APPROPRIATION.

1. The department of transportation, the department of public safety, and the department of education shall jointly conduct a study relating to school bus safety, or may contract with an outside vendor to conduct such a study under the joint direction of the departments. The study shall focus on the use of cameras mounted on school buses to enhance the safety of children riding the buses and to aid in enforcement of motor vehicle laws pertaining to school bus safety. The study shall also consider the feasibility of requiring school children to be picked up and dropped off on the side of the road on which their home is located, the inclusion of school bus safety as a priority in driver training curriculum, and any other issues deemed appropriate by the departments. The findings and recommendations shall be reported to the general assembly by December 31, 2012.

2. By July 1, 2012, the department of transportation shall initiate rulemaking to establish a violation of section 321.372, subsection 3, as a serious violation. The rules may provide for an increasing tier of driver's license suspensions for conviction of a first, second, or subsequent violation. The specific direction provided under this subsection does not, by implication or otherwise, invalidate any prior rulemaking by the department designating certain violations as serious violations and does not preclude future rulemaking by the department to designate certain violations other than

violations of section 321.372, subsection 3, as serious violations.

3. By December 31, 2012, the department of transportation shall make available to local law enforcement agencies, electronically through the Iowa traffic and criminal software, the form for requesting departmental reexamination of a person who may be physically or mentally incapable of operating a motor vehicle safely.

4. The department of transportation, the department of public safety, and the department of education shall cooperate to establish educational programs to foster increased public awareness of motor vehicle laws and safe driving behaviors relating to school bus safety.

5. There is appropriated from the statutory allocations fund to the department of transportation an amount sufficient to fund the study required under this section and an amount sufficient to fund the development and programming necessary to make the request for departmental reexamination form available through the Iowa traffic and criminal software.

Sec. 6. EFFECTIVE UPON ENACTMENT. The section of this Act providing for a school bus safety study, the adoption of rules, law enforcement requests for reexamination of a driver, and educational programs and making an appropriation, being deemed of immediate importance, takes effect upon enactment.

JOHN P. KIBBIE
President of the Senate

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2218, Eighty-fourth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 3/16, 2012

TERRY BRANSTAD
Gover

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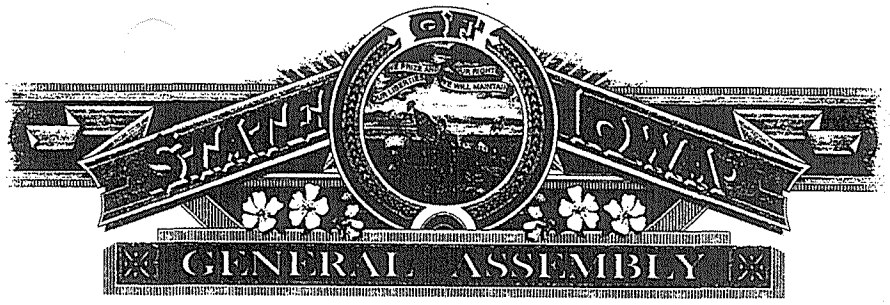

Senate File 2221

AN ACT

REQUIRING BACKGROUND CHECKS FOR SCHOOL BUS DRIVERS AND MAKING PENALTIES APPLICABLE.

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

Section 1. Section 235A.15, subsection 2, paragraph e, Code Supplement 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (22) To the employer or prospective employer of a school bus driver for purposes of an employment record check.

Sec. 2. Section 235B.6, subsection 2, paragraph e, Code Supplement 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (18) To the employer or prospective employer of a school bus driver for purposes of an employment record check.

Sec. 3. Section 321.375, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Prior to hiring an applicant for a school bus driver position, including a contract position, an employer shall have access to and shall review the information in the Iowa court information system available to the general public, the sex offender registry information under section 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 the applicant. An employer shall follow the same procedure every five years upon the renewal of an employee's or contract employee's school bus driver's license issued by the department

of transportation valid for the operation of a school bus. An employer shall pay for the cost of the registry checks conducted pursuant to this subsection. An employer shall maintain documentation demonstrating compliance with this subsection.

Sec. 4. Section 321.375, subsection 2, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0e.* The school bus driver is listed in the sex offender registry established under chapter 692A, the central registry for child abuse information established under section 235A.14, or the central registry for dependent adult abuse information established under section 235B.5. A termination hearing conducted pursuant to this paragraph shall be limited to the question of whether the school bus driver was incorrectly listed in the registry.

Sec. 5. Section 321.376, subsection 1, Code Supplement 2011, 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, 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.

1A. 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~~ met any of the grounds listed 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~~ met any of the grounds listed 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. A hearing pursuant to section 321.375, subsection 2, paragraph "*0e*", shall be limited to the question of whether the person was incorrectly listed in the registry. 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~~ met any of the grounds listed under section 321.375, subsection 2.

Sec. 6. STATE MANDATE FUNDING SPECIFIED. In accordance with section 25B.2, subsection 3, the state cost of requiring compliance with any state mandate included in this Act shall be paid by a school district from state school foundation aid received by the school district under section 257.16. This specification of the payment of the state cost shall be deemed to meet all of the state funding-related requirements of section 25B.2, subsection 3, and no additional state funding shall be necessary for the full implementation of this Act by and enforcement of this Act against all affected school districts.

JOHN P. KIBBIE
President of the Senate

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2221, Eighty-fourth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/4, 2012

TERRY E. BRANSTAD
Governor

GENERAL ASSEMBLY

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Senate File 2249

AN ACT

RELATING TO MOTOR VEHICLE DEALER ACTIVITIES AT FAIR EVENTS, VEHICLE SHOWS, VEHICLE EXHIBITIONS, AND MOTORCYCLE RALLIES AND TO THE DEFINITION OF TRAVEL TRAILER FOR PURPOSES OF TRAVEL TRAILER DEALER REQUIREMENTS, AND INCLUDING EFFECTIVE DATE PROVISIONS.

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

Section 1. Section 322.2, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 11A. *"Motorcycle"* means as defined in section 321.1. *"Motorcycle"* does not include an all-terrain vehicle as defined in section 321.1.

Sec. 2. Section 322.4, subsection 1, paragraph g, Code 2011, is amended to read as follows:

g. Before the issuance of a motor vehicle dealer's license to a dealer engaged in the sale of vehicles for which a certificate of title is required under chapter 321, or the issuance of a temporary permit under section 322.5, subsection 6, paragraph *"b"*, the applicant shall furnish a surety bond executed by the applicant as principal and executed by a corporate surety company, licensed and qualified to do business within this state, which bond shall run to the state of Iowa, be in the amount of fifty thousand dollars and be conditioned

upon the faithful compliance by the applicant as a dealer with all of the statutes of this state regulating or applicable to the business of a dealer in motor vehicles, and indemnifying any person who buys a motor vehicle from the dealer from any loss or damage occasioned by the failure of the dealer to comply with any of the provisions of chapter 321 and this chapter, including but not limited to the furnishing of a proper and valid certificate of title to the motor vehicle involved in a transaction. The bond shall also indemnify any motor vehicle purchaser from any loss or damage caused by the failure of the dealer to comply with the odometer requirements in section 321.71, regardless of whether the motor vehicle was purchased directly from the dealer. The bond shall be filed with the department prior to the issuance of a license or permit. The aggregate liability of the surety, however, shall not exceed the amount of the bond.

Sec. 3. Section 322.5, subsection 2, paragraph a, subparagraph (2), Code 2011, is amended to read as follows:

(2) Display, offer for sale, and negotiate sales of new motor vehicles at fair events, as defined in chapter 174, vehicle shows, and vehicle exhibitions, upon application for and receipt of a temporary permit issued by the department. Such activities may only be conducted at fair events, vehicle shows, and vehicle exhibitions that are held in the ~~county of the~~ motor vehicle dealer's ~~principal place of business~~ community, as defined in section 322A.1, for the vehicles that are displayed and offered for sale. A sale of a motor vehicle by a motor vehicle dealer shall not be completed and an agreement for the sale of a motor vehicle shall not be signed at a fair event, vehicle show, or vehicle exhibition. All such sales shall be consummated at the motor vehicle dealer's principal place of business.

Sec. 4. Section 322.5, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 6. *a.* Upon application for and receipt of a temporary permit issued by the department under this subsection, a motor vehicle dealer authorized to sell used motorcycles may display, offer for sale, and negotiate sales of used motorcycles at a motorcycle rally located in this state that meets all of the following conditions:

(1) The sponsor of the rally conducts not more than one rally annually in this state.

(2) The rally is conducted for a single period of not less

than three and not more than seven consecutive days.

(3) Attendance at the rally is restricted to persons who have paid a nonrefundable admission fee to the sponsor of the rally.

b. A person licensed as a motor vehicle dealer in another state may apply for and be issued a temporary permit under this subsection if the person meets all of the following conditions:

(1) The person presents the department with a current motor vehicle dealer license valid for the sale of used motorcycles at retail in the person's state of residence.

(2) The state in which the person is licensed as a motor vehicle dealer allows a motor vehicle dealer licensed in Iowa to be issued a permit substantially similar to the temporary permit authorized under this section.

(3) The person furnishes to the department a surety bond that meets the requirements of section 322.4, subsection 1, paragraph "*g*".

(4) The person presents any additional information the department may require.

c. Application for a temporary permit under this subsection shall be made on forms provided by the department accompanied by a fee in the amount established for a temporary permit under subsection 2, paragraph "*b*".

d. A sale of a motorcycle at a motorcycle rally shall not be completed and an agreement for the sale of a motorcycle shall not be signed at a motorcycle rally. All such sales shall be consummated at the motor vehicle dealer's principal place of business.

e. The department may issue a temporary permit under this subsection for a period not to exceed seven consecutive days. A motor vehicle dealer may not receive more than one temporary permit issued under this subsection in a calendar year.

Sec. 5. Section 322C.2, subsection 10, Code 2011, is amended to read as follows:

10. "*Travel trailer*" means a vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and designed to permit the vehicle to be used as a place of human habitation by one or more persons. The vehicle may be up to eight feet six inches in width and its overall length shall not exceed forty feet. "*Travel trailer*" does not include a vehicle that is so designed as to permit it to be towed exclusively by a m[illegible]ycle.

Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

JOHN P. KIBBIE
President of the Senate

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2249, Eighty-fourth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/4, 2012

TERRY E. BRANSTAD
Governor

GENERAL ASSEMBLY

Senate File 2265

AN ACT

PROVIDING FOR NOTARIAL ACTS, PROVIDING FOR FEES, AND INCLUDING EFFECTIVE DATE PROVISIONS.

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

DIVISION I

REVISED UNIFORM LAW ON NOTARIAL ACTS

Section 1. NEW SECTION. 9B.1 Short title.

This chapter may be cited as the *"Revised Uniform Law on Notarial Acts"*.

Sec. 2. NEW SECTION. 9B.2 Definitions.

In this chapter:

1. *"Acknowledgment"* means a declaration by an individual before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

2. *"Electronic"* means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

3. *"Electronic signature"* means an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

4. *"In a representative capacity"* means acting as any of the following:

a. An authorized officer, agent, partner, trustee, or other representative for a person other than an individual.

b. A public officer, personal representative, guardian, or other representative, in the capacity stated in a record.

c. An agent or attorney-in-fact for a principal.

d. An authorized representative of another in any other capacity.

5. *"Notarial act"* means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of this state. The term includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

6. *"Notarial officer"* means a notary public or other individual authorized to perform a notarial act.

7. *"Notary public"* means an individual commissioned to perform a notarial act by the secretary of state.

8. *"Official stamp"* means a physical image affixed to or embossed on a tangible record or an electronic image attached to or logically associated with an electronic record.

9. *"Person"* means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

10. *a. "Personal appearance"* means an act of a party to physically appear within the presence of a notary public at the time the notarization occurs.

b. "Personal appearance" does not include appearances which require video, optical, or technology with similar capabilities.

11. *"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.

12. *"Sign"* means, with present intent to authenticate or adopt a record, to do any of the following:

a. Execute or adopt a tangible symbol.

b. Attach to or logically associate with the record an electronic symbol, sound, or process.

13. *"Signature"* means a tangible symbol or an electronic signature that evidences the signing of a record.

14. *"Stamping device"* means any of the following:

a. A physical device capable of affixing to or embossing on a tangible record an official stamp.

b. An electronic device or process capable of attaching to or logically associating with an electronic record an official

stamp.

15. *"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.

16. *"Verification on oath or affirmation"* means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true.

Sec. 3. NEW SECTION. **9B.4 Authority to perform notarial act.**

1. A notarial officer may perform a notarial act authorized by this chapter or by law of this state other than this chapter.

2. A notarial officer shall not perform a notarial act with respect to a record to which the notarial officer or the notarial officer's spouse is a party, or in which either of them has a direct beneficial interest. A notarial act performed in violation of this subsection is voidable.

Sec. 4. NEW SECTION. **9B.5 Requirements for certain notarial acts.**

1. A notarial officer who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the notarial officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.

2. A notarial officer who takes a verification of a statement on oath or affirmation shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the notarial officer and making the verification has the identity claimed and that the signature on the statement verified is the signature of the individual.

3. A notarial officer who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the notarial officer and signing the record has the identity claimed.

4. A notarial officer who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true, and accurate transcription or reproduction of the record or item.

5. A notarial officer who makes or notes a protest of a negotiable instrument shall determine the matters set forth in section 554.3505, subsection 2.

Sec. 5. NEW SECTION. **9B.6 Personal appearance required.**

If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.

Sec. 6. NEW SECTION. **9B.7 Identification of individual.**

1. A notarial officer has personal knowledge of the identity of an individual appearing before the notarial officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

2. A notarial officer has satisfactory evidence of the identity of an individual appearing before the notarial officer if the notarial officer can identify the individual pursuant to any of the following:

a. By means of any of the following:

(1) A passport, driver's license, or government-issued nondriver identification card, which is current or expired not more than three years before performance of the notarial act.

(2) Another form of government identification issued to an individual, which is current or expired not more than three years before performance of the notarial act, contains the signature or a photograph of the individual, and is satisfactory to the notarial officer.

b. By a verification on oath or affirmation of a credible witness personally appearing before the officer and known to the notarial officer or whom the notarial officer can identify on the basis of a passport, driver's license, or government-issued nondriver identification card, which is current or expired not more than three years before performance of the notarial act.

3. A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the officer of the identity of the individual.

Sec. 7. NEW SECTION. **9B.8 Authority to refuse to perform notarial act.**

1. A notarial officer may refuse to perform a notarial act if the notarial officer is not satisfied that any of the following apply:

a. The individual executing the record is competent or has

the capacity to execute the record.

b. The individual's signature is knowingly and voluntarily made.

2. A notarial officer may refuse to perform a notarial act unless refusal is prohibited by law other than this chapter.

3. A notarial officer shall not condition the performing of notarial services upon the requirement that the person served be a customer or client of the establishment by which the notarial officer is employed. The employer of a notary public shall not condition the performing of a notarial service upon the requirement that the person served be a customer or client of the establishment by which the notary public is employed.

Sec. 8. NEW SECTION. **9B.9 Signature if individual unable to sign.**

If an individual is physically unable to sign a record, the individual may direct an individual other than the notarial officer to sign the individual's name on the record. The notarial officer shall insert "Signature affixed by (name of other individual) at the direction of (name of individual)" or words of similar import.

Sec. 9. NEW SECTION. **9B.10 Notarial act in this state.**

1. A notarial act may be performed in this state by any of the following:

a. A notary public of this state.

b. A judge, clerk, or deputy clerk of a court of this state.

c. A person authorized by the law of this state to administer oaths.

d. Any other individual authorized to perform the specific act by the law of this state.

e. A registrar of vital statistics or a designee of a registrar of vital statistics.

2. The signature and title of an individual performing a notarial act in this state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

3. The signature and title of a notarial officer described in subsection 1, paragraph "*a*", "*b*", or "*c*", conclusively establish the authority of the notarial officer to perform a notarial act.

Sec. 10. NEW SECTION. **9B.11 Notarial act in another state.**

1. A notarial act performed in another state has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed in that

state is performed by any of the following:

a. A notary public of that state.

b. A judge, clerk, or deputy clerk of a court of that state.

c. Any other individual authorized by the law of that state to perform the notarial act.

2. The signature and title of an individual performing a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

3. The signature and title of a notarial officer described in subsection 1, paragraph "*a*" or "*b*", conclusively establish the authority of the notarial officer to perform the notarial act.

4. The notarial act performed in another state must be performed in accordance with section 9B.6.

Sec. 11. NEW SECTION. **9B.12 Notarial act under authority of federally recognized Indian tribe.**

1. A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect as if performed by a notarial officer of this state, if the act performed in the jurisdiction of the tribe is performed by any of the following:

a. A notary public of the tribe.

b. A judge, clerk, or deputy clerk of a court of the tribe.

c. Any other individual authorized by the law of the tribe to perform the notarial act.

2. The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the signature is genuine and that the individual holds the designated title.

3. The signature and title of a notarial officer described in subsection 1, paragraph "*a*" or "*b*", conclusively establish the authority of the notarial officer to perform the notarial act.

Sec. 12. NEW SECTION. **9B.13 Notarial act under federal authority.**

1. A notarial act performed under federal law has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed under federal law is performed by any of the following:

a. A judge, clerk, or deputy clerk of a court.

b. An individual in military service or performing duties

under the authority of military service who is authorized to perform notarial acts under federal law.

c. An individual designated a notarial officer by the United States department of state for performing notarial acts overseas.

d. Any other individual authorized by federal law to perform the notarial act.

2. The signature and title of an individual acting under federal authority and performing a notarial act are prima facie evidence that the signature is genuine and that the individual holds the designated title.

3. The signature and title of a notarial officer described in subsection 1, paragraph "*a*", "*b*", or "*c*", conclusively establish the authority of the notarial officer to perform the notarial act.

Sec. 13. NEW SECTION. **9B.14 Foreign notarial act.**

1. As used in this section, "*foreign state*" means a government other than the United States, a state, or a federally recognized Indian tribe.

2. If a notarial act is performed under authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the law of this state as if performed by a notarial officer of this state.

3. If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

4. The signature and official stamp of an individual holding an office described in subsection 3 are prima facie evidence that the signature is genuine and the individual holds the designated title.

5. An apostille in the form prescribed by the Hague convention of October 5, 1961, and issued by a foreign state party to the convention conclusively establishes that the signature of the notarial officer is genuine and that the notarial officer holds the indicated office.

6. A consular authentication issued by an individual designated by the United States department of state as a notarial officer for performing notarial acts overseas and attached to the record with respect to which the notarial act

is performed conclusively establishes that the signature of the notarial officer is genuine and that the notarial officer holds the indicated office.

Sec. 14. NEW SECTION. **9B.15 Certificate of notarial act.**

1. A notarial act must be evidenced by a certificate. The certificate must meet all of the following requirements:

a. Be executed contemporaneously with the performance of the notarial act.

b. Be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as on file with the secretary of state.

c. Identify the jurisdiction in which the notarial act is performed.

d. Contain the title of office of the notarial officer.

e. If the notarial officer is a notary public, indicate the date of expiration, if any, of the notarial officer's commission.

2. If a notarial act regarding a tangible record is performed by a notary public, an official stamp must be affixed to or embossed on the certificate. If a notarial act is performed regarding a tangible record by a notarial officer other than a notary public and the certificate contains the information specified in subsection 1, paragraphs "*b*", "*c*", and "*d*", an official stamp may be affixed to or embossed on the certificate. If a notarial act regarding an electronic record is performed by a notarial officer and the certificate contains the information specified in subsection 1, paragraphs "*b*", "*c*", and "*d*", an official stamp may be attached to or logically associated with the certificate.

3. A certificate of a notarial act is sufficient if it meets the requirements of subsections 1 and 2 and all of the following apply:

a. It is in a short form set forth in section 9B.16.

b. It is in a form otherwise permitted by the law of this state.

c. It is in a form permitted by the law applicable in the jurisdiction in which the notarial act is performed.

d. It sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in sections 9B.5, 9B.6, and 9B.7, or a law of this state other than this chapter.

4. By executing a certificate of a notarial act, a notarial officer certifies that the notarial officer has complied with

the requirements and made the determinations specified in sections 9B.4, 9B.5, and 9B.6.

5. A notarial officer shall not affix the notarial officer's signature to, or logically associate it with, a certificate until the notarial act has been performed.

6. If a notarial act is performed regarding a tangible record, a certificate must be part of, or securely attached to, the record. If a notarial act is performed regarding an electronic record, the certificate must be affixed to, or logically associated with, the electronic record. If the secretary of state has established standards pursuant to section 9B.27 for attaching, affixing, or logically associating the certificate, the process must conform to the standards.

Sec. 15. NEW SECTION. **9B.16 Short form certificates.**

The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by section 9B.15, subsections 1 and 2:

1. For an acknowledgment in an individual capacity:

State of.....
[County] of.....
This record was acknowledged before me on.....(Date)
by.....Name(s) of individual(s)
.....
Signature of notarial officer
Stamp
[.....]
Title of office
[My commission expires:.....]

2. For an acknowledgment in a representative capacity:

State of.....
[County] of.....
This record was acknowledged before me on.....(Date)
by.....Name(s) of individual(s)
as (type of authority, such as officer or trustee) of (name of party on behalf of whom record was executed).
.....
Signature of notarial officer
Stamp
[.....]
Title of office
[My commission expires:.....]

3. For a verification on oath or affirmation:

State of.....

[County] of.....
Signed and sworn to (or affirmed) before me on.....(Date)
by.....Name(s) of individual(s) making statement
.....
Signature of notarial officer
Stamp
[.....]
Title of office
[My commission expires:.....]

4. For witnessing or attesting a signature:

State of.....
[County] of.....
Signed [or attested] before me on.....(Date)
by.....Name(s) of individual(s)
.....
Signature of notarial officer
Stamp
[.....]
Title of office
[My commission expires.....]

5. For certifying a copy of a record:

State of.....
[County] of.....
I certify that this is a true and correct copy of a record in the possession of.....
Dated.....
.....
Signature of notarial officer
Stamp
[.....]
Title of office
[My commission expires:.....]

Sec. 16. NEW SECTION. **9B.17 Official stamp.**

1. The official stamp of a notary public must comply with all of the following:

a. Include the notary public's name, the words "Notarial Seal" and "Iowa", the words "Commission Number" followed by a number assigned to the notary public by the secretary of state, the words "My Commission Expires" followed either by the date that the notary public's term would ordinarily expire as provided in section 9B.21 or a blank line, and other information required by the secretary of state.

b. Be capable of being copied together with the record to

which it is affixed or attached or with which it is logically associated. If the official stamp contains a blank line, the person must print the date that the notary public's term would ordinarily expire on the blank line imprinted on each record subject to a notarial act.

2. This section does not apply to a judicial officer as defined in section 602.1101 performing a notarial act in accordance with state or federal authority. This section does not apply to a chief officer or a chief officer's designee certifying a peace officer's verification of a uniform citation and complaint pursuant to section 805.6, subsection 3. A judicial officer, chief officer, or chief officer's designee is not required to acquire or use an official stamp in performing these acts.

Sec. 17. NEW SECTION. **9B.18 Stamping device.**

1. A notary public is responsible for the security of the notary public's stamping device and shall not allow another individual to use the device to perform a notarial act.

2. If a notary public's stamping device is lost or stolen, the notary public or the notary public's personal representative or guardian shall notify promptly the commissioning officer or agency on discovering that the device is lost or stolen.

Sec. 18. NEW SECTION. **9B.20 Notification regarding performance of notarial act on electronic record — selection of technology.**

1. A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. A person shall not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

2. Before a notary public performs the notary public's initial notarial act with respect to an electronic record, a notary public shall notify the secretary of state that the notary public will be performing notarial acts with respect to electronic records and identify the technology the notary public intends to use. If the secretary of state has established standards for approval of technology pursuant to section 9B.27, the technology must conform to the standards. If the technology conforms to the standards, the secretary of state shall approve the use of the technology.

Sec. 19. NEW SECTION. **9B.21 Commission as notary public — qualifications — no immunity or benefit.**

1. An individual qualified under subsection 2 may apply to the secretary of state for a commission as a notary public. The applicant shall comply with and provide the information required by rules established by the secretary of state and pay an application fee of thirty dollars to the secretary of state. A person appointed as a notary public under subsection 4 is not subject to the fee imposed by this subsection.

2. An applicant for a commission as a notary public shall meet all of the following qualifications:

a. Be at least eighteen years of age.

b. Be a citizen or permanent legal resident of the United States.

c. Be a resident of or have a place of employment or practice in this state.

d. Be able to read and write English.

e. Not be disqualified to receive a commission under section 9B.23.

3. Before issuance of a commission as a notary public, an applicant for the commission shall execute an oath of office and submit it to the secretary of state.

4. *a.* The secretary of state shall appoint members of the general assembly as notaries public, upon request, and may revoke an appointment for cause.

b. The secretary of state may appoint one or more employees of a state agency as a notary public to perform notarial acts associated with their positions, pursuant to conditions established by the secretary of state. As used in this paragraph, "*state agency*" means any executive, judicial, or legislative department, commission, board, institution, division, bureau, office, agency, or other entity of state government.

5. The secretary of state may appoint as a notary public a resident of a state bordering Iowa if that person's place of work or business is within the state of Iowa. If a notary public who is a resident of a state bordering Iowa ceases to work or maintain a place of business in Iowa, the notary commission expires.

6. On compliance with this section, the secretary of state shall issue a commission as a notary public to an applicant for a term of three years. The term of a notarial officer who is a resident of a state bordering Iowa and whose place of work or business is in Iowa is one year. The term of a notary public who is a member of the general assembly is the member's term of

office. The term of a notary public who is an employee of a state agency designated to receive an appointment as provided in subsection 4 shall terminate at the end of employment.

7. A commission to act as a notary public authorizes the notary public to perform notarial acts. The commission does not provide the notary public any immunity or benefit conferred by law of this state on public officials or employees.

Sec. 20. NEW SECTION. **9B.21A Notice of expiration of term.**

The secretary of state, two months preceding the expiration of a commission, shall notify the notary public of the expiration date and furnish a blank application for reappointment.

Sec. 21. NEW SECTION. **9B.21B Fees — certification.**

The secretary of state shall collect the following fees, for use in offsetting the cost of administering this chapter:

1. For furnishing a certified copy of any document, instrument, or paper relating to a notary public, one dollar per page and five dollars for the certificate.

2. For furnishing an uncertified copy of any document, instrument, or paper relating to a notary public, one dollar per page.

3. For certifying, under seal of the secretary of state, a statement as to the status of a notary commission which would not appear from a certified copy of documents on file in the secretary of state's office, five dollars.

Sec. 22. NEW SECTION. **9B.23 Grounds to deny, refuse to renew, revoke, suspend, or condition commission of notary public.**

1. The secretary of state may deny, refuse to renew, revoke, suspend, or impose a condition on a commission as notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability to act as a notary public, including any of the following acts or omissions:

a. A failure to comply with this chapter.

b. A fraudulent, dishonest, or deceitful misstatement or omission in the application for a commission as a notary public submitted to the secretary of state.

c. A conviction of the applicant or notary public of any felony or a crime involving fraud, dishonesty, or deceit.

d. A finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty, or deceit.

e. A failure by the notary public to discharge any duty required of a notary public, whether by this chapter, rules adopted by the secretary of state, or any federal or state law.

f. The use of false or misleading advertising or representation by the notary public representing that the notary public has a duty, right, or privilege that the notary public does not have.

g. A violation by the notary public of a rule adopted by the secretary of state regarding a notary public.

h. A denial, refusal to renew, revocation, suspension, or conditioning of a notary public commission in another state.

2. If the secretary of state denies, refuses to renew, revokes, suspends, or imposes conditions on a commission as a notary public, the applicant or notary public is entitled to timely notice and hearing in accordance with rules adopted by the secretary of state.

3. The authority of the secretary of state to deny, refuse to renew, suspend, revoke, or impose conditions on a commission as a notary public does not prevent either the secretary of state or a person aggrieved by a notary public from seeking and obtaining other criminal or civil remedies provided by law.

Sec. 23. NEW SECTION. **9B.24 Database of notaries public.**

The secretary of state shall maintain an electronic database of notaries public which complies with all of the following:

1. Through which a person may verify the authority of a notary public to perform notarial acts.

2. Which indicates whether a notary public has notified the secretary of state that the notary public will be performing notarial acts on electronic records.

Sec. 24. NEW SECTION. **9B.25 Prohibited acts.**

1. A commission as a notary public does not authorize an individual to do any of the following:

a. Assist persons in drafting legal records, give legal advice, or otherwise practice law.

b. Act as an immigration consultant or an expert on immigration matters.

c. Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship, or related matters.

d. Receive compensation for performing any of the activities listed in this subsection.

2. A notary public shall not engage in false or deceptive advertising.

3. A notary public, other than an attorney licensed to practice law in this state, shall not use the term "notario" or "notario publico".

4. A notary public, other than an attorney licensed to practice law in this state, shall not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice, or otherwise practice law. If a notary public who is not an attorney licensed to practice law in this state in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media, or the internet, the notary public shall include the following statement, or an alternate statement authorized or required by the secretary of state in the advertisement or representation, prominently and in each language used in the advertisement or representation:

I am not an attorney licensed to practice law in this state. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities.

If the form of advertisement or representation is not broadcast media, print media, or the internet and does not permit inclusion of the statement required by this subsection because of size, it must be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

5. Except as otherwise allowed by law, a notary public shall not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public.

Sec. 25. NEW SECTION. **9B.26 Validity of notarial acts.**

1. Except as otherwise provided in section 9B.4, subsection 2, the failure of a notarial officer to perform a duty or meet a requirement specified in this chapter does not invalidate a notarial act performed by the notarial officer. The validity of a notarial act under this chapter does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies based on law of this state other than this chapter or law of the United States. This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

2. The validity of a notarial act shall not be affected or impaired by the fact that the notarial officer performing the notarial act is an officer, director, or shareholder of a corporation that may have a beneficial interest or other interest in the subject matter of the notarial act.

Sec. 26. NEW SECTION. **9B.27 Rules.**

The secretary of state may adopt rules to administer this chapter. Any rules adopted with respect to the performance of notarial acts on electronic records shall not require or favor one technology or technical specification over another.

Sec. 27. NEW SECTION. **9B.28 Notary public commission in effect.**

A commission as a notary public in effect on January 1, 2013, continues until its date of expiration. A notary public who applies to renew a commission as a notary public on or after January 1, 2013, is subject to and shall comply with this chapter. A notary public, in performing notarial acts on or after January 1, 2013, shall comply with this chapter.

Sec. 28. NEW SECTION. **9B.30 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 its subject matter among states that enact the revised uniform law on notarial acts.

Sec. 29. NEW SECTION. **9B.31 Relation to electronic signatures in global and national commerce act.**

This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., but does not modify, limit, or supersede section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that Act, 15 U.S.C. § 7003(b).

Sec. 30. REPEAL. Chapter 9E, Code 2011, is repealed.

DIVISION II

COORDINATING AMENDMENTS

Sec. 31. Section 2C.7, subsection 1, Code 2011, is amended to read as follows:

1. Hold another public office of trust or profit under the laws of this state other than ~~the office of~~ notary public as provided in chapter 9B.

Sec. 32. Section 4.1, subsection 28, Code 2011, is amended to read as follows:

28. *Seal.* Where the seal of a court, public office, public

officer, or public or private corporation may be required to be affixed to any paper, the word "*seal*" shall include an impression upon the paper alone, or upon wax, ~~or~~ a wafer affixed to the paper, or an official ~~ink~~ stamp ~~if a notarial seal~~ of a notarial officer as provided in chapter 9B. If the seal of a court is required, the word "*seal*" may also include a visible electronic image of the seal on an electronic document.

Sec. 33. Section 29B.129, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The following members of the state military forces may administer oaths for the purposes of military administration including military justice, and affidavits may be taken for those purposes before persons having the general powers of a notary public as provided in chapter 9B:

Sec. 34. Section 43.14, subsection 4, paragraph e, Code 2011, is amended to read as follows:

e. The signature of a notary public under chapter 9B or other officer empowered to witness oaths.

Sec. 35. Section 45.5, subsection 5, paragraph d, Code 2011, is amended to read as follows:

d. The signature of a notary public under chapter 9B or other officer empowered to witness oaths.

Sec. 36. Section 144.12A, subsection 5, paragraph a, Code 2011, is amended to read as follows:

a. Information provided to the registry may be revoked by the registrant by submission of a written statement signed and acknowledged by the registrant before a notary public as provided in chapter 9B.

Sec. 37. Section 144A.3, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. Is acknowledged before a notarial officer within this state as provided in chapter 9B.

Sec. 38. Section 144B.3, subsection 1, paragraph b, subparagraph (2), Code 2011, is amended to read as follows:

(2) Is acknowledged before a notarial officer within this state as provided in chapter 9B.

Sec. 39. Section 144C.6, subsection 2, paragraph b, Code Supplement 2011, is amended to read as follows:

b. Acknowledged before a notarial officer as provided in chapter 9B.

Sec. 40. Section 252A.3A, subsection 5, paragraph h, Code Supplement 2011, is amended to read as follows:

h. The signature of a notary public under chapter 9B

attesting to the identities of the parties signing the affidavit of paternity.

Sec. 41. Section 321.251, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. A written notice of election shall be filed with the designated officials of the local authority whose ordinances, rules, or regulations will govern the vehicular traffic. The appropriate officials shall be the city clerk and chief of police of the city in which the real property is located and the county sheriff and the county recorder of the county in which the real property is located. The notice shall include the legal description of the real property, the street address, if any, and the date and time when the owner wishes the election to become effective. The notice shall be signed by every titleholder of the real property and acknowledged by a notary public as provided in chapter 9B.

Sec. 42. Section 321G.29, subsection 3, Code Supplement 2011, is amended to read as follows:

3. An owner of a snowmobile shall apply to the county recorder for issuance of a certificate of title within thirty days after acquisition. The application shall be on forms the department prescribes and accompanied by the required fee. The application shall be signed and sworn to before a ~~notary public~~ notarial officer as provided in chapter 9B or other person who administers oaths, or shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the snowmobile or the fair market value if no sale immediately preceded the transfer and any additional information the department requires. If the application is made for a snowmobile last previously registered or titled in another state or foreign country, the application shall contain this information and any other information the department requires.

Sec. 43. Section 321I.31, subsection 3, Code 2011, is amended to read as follows:

3. An owner of an all-terrain vehicle shall apply to the county recorder for issuance of a certificate of title within thirty days after acquisition. The application shall be on forms the department prescribes and accompanied by the required fee. The application shall be signed and sworn to

before a notary public as provided in chapter 9B or other person who administers oaths, or shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the all-terrain vehicle or the fair market value if no sale immediately preceded the transfer and any additional information the department requires. If the application is made for an all-terrain vehicle last previously registered or titled in another state or foreign country, the application shall contain this information and any other information the department requires.

Sec. 44. Section 462A.77, subsection 4, Code 2011, is amended to read as follows:

4. Every owner of a vessel subject to titling under this chapter shall apply to the county recorder for issuance of a certificate of title for the vessel within thirty days after acquisition. The application shall be on forms the department prescribes, and accompanied by the required fee. The application shall be signed and sworn to before a notary public as provided in chapter 9B or other person who administers oaths, or shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the vessel or the fair market value if no sale immediately preceded the transfer, and any additional information the department requires. If the application is made for a vessel last previously registered or titled in another state or foreign country, it shall contain this information and any other information the department requires.

Sec. 45. Section 535B.1, subsection 11, Code Supplement 2011, is amended to read as follows:

11. *"Real estate closing services"* means the administrative and clerical services required to carry out the conveyance or transfer of real estate or an interest in real estate located in this state to a purchaser or lender. *"Real estate closing services"* include but are not limited to preparing settlement statements, determining that all closing documents conform to the parties' contract requirements, ascertaining that the lender's instructions have been satisfied, conducting a closing

conference, receiving and disbursing funds, and completing form documents and instruments selected by and in accordance with instructions of the parties to the transaction. *"Real estate closing services"* do not include performing solely ~~notary functions~~ notarial acts as provided in chapter 9B.

Sec. 46. Section 554.3505, subsection 2, Code 2011, is amended to read as follows:

2. A protest is a certificate of dishonor made by a United States consul or vice consul, or a notary public as provided in chapter 9B or other person authorized to administer oaths by the law of the place where dishonor occurs. It may be made upon information satisfactory to that person. The protest must identify the instrument and certify either that presentment has been made or, if not made, the reason why it was not made, and that the instrument has been dishonored by nonacceptance or nonpayment. The protest may also certify that notice of dishonor has been given to some or all parties.

Sec. 47. Section 558.15, Code 2011, is amended to read as follows:

558.15 ~~Notarial~~ Official stamps ~~or seals~~ of ~~nonresidents~~ nonresident public notaries — presumption.

Any ~~notarial~~ official stamp ~~or seal~~ purporting to have been affixed to any instrument in writing, by any notary public as provided in chapter 9B residing elsewhere than in this state, shall be prima facie evidence that the words thereon engraved conform to the requirements of the law of the place where such certificate purports to have been made.

Sec. 48. Section 558.20, Code 2011, is amended to read as follows:

558.20 Acknowledgments.

The acknowledgment of any deed, conveyance, or other instrument in writing by which real estate in this state is conveyed or encumbered, whether made within this state, outside this state, outside the United States, or under federal authority, shall comply with the provisions of chapter ~~9E~~ 9B.

Sec. 49. Section 558.40, Code 2011, is amended to read as follows:

558.40 Liability of officer.

Any officer, who knowingly misstates a material fact in any of the certificates mentioned in this chapter or chapter ~~9E~~ 9B, shall be liable for all damages caused thereby, and shall be guilty of a serious misdemeanor.

Sec. 50. Section 558.42, Code 2011, is amended to read as

follows:

558.42 Acknowledgment as condition precedent.

A document shall not be deemed lawfully recorded, unless it has been previously acknowledged or proved in the manner prescribed in chapter ~~9E~~ 9B, except that affidavits, and certified copies of petitions in bankruptcy with or without the schedules appended, of decrees of adjudication in bankruptcy, and of orders approving trustees' bonds in bankruptcy, and uniform commercial code financing statements and financing statement changes as provided in chapter 554 need not be thus acknowledged.

Sec. 51. Section 589.4, Code 2011, is amended to read as follows:

589.4 Acknowledgments by corporation officers.

The acknowledgments of all deeds, mortgages, or other instruments in writing taken or certified more than ten years earlier, which instruments have been recorded in the recorder's office of any county of this state, including acknowledgments of instruments made by a corporation, or to which the corporation was a party, or under which the corporation was a beneficiary; and which have been acknowledged before or certified by a notary public as provided in chapter 9B who was at the time of the acknowledgment or certifying a stockholder or officer in the corporation, are legal and valid official acts of the notaries public, and entitle the instruments to be recorded, anything in the laws of the state of Iowa in regard to acknowledgments to the contrary notwithstanding. This section does not affect pending litigation.

Sec. 52. Section 589.5, Code 2011, is amended to read as follows:

589.5 Acknowledgments by stockholders.

All deeds and conveyances of lands within this state executed more than ten years earlier, but which have been acknowledged or proved according to and in compliance with the laws of this state before a notary public as provided in chapter 9B or other official authorized by law to take acknowledgments who was, at the time of the acknowledgment, an officer or stockholder of a corporation interested in the deed or conveyance, or otherwise interested in the deeds or conveyances, are, if otherwise valid, valid in law as though acknowledged or proved before an officer not interested in the deeds or conveyances; and if recorded more than ten years earlier, in the respective counties in which the lands are, the

records are valid in law as though the deeds and conveyances, so acknowledged or proved and recorded, had, prior to being recorded, been acknowledged or proved before an officer having no interest in the deeds or conveyances.

Sec. 53. Section 600.7, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. If by any other person, either in the presence of the juvenile court or court in which the adoption petition is filed or before a notary public as provided in chapter 9B.

Sec. 54. Section 602.8102, subsection 78, Code 2011, is amended to read as follows:

78. Certify an acknowledgment of a written instrument relating to real estate as provided in section ~~9E.10~~ 9B.10 or 558.20.

Sec. 55. Section 622.86, Code 2011, is amended to read as follows:

622.86 Foreign affidavits.

Those taken out of the state before any judge or clerk of a court of record, or before a notary public as provided in chapter 9B, or a commissioner appointed by the governor of this state to take acknowledgment of deeds in the state where such affidavit is taken, are of the same credibility as if taken within the state.

Sec. 56. Section 624.37, subsection 1, Code Supplement 2011, is amended to read as follows:

1. When the amount due upon judgment is paid off, or satisfied in full, the party entitled to the proceeds thereof, or those acting for that party, must acknowledge satisfaction of the judgment by the execution of an instrument referring to it, duly acknowledged or notarized in the manner prescribed in chapter ~~9E~~ 9B, and filed in the office of the clerk in every county wherein the judgment is a lien. A failure to acknowledge satisfaction of the judgment in such manner within thirty days after having been requested to do so in a writing containing a draft release of the judgment shall subject the delinquent party to a penalty of four hundred dollars to be recovered by a motion filed in the court that rendered the original judgment requesting that the payor of the judgment, if different from the judgment debtor, be subrogated to the rights of the judgment creditor, that the court determine the amount currently owed on the judgment, or any other relief as may be necessary to accomplish payment and satisfaction of the judgment. If the motion relates to a lien of judgment as to

specific property, the motion may be filed by a person with an interest in the property.

Sec. 57. Section 633.279, subsection 2, paragraph a, Code Supplement 2011, is amended to read as follows:

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

Affidavit

State of .....)
County of .....) ss

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

.....
Testator
.....
Witness
.....
Witness

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

.....

Notary Public, or other notarial officer authorized to take and certify acknowledgments and administer oaths

~~(Seal)~~ (Stamp)

Sec. 58. Section 633.295, Code 2011, is amended to read as follows:

633.295 Testimony of witnesses.

The proof may be made by the oral or written testimony of one or more of the subscribing witnesses to the will. If such testimony is in writing, it shall be substantially in the following form executed and sworn to after the death of the decedent:

In the District Court of Iowa
In and for ..... County

In the Matter of the Estate of .....
....., Deceased
Probate No. ....
Testimony of Subscribing
Witness on Probate of Will.
State of .....)
..... County) ss

I, ..., being first duly sworn, state:

I reside in the County of ....., State of .....; I knew the testator on the .... day of ..... (month), ... (year), the date of the instrument, the original or exact reproduction of which is attached hereto, now shown to me, and purporting to be the last will and testament of the said ....., deceased; I am one of the subscribing witnesses to said instrument; at the said date of said instrument, I knew ....., the other subscribing witness; that said instrument was exhibited to me and to the other subscribing witness by the testator, who declared the same to be the testator's last will and testament, and was signed by the testator at ....., in the County of ....., State of ....., on the date shown in said instrument, in the presence of myself and the other subscribing witness; and the other subscribing witness and I then and there, at the request of the testator, in the presence of said testator and in the presence of each other, subscribed our names thereto as witnesses.

.....
Name of witness

.....
Address

Subscribed and sworn to before me this ... day of ..... (month), ... (year)

.....
Notary Public in and for
~~(Seal)~~ (Stamp) the State of .....

Sec. 59. Section 633A.4604, subsection 2, Code 2011, is amended to read as follows:

2. The certification must contain a statement that the trust has not been revoked, modified, or amended in any manner which would cause the representations contained in the certification of trust to be incorrect and must contain a statement that it is being signed by all of the currently acting trustees of the trust and is sworn and subscribed to under penalty of perjury before a notary public as provided in chapter 9B.

DIVISION III
EFFECTIVE DATE

Sec. 60. EFFECTIVE DATE. This Act takes effect January 1, 2013.

JOHN P. KIBBIE
President of the Senate

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2265, Eighty-fourth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/4, 2012

TERRY E. BRANSTAD
Governor

GENERAL ASSEMBLY

Senate File 2282

AN ACT

CONCERNING THE DEFINITIONS OF "ALL-TERRAIN VEHICLE" AND "OFF-ROAD UTILITY VEHICLE" FOR PURPOSES OF PROVISIONS ADMINISTERED BY THE DEPARTMENT OF NATURAL RESOURCES.

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

Section 1. Section 321.1, subsection 4, Code Supplement 2011, is amended to read as follows:

4. *"All-terrain vehicle"* means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use. *"All-terrain vehicle"* includes off-road utility vehicles ~~as defined in section 321I.1~~, but does not include farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

Sec. 2. Section 321.1, Code Supplement 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 47A. *"Off-road utility vehicle"* means a motorized flotation-tire vehicle with not less than four and not more than 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.

Sec. 3. Section 321I.1, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. "All-terrain vehicle" means a motorized ~~flotation-tire~~ vehicle with not less than three and not more than six ~~low-pressure~~ nonhighway tires that is limited in engine displacement to less than one thousand cubic centimeters and in

total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

Sec. 4. Section 321I.1, subsection 16, paragraph a, Code 2011, is amended to read as follows:

a. "Off-road utility vehicle" means a motorized ~~flotation-tire~~ vehicle with not less than four and not more than eight ~~low-pressure~~ nonhighway 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~~ two 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.

JOHN P. KIBBIE
President of the Senate

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2282, Eighty-fourth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 3/14, 2012

TERRY E. BRANSTAD
Governor

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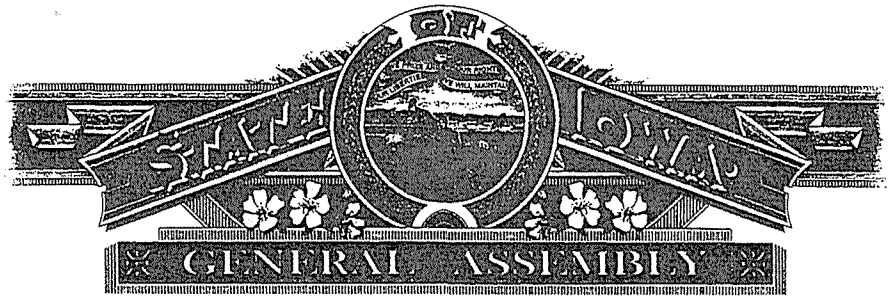
S.F. 2282



Senate File 2285

AN ACT

RELATING TO STATUTORY CORRECTIONS WHICH MAY ADJUST LANGUAGE TO REFLECT CURRENT PRACTICES, INSERT EARLIER OMISSIONS, DELETE REDUNDANCIES AND INACCURACIES, DELETE TEMPORARY LANGUAGE, RESOLVE INCONSISTENCIES AND CONFLICTS, UPDATE ONGOING PROVISIONS, OR REMOVE AMBIGUITIES, AND INCLUDING EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS.

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

DIVISION I

STATUTORY CORRECTIONS

Section 1. Section 8.55, subsection 2, Code Supplement 2011, is amended to read as follows:

2. ~~a.~~ The maximum balance of the fund is the amount equal to two and one-half percent of the adjusted revenue estimate for the fiscal year. If the amount of moneys in the Iowa economic emergency fund is equal to the maximum balance, moneys in excess of this amount shall be distributed as follows:

~~(1)~~ *a.* The first sixty million dollars of the difference between the actual net revenue for the general fund of the state for the fiscal year and the adjusted revenue estimate for the fiscal year shall be transferred to the taxpayers trust fund.

~~(2)~~ *b.* The remainder of the excess, if any, shall be transferred to the general fund of the state.

~~*b. Notwithstanding paragraph "a", any moneys in excess of the maximum balance in the economic emergency fund after the distribution of the surplus in the general fund of the state at the conclusion of each fiscal year shall not be distributed as provided in paragraph "a" but shall be transferred to the senior living trust fund. The total amount appropriated, reverted,*~~

~~or transferred, in the aggregate, under this paragraph, section 8.57, subsection 2, and any other law providing for an appropriation or reversion or transfer of an appropriation to the credit of the senior living trust fund, for all fiscal years beginning on or after July 1, 2004, shall not exceed the amount specified in section 8.57, subsection 2, paragraph "c".~~

Sec. 2. Section 8.57, Code Supplement 2011, is amended to read as follows:

8.57 Annual appropriations — reduction of GAAP deficit — rebuild Iowa infrastructure fund.

1. *a.* The *"cash reserve goal percentage"* for fiscal years beginning on or after July 1, 2004, is seven and one-half percent of the adjusted revenue estimate. For each fiscal year in which the appropriation of the surplus existing in the general fund of the state at the conclusion of the prior fiscal year pursuant to paragraph *"b"* was not sufficient for the cash reserve fund to reach the cash reserve goal percentage for the current fiscal year, there is appropriated from the general fund of the state an amount to be determined as follows:

(1) If the balance of the cash reserve fund in the current fiscal year is not more than six and one-half percent of the adjusted revenue estimate for the current fiscal year, the amount of the appropriation under this lettered paragraph is one percent of the adjusted revenue estimate for the current fiscal year.

(2) If the balance of the cash reserve fund in the current fiscal year is more than six and one-half percent but less than seven and one-half percent of the adjusted revenue estimate for that fiscal year, the amount of the appropriation under this lettered paragraph is the amount necessary for the cash reserve fund to reach seven and one-half percent of the adjusted revenue estimate for the current fiscal year.

(3) The moneys appropriated under this lettered paragraph shall be credited in equal and proportionate amounts in each quarter of the current fiscal year.

b. The surplus existing in the general fund of the state at the conclusion of the fiscal year is appropriated for distribution in the succeeding fiscal year as provided in subsections ~~3~~ 2 and ~~4~~ 3. Moneys credited to the cash reserve fund from the appropriation made in this paragraph shall not exceed the amount necessary for the cash reserve fund to reach the cash reserve goal percentage for the succeeding fiscal

year. As used in this paragraph, "*surplus*" means the excess of revenues and other financing sources over expenditures and other financing uses for the general fund of the state in a fiscal year.

c. The amount appropriated in this section is not subject to the provisions of section 8.31, relating to requisitions and allotment, or to section 8.32, relating to conditional availability of appropriations.

~~2. *a.* There is appropriated from the surplus existing in the general fund of the state at the conclusion of the fiscal year beginning July 1, 2005, and ending June 30, 2006, and at the conclusion of each succeeding fiscal year for distribution to the senior living trust fund, an amount equal to one percent of the adjusted revenue estimate for the current fiscal year. However, if the amount of the surplus existing in the general fund of the state at the conclusion of a fiscal year is less than two percent of the adjusted revenue estimate for that fiscal year, the amount of the appropriation made in this paragraph shall be equal to fifty percent of the surplus amount. The appropriation made in this paragraph shall be distributed to the senior living trust fund in the succeeding fiscal year. For the purposes of this subsection, "*surplus*" means the same as defined in subsection 1, paragraph "*b*".~~

~~*b.* The appropriation made in paragraph "*a*" shall be made before the appropriations are made pursuant to subsections 1, 3, and 4, of the surplus existing in the general fund of the state at the conclusion of the fiscal year beginning July 1, 2005, and ending June 30, 2006, and each succeeding fiscal year.~~

~~*c.* The appropriation made in paragraph "*a*" shall continue until the aggregate amount of the appropriations made, reverted, or transferred to the senior living trust fund for all fiscal years beginning on or after July 1, 2004, pursuant to paragraph "*a*" of this subsection, section 8.55, subsection 2, paragraph "*b*", and any other law providing for an appropriation or reversion or transfer of an appropriation to the senior living trust fund is equal to three hundred million dollars.~~

~~*d.* This subsection and section 8.55, subsection 2, paragraph "*b*", are repealed when the aggregate amount specified in paragraph "*c*" has been distributed, appropriated, reverted, or transferred to the senior living trust fund. The director of the department of management shall notify the Iowa Code editor~~

~~when the aggregate amount has been distributed, appropriated, reverted, or transferred.~~

~~3.~~ 2. Moneys appropriated under subsection 1 shall be first credited to the cash reserve fund. To the extent that moneys appropriated under subsection 1 would make the moneys in the cash reserve fund exceed the cash reserve goal percentage of the adjusted revenue estimate for the fiscal year, the moneys are appropriated to the department of management to be spent for the purpose of eliminating Iowa's GAAP deficit, including the payment of items budgeted in a subsequent fiscal year which under generally accepted accounting principles should be budgeted in the current fiscal year. These moneys shall be deposited into a GAAP deficit reduction account established within the department of management. The department of management shall annually file with both houses of the general assembly at the time of the submission of the governor's budget, a schedule of the items for which moneys appropriated under this subsection for the purpose of eliminating Iowa's GAAP deficit, including the payment of items budgeted in a subsequent fiscal year which under generally accepted accounting principles should be budgeted in the current fiscal year, shall be spent. The schedule shall indicate the fiscal year in which the spending for an item is to take place and shall incorporate the items detailed in 1994 Iowa Acts, chapter 1181, section 17. The schedule shall list each item of expenditure and the estimated dollar amount of moneys to be spent on that item for the fiscal year. The department of management may submit during a regular legislative session an amended schedule for legislative consideration. If moneys appropriated under this subsection are not enough to pay for all listed expenditures, the department of management shall distribute the payments among the listed expenditure items. Moneys appropriated to the department of management under this subsection shall not be spent on items other than those included in the filed schedule. On September 1 following the close of a fiscal year, moneys in the GAAP deficit reduction account which remain unexpended for items on the filed schedule for the previous fiscal year shall be credited to the Iowa economic emergency fund.

~~4.~~ 3. To the extent that moneys appropriated under subsection 1 exceed the amounts necessary for the cash reserve fund to reach its maximum balance and the amounts necessary to

feed, that is composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials including plant, animal, and marine materials, or forestry materials as provided in 7 U.S.C. § 8102.

Sec. 4. Section 11.2, subsection 3, paragraph d, Code Supplement 2011, is amended to read as follows:

d. The review of the most recent annual report to shareholders of an open-end management investment company or an unincorporated investment company or investment trust registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. § 80a, pursuant to 17 C.F.R. § 270.30d-1 or the review, by the person performing the audit, of the most recent annual report to shareholders, call reports, or the findings pursuant to a regular examination under state or federal law, to the extent the findings are not confidential, of a bank, savings and loan association, or credit union shall satisfy the review requirements of this ~~paragraph~~ subsection.

Sec. 5. Section 11.5A, Code Supplement 2011, is amended to read as follows:

11.5A Audit or examination — costs.

When requested by the auditor of state, the department of management shall transfer from any unappropriated funds in the state treasury an amount not exceeding the expenses and prorated salary costs already paid to perform audits or examinations of state departments and agencies, the offices of the judicial branch, and federal financial assistance as defined in the federal Single Audit Act, 31 U.S.C. § 7501, et seq., received by all other departments, as listed in section 11.5B, for which payments by agencies have not been made. Upon payment by the departments, the auditor of state shall credit the payments to the state treasury.

Sec. 6. Section 15.107, subsection 1, Code Supplement 2011, is amended to read as follows:

1. The authority shall establish the Iowa innovation corporation as a nonprofit corporation organized under chapter 504 and qualifying under section 501(c)(3) of the Internal Revenue Code as an organization exempt from taxation. Unless otherwise provided in this subchapter, the corporation is subject to the provisions of chapter 504. The corporation shall be established for the purpose of receiving and disbursing funds from public or private sources ~~to be used~~ to

further the overall development and economic well-being of the state.

Sec. 7. Section 15.202, Code Supplement 2011, is amended to read as follows:

15.202 Grants and gifts.

The authority may~~, with the approval of the director,~~ accept grants and allotments of funds from the federal government and enter into cooperative agreements with the secretary of agriculture of the United States for projects to effectuate any of the purposes of the agricultural marketing program; and may accept grants, gifts, or allotments of funds from any person for the purpose of carrying out the agricultural marketing program. The authority shall make an itemized accounting of such funds to the director at the end of each fiscal year.

Sec. 8. Section 15.272, Code Supplement 2011, is amended to read as follows:

15.272 Statewide welcome center program — objectives and agency responsibilities — pilot projects.

The state agencies, as indicated in this section, shall undertake certain specific functions to implement the goals of a statewide program, including the pilot projects, for welcome centers.

1. *a.* The department of economic development and the state department of transportation shall jointly establish a statewide long-range plan for developing and operating welcome centers throughout the state. The plan shall be submitted to the general assembly by January 15, 1988. The plan shall address, but not be limited to, the following:

(1) Integrating state, regional, and local tourism and recreation marketing and promotion plans.

(2) Recommending a wide range of centers, including state-developed and state-operated to privately managed facilities.

(3) Establishing design, service, and maintenance quality standards which all welcome centers will maintain. Included in the standards shall be a provision requiring that space or facilities be available for purposes of displaying and offering for sale Iowa-made products, crafts, and arts. The space or facilities may be operated by the department of economic development or leased to and operated by other persons.

(4) Making projections of increased tourist spending, indirect economic benefits, and direct revenue production which

are estimated to occur as a result of implementing a statewide welcome center program.

(5) Projecting estimated acquisition, construction, exhibit, staffing, and maintenance costs.

(6) Integrating electronic data telecommunications systems.

(7) Identifying sites for maintaining existing centers as well as locations for new centers.

b. The departments may enter into contracts for the preparation of the long-range plan. The departments shall involve the department of natural resources and the department of cultural affairs in the preparation of the plan. The recommendations and comments of organizations representing hospitality and tourism services, including but not limited to, the regional tourism councils, convention and visitors bureaus, and the Iowa travel council, and others with interests in this program will be considered for incorporation in the plan. Prior to submission of the plan to the general assembly, the plan shall be submitted to the regional tourism councils, the convention and visitors bureaus, and the Iowa travel council for their comments and criticisms which shall be submitted by the department of economic development along with the plan to the general assembly.

2. The responsibilities of the authority include the following:

a. Seeing to the acquisition of property and the construction of all new welcome centers including the pilot projects selected by the department of economic development pursuant to paragraph "e". In carrying out this responsibility the authority may~~,~~ but is not limited to~~,~~ the following:

(1) Arrange for the state department of transportation to acquire title to land and buildings for use as and undertake construction of state-owned welcome centers. In acquiring property and constructing the welcome centers, including any pilot projects, the state department of transportation may use any funds available to it, including but not limited to, the RISE fund, matching funds from local units of government or organizations, the primary road fund, federal grants, and moneys specifically appropriated for these purposes.

(2) Contract with other state agencies, local units of government, or private groups, organizations, or entities for the use of land, buildings, or facilities as state welcome centers or in connection with state welcome centers, whether or not the property is actually owned by the state. If the local match required for pilot projects or which may be required for other welcome centers is met by providing land, buildings, or facilities, the entity providing the local match shall enter into an agreement with the authority to either transfer title of the property to the state or to dedicate the use of the property under the conditions and period of time set by the authority.

b. Providing for the operations, management, and maintenance of the state-owned and state-operated welcome centers, including the collection and distribution of tourism literature, telecommunication services, and other travel-related services, and the display and offering for sale of Iowa-made products, crafts, and arts.

c. Providing, at the discretion of the authority, financial assistance in the form of loans and grants to privately operated information centers to the extent the centers are consistent with the long-range plan.

d. Developing a common theme or graphic logo which will be identified with all welcome centers which meet the standards of operations established for those centers.

e. Selecting the sites for the pilot projects. In selecting the pilot project sites, the following apply:

(1) Up to three sites may be located in proximity to the interstates and up to three sites may be located in proximity to the other primary roads. The department of economic development shall select at least one site which is in proximity to a primary road which is not an interstate.

(2) Proposals for the sites must be submitted prior to September 1, 1987, and shall contain a commitment of at least a one-dollar-per-dollar match of state financial assistance. The local match may be in terms of land, buildings, or other noncash items which are acceptable by the department of economic development.

(3) Priority shall be given to proposals that have the best local match, that are to be located where there is a very high number of travelers passing, and for which the department of economic development, after consultation with the departments of transportation, natural resources, and cultural affairs, considers the chances of success to be nearly perfect.

(4) The department of economic development shall select the sites by September 15, 1987.

shall be designed to foster the accelerated growth of new and existing businesses through the provision of technical assistance. The ~~economic development~~ authority may provide financial assistance under this section from moneys allocated for regional financial assistance pursuant to section 15G.111, subsection 9.

Sec. 23. Section 15E.351, subsection 2, paragraph h, Code Supplement 2011, is amended to read as follows:

h. The business accelerator must possess the willingness to accept referrals from the ~~economic development~~ authority.

Sec. 24. Section 15G.111, subsection 2, paragraphs c and d, Code Supplement 2011, are amended to read as follows:

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

d. Of the moneys transferred to the fund pursuant to 2009 Iowa Acts, chapter 123, section 9, the authority~~, with the approval of the authority,~~ may allocate an amount necessary to fund administrative and operations costs. An allocation pursuant to this paragraph may be made in addition to any allocations made pursuant to subsection 4, paragraph *"a"*.

Sec. 25. Section 15G.112, subsection 1, paragraph b, Code Supplement 2011, is amended to read as follows:

b. The program shall consist of the components described in subsections 4 through 9. Each fiscal year, the authority~~, with the approval of the authority,~~ shall allocate an amount of financial assistance from the fund that may be awarded under each component of the program to qualifying applicants.

Sec. 26. Section 15G.112, subsection 1, paragraph d, unnumbered paragraph 1, Code Supplement 2011, is amended to read as follows:

For each award of financial assistance under the program, the authority 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 authority may negotiate~~, subject to approval by the authority,~~ the terms and obligations of the agreement. An agreement shall contain but need not be limited to all of the following terms and obligations:

Sec. 27. Section 15G.112, subsection 4, paragraph a, subparagraph (2), Code Supplement 2011, is amended to read as follows:

(2) The business shall provide a sufficient package of benefits to each employee holding a created or retained job. The authority~~, at the recommendation of the authority,~~ shall adopt rules determining what constitutes a sufficient package of benefits.

Sec. 28. Section 15G.112, subsection 5, paragraph b, Code Supplement 2011, is amended to read as follows:

b. The business shall provide a sufficient package of benefits to each employee holding a created or retained job. The authority~~, at the recommendation of the authority,~~ shall adopt rules determining what constitutes a sufficient package of benefits.

Sec. 29. Section 15G.113, subsection 1, Code Supplement 2011, is amended to read as follows:

1. The authority~~, with the approval of the authority,~~ 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 authority, 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.

Sec. 30. Section 15G.114, subsection 1, Code Supplement 2011, is amended to read as follows:

1. The authority~~, upon the recommendation of the authority,~~ shall adopt rules for the administration of this chapter in accordance with chapter 17A.

Sec. 31. Section 15G.115, subsection 1, Code Supplement 2011, is amended to read as follows:

1. The authority shall accept and process applications for financial assistance under the economic development financial assistance program. After processing the applications, the authority shall prepare them for review by advisory committees and for final action ~~by the authority~~ as described in this section.

Sec. 32. Section 15G.115, subsection 3, paragraphs b and d, Code Supplement 2011, are amended to read as follows:

b. Consider the recommendation of the ~~due diligence~~

~~committee and the~~ technology commercialization committee on each application for financial assistance, as described in subsection 2, and take final action on each application.

d. Take final action on any rules ~~recommended by the authority~~ for the implementation of the provisions of this chapter.

Sec. 33. Section 15H.3, subsection 1, paragraph k, Code Supplement 2011, is amended to read as follows:

k. Additional ex officio, nonvoting members selected by the commission to the extent that they are not in conflict with the provisions of the National Community Service Trust Act of 1993 or any related state or federal legislation.

Sec. 34. Section 28N.2, subsection 2, paragraph e, Code Supplement 2011, is amended to read as follows:

e. Four voting members, each appointed by the heads of the following ~~departments~~ agencies:

(1) The department of agriculture and land stewardship.

(2) The department of natural resources.

(3) The economic development authority.

(4) The department of transportation.

Sec. 35. Section 29C.20B, subsection 1, Code Supplement 2011, is amended to read as follows:

1. The homeland security and emergency management division shall work with the department of human services and nonprofit, voluntary, and faith-based organizations active in disaster recovery and response ~~in coordination with the department of human services~~ to establish a statewide system of disaster case management to be activated following the governor's proclamation of a disaster emergency or the declaration of a major disaster by the president of the United States for individual assistance purposes. Under the system, the homeland security and emergency management division shall coordinate case management services locally through local committees as established in each commission's emergency plan.

Sec. 36. Section 42.4, subsection 8, paragraph b, subparagraph (2), Code 2011, is amended to read as follows:

(2) Each holdover senatorial district to which subparagraph (1) is not applicable shall elect a senator in the year ending in two for a two-year term commencing in January of the year ending in three. However, if more than one incumbent state senator is residing in a holdover senatorial district on the first Wednesday in February of the year ending in two, and,

on or before the ~~first~~ third Wednesday in February of the year ending in two, all but one of the incumbent senators resigns from office effective no later than January of the year ending in three, the remaining incumbent senator shall represent the district in the senate for the general assembly commencing in January of the year ending in three. A copy of each resignation must be filed in the office of the secretary of state no later than five p.m. on the third Wednesday in February of the year ending in two.

Sec. 37. Section 46.2A, subsection 8, Code 2011, is amended by striking the subsection.

Sec. 38. Section 123.135, subsection 5, Code 2011, is amended to read as follows:

5. Notwithstanding any other penalties provided by this chapter, any holder of a certificate of compliance or any class "A" permit holder who violates this chapter or the rules adopted pursuant to this chapter is subject to a civil ~~fine~~ penalty not to exceed one thousand dollars or suspension of the holder's certificate or permit for a period not to exceed one year, or both such civil ~~fine~~ penalty and suspension. Civil ~~fines~~ penalties imposed under this section shall be collected and retained by the division.

Sec. 39. Section 123.180, subsection 6, Code 2011, is amended to read as follows:

6. Regardless of any other penalties provided by this chapter, any holder of a certificate of compliance relating to wine or a class "A" permittee who violates this chapter or the rules adopted pursuant to this chapter is subject to a civil ~~fine~~ penalty not to exceed one thousand dollars or subject to suspension of the certificate of compliance or permit for a period not to exceed one year, or to both civil ~~fine~~ penalty and suspension. Civil ~~fines~~ penalties imposed under this section shall be collected and retained by the division.

Sec. 40. Section 125.2, subsection 14, Code Supplement 2011, is amended to read as follows:

14. *"Psychiatric advanced registered nurse practitioner"* means an individual currently licensed as a registered nurse under chapter 152 or 152E who holds a national certification in psychiatric mental health care and who is registered with the board of nursing as an advanced registered nurse practitioner.

Sec. 41. Section 125.10, subsections 3, 5, 9, and 17, Code 2011, as amended by 2011 Iowa Acts, chapter 121, section 30,

or 282.7, subsection 1 or ~~subsections 1 and~~ 3. Whole grade sharing may either be one-way or two-way sharing.

Sec. 63. Section 282.18, subsection 15, Code 2011, is amended to read as follows:

15. *a.* If a request under this section is for transfer to ~~a laboratory~~ the research and development 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~~ the research and development 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~~ the research and development 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.

Sec. 64. Section 306D.2, subsection 1, unnumbered paragraph 1, Code Supplement 2011, is amended to read as follows:

The state department of transportation shall prepare a statewide, long-range plan for the protection, enhancement, and identification of highways and secondary roads which pass through unusually scenic areas of the state as identified in section 306D.1. The department of natural resources, department of economic development ~~authority~~, and department of cultural affairs, private organizations, county conservation boards, city park and recreation departments, and the federal agencies having jurisdiction over land in the state shall be encouraged to assist in preparing the plan. The plan shall be coordinated with the state's open space plan if a state open space plan has been approved by the general assembly. The plan shall include, but is not limited to, the following elements:

Sec. 65. Section 321.18, subsection 9, Code 2011, is amended by striking the subsection.

Sec. 66. Section 321.180B, subsection 1, paragraph c, Code Supplement 2011, is amended to read as follows:

c. 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, 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, 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. 67. Section 321.186, subsection 3, Code Supplement 2011, is amended to read as follows:

3. The examination shall include a screening of the applicant's eyesight, a test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic, a test of the applicant's knowledge of the traffic laws of this state, an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle, and other physical and mental examinations as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways. However, an applicant for a new driver's license ~~other than a commercial driver's license~~ need not pass a vision test administered by the department if the applicant files with the department a vision report in accordance with section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department.

Sec. 68. Section 331.427, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. Expenses of a ~~joint~~ local emergency management commission under chapter 29C.

Sec. 69. Section 331.653, subsection 5, Code 2011, is amended to read as follows:

5. Serve as a member of the ~~joint~~ local emergency management commission as provided in section 29C.9.

Sec. 70. Section 331.756, subsection 4, Code Supplement 2011, is amended to read as follows:

4. Prosecute misdemeanors under chapter ~~236~~ 664A. The county attorney shall prosecute other misdemeanors when not otherwise engaged in the performance of other official duties.

Sec. 71. Section 419.4, subsection 2, Code 2011, is amended to read as follows:

2. *a.* The proceedings under which the bonds are authorized to be issued under the provisions of this chapter, and any mortgage given to secure the same, may contain any agreements and provisions customarily contained in instruments securing bonds, including~~,~~ but not limited to:

~~*a.*~~ (1) Provisions respecting custody of the proceeds from the sale of the bonds including their investment and reinvestment until used to defray the cost of the project.

~~*b.*~~ (2) Provisions respecting the fixing and collection of rents or payment with respect to any project covered by such proceedings or mortgage.

~~*c.*~~ (3) The terms to be incorporated in the lease, sale contract, or loan agreement with respect to such project.

~~*d.*~~ (4) The maintenance and insurance of such project.

~~*e.*~~ (5) The creation, maintenance, custody, investment and reinvestment and use of special funds from the revenues of such project, and

~~*f.*~~ (6) The rights and remedies available in case of a default to the bond holders or to any trustee under the lease, sale contract, loan agreement or mortgage.

b. A municipality shall have the power to provide that proceeds from the sale of bonds and special funds from the revenues of the project shall be invested and reinvested in such securities and other investments as shall be provided in the proceedings under which the bonds are authorized to be issued including:

(1) obligations issued or guaranteed by the United States;

(2) obligations issued or guaranteed by any person controlled or supervised by and acting as an instrumentality of the United States pursuant to authority granted by the Congress of the United States;

(3) obligations issued or guaranteed by any state of the United States, or the District of Columbia, or any political subdivision of any such state or district;

(4) prime commercial paper;

(5) prime finance company paper;

(6) bankers' acceptances drawn on and accepted by banks organized under the laws of any state or of the United States;

(7) repurchase agreements fully secured by obligations issued or guaranteed by the United States or by any person controlled or supervised by and acting as an instrumentality of the United States pursuant to authority granted by the Congress of the United States; and

(8) certificates of deposit issued by banks organized under the laws of any state or of the United States; whether or not such investment or reinvestment is authorized under any other law of this state. The municipality shall also have the power to provide that such proceeds or funds or investments and the amounts payable under the lease, sale contract, or loan agreement shall be received, held and disbursed by one or more banks or trust companies located in or out of the state of Iowa. A municipality shall also have the power to provide that the project and improvements shall be constructed by the municipality, lessee, the lessee's designee, the contracting party, or the contracting party's designee, or any one or more of them on real estate owned by the municipality, the lessee, the lessee's designee, the contracting party, or the contracting party's designee, as the case may be, that the bond proceeds shall be disbursed by the trustee bank or banks, trust company or trust companies, during construction upon the estimate, order or certificate of the lessee, the lessee's designee, the contracting party, or the contracting party's designee.

c. In making such agreements or provisions as provided in this subsection, a municipality shall not have the power to obligate itself, except with respect to the project and the application of the revenues therefrom, and shall not have the power to incur a pecuniary liability or a charge upon its general credit or against its taxing powers.

Sec. 72. Section 422.5, subsection 3, paragraph b, Code Supplement 2011, is amended to read as follows:

b. In lieu of the computation in subsection 1~~,~~ or 2, or ~~3~~ in paragraph "*a*" of this subsection, 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.

Sec. 73. Section 422.7, subsection 51, Code Supplement 2011, is amended to read as follows:

51. Subtract, to the extent included, the amount of any Vietnam Conflict veterans bonus provided pursuant to section 35A.8, subsection 5~~, and section 35A.8A~~.

Sec. 74. Section 422.11S, subsection 7, paragraph a, subparagraph (2), Code Supplement 2011, is amended to read as follows:

(2) *"Total approved tax credits"* means for the tax year beginning in the 2006 calendar year, two million five hundred thousand dollars, for the tax year beginning in the 2007 calendar year, five million dollars, and for tax years beginning on or after January 1, 2008, seven million five hundred thousand dollars. However, for tax years beginning on or after January 1, 2012, ~~and only if legislation is enacted by the Eighty-fourth General Assembly, 2011 session, amending section 257.8, subsections 1 and 2, to establish both the state percent of growth and the categorical state percent of growth for the budget year beginning July 1, 2012, at two percent,~~ *"total approved tax credits"* means eight million seven hundred fifty thousand dollars.

Sec. 75. Section 422.11T, Code 2011, is amended to read as follows:

422.11T Film qualified expenditure tax credit.

The taxes imposed under this division, less the ~~credit~~ credits allowed under section 422.12, shall be reduced by a qualified expenditure tax credit authorized pursuant to section 15.393, subsection 2, paragraph *"a"*.

Sec. 76. Section 422.11U, Code 2011, is amended to read as follows:

422.11U Film investment tax credit.

The taxes imposed under this division, less the ~~credit~~ credits allowed under section 422.12, shall be reduced by an investment tax credit authorized pursuant to section 15.393, subsection 2, paragraph *"b"*.

Sec. 77. Section 437A.14, subsection 3, Code Supplement

2011, is amended to read as follows:

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

Sec. 78. Section 445.5, subsection 6, Code Supplement 2011, is amended to read as follows:

6. The county treasurer shall deliver to the taxpayer a receipt stating the year of tax, date of payment, a description of the parcel, and the amount of taxes, interest, fees, and costs paid when payment is made by cash tender. A receipt for other payment tender types shall only be delivered upon request. The receipt shall be in full ~~of~~ for the first half, second half, or full year amounts unless a payment is made under section 445.36A or 435.24, subsection 6.

Sec. 79. Section 452A.3, subsection 5, Code 2011, is amended to read as follows:

5. a. The tax shall be paid by the following:

~~a.~~ (1) The supplier, upon the invoiced gross gallonage of all motor fuel or undyed special fuel withdrawn from a terminal for delivery in this state.

(2) Tax shall not be paid when the sale of alcohol occurs within a terminal from an alcohol manufacturer to an Iowa licensed supplier. The tax shall be paid by the Iowa licensed supplier when the invoiced gross gallonage of the alcohol or the alcohol part of ethanol blended gasoline is withdrawn from a terminal for delivery in this state.

~~b.~~ (3) The person who owns the fuel at the time it is brought into the state by a restrictive supplier or importer, upon the invoiced gross gallonage of motor fuel or undyed special fuel imported.

~~c.~~ (4) The blender on total invoiced gross gallonage of alcohol or other product sold to be blended with gasoline or

special fuel.

~~d.~~ (5) Any other person who possesses taxable fuel upon which the tax has not been paid to a licensee.

b. ~~However, the~~ The tax shall not be imposed or collected under this division with respect to motor fuel or special fuel sold for export or exported from this state to any other state, territory, or foreign country.

Sec. 80. Section 455B.487, Code 2011, is amended to read as follows:

455B.487 Facility acquisition and operation.

1. The commission shall adopt rules establishing criteria for the identification of land areas or sites which are suitable for the operation of facilities for the management of hazardous and low-level radioactive wastes. Upon request, the department shall assist in locating suitable sites for the location of a facility. The commission may purchase or condemn land to be leased or used for the operation of a facility subject to chapter 6A. Consideration for a contract for purchase of land shall not be in excess of funds appropriated by the general assembly for that purpose. The commission may lease land purchased under this section to any person including the state or a state agency. This section authorizes the state to own or operate hazardous waste facilities and low-level radioactive waste facilities, subject to the approval of the general assembly.

2. The purchase, condemnation, use, or lease of land for the management of wastes, shall be approved by the general assembly prior to the purchase, condemnation, use, or lease of the land.

3. a. The terms of the lease or contract shall establish responsibility for long-term monitoring and maintenance of the site. The commission shall require that the lessee or operator post bond or provide proof of sufficient insurance coverage, as determined by the commission to be reasonably necessary to protect the state against liabilities arising from the storage of wastes, abandonment of the facility, facility accidents, failure of the facility, or other liabilities which may arise.

b. The terms of the lease or contract shall also require that the lessee or operator of the facility pay an annual fee to the state, as established by the commission, to cover facility monitoring costs, and shall require that the lessee or operator establish a long-term monitoring and maintenance fund in which the lessee or operator shall deposit annually an amount specified by the commission. The fund shall be used

to pay closure, long-term monitoring and maintenance, and contingency costs.

4. The lease agreement or contract shall provide for a local review and monitoring committee established by the county or municipal entity governing the jurisdiction in which the facility is located. Prior to the approval of a lease agreement or contract the local committee shall review the application of the prospective lessee or operator and shall determine the suitability of the proposed site for the facility. The local committee may inspect the facility during operation and may make recommendations regarding the operation and closure of the facility. The commission shall establish a surtax paid by the lessee or operator of a facility to the local governmental entity, and retained by the local governmental entity in which the facility is located. The lessee or operator of the facility shall provide funding for the implementation of the duties of the local committee.

5. The lessee or operator is subject to all applicable permit and licensing requirements. The leasehold interest, including improvements made to the property, shall be listed, assessed, and valued as any other real property as provided by law.

6. a. Facilities acquired or operated pursuant to this section shall comply with applicable federal and state statutes, local ordinances, and regulations adopted by regulatory agencies to the extent required by law.

~~The purchase, condemnation, use, or lease of land for the management of wastes, shall be approved by the general assembly prior to the purchase, condemnation, use, or lease of the land.~~

b. Facilities acquired or operated pursuant to this section may be used for regional, statewide or multistate management of wastes.

c. Facilities acquired or operated pursuant to this section shall not be used for the purpose of shallow land burial of wastes as a means of disposal.

7. An operator of a facility acquired or operated pursuant to this section shall require that a person, prior to the use of the facility, submit proof that reasonable and good faith measures have been taken to reduce the generation of waste.

8. A hazardous waste facility acquired or operated pursuant to this section shall be operated in accordance with the following schedule:

~~1.~~ a. The initial fee paid by a person depositing hazardous

2011, is amended to read as follows:

b. The notice shall contain the following in capital letters of the same type or print size as the rest of the notice:

WITHIN THIRTY DAYS AFTER YOUR RECEIPT OF THIS NOTICE, YOU MUST EITHER CURE THE DEFAULTS DESCRIBED IN THIS NOTICE OR FILE WITH THE RECORDER OF THE COUNTY WHERE THE MORTGAGED PROPERTY IS LOCATED A REJECTION OF THIS NOTICE AND SERVE A COPY OF YOUR REJECTION ON THE MORTGAGEE IN THE MANNER PROVIDED ~~BY THE RULES OF CIVIL PROCEDURE FOR SERVICE OF ORIGINAL NOTICES~~ IN SECTION 655A.4. IF YOU WISH TO REJECT THIS NOTICE, YOU SHOULD CONSULT AN ATTORNEY AS TO THE PROPER MANNER TO MAKE THE REJECTION.

IF YOU DO NOT TAKE EITHER OF THE ACTIONS DESCRIBED ABOVE WITHIN THE THIRTY-DAY PERIOD, THE FORECLOSURE WILL BE COMPLETE AND YOU WILL LOSE TITLE TO THE MORTGAGED PROPERTY. AFTER THE FORECLOSURE IS COMPLETE THE DEBT SECURED BY THE MORTGAGED PROPERTY WILL BE EXTINGUISHED.

Sec. 111. Section 692A.118, subsections 11 and 12, Code Supplement 2011, are amended to read as follows:

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 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~~ 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. 112. Section 714.27, subsection 2, paragraph a, Code Supplement 2011, is amended to read as follows:

a. ~~The identity of~~ Identifying information for the person from whom the salvaged material was received or purchased, including name and address; date of birth; Iowa driver's license number, Iowa nonoperator's identification card number, or social security number in conjunction with photo identification; sex, age, height, and race.

Sec. 113. Section 717F.1, subsection 5, paragraph a, subparagraph (9), Code Supplement 2011, is amended by striking the subparagraph.

Sec. 114. Section 717F.1, subsection 5, paragraph a, subparagraph (10), subparagraph division (d), Code Supplement 2011, is amended to read as follows:

(d) A member of the family elapidae, ~~voperidae~~ viperidae, crotalidae, atractaspidae, or hydrophidae which are venomous, including but not limited to cobras, mambas, coral snakes, kraits, adders, vipers, rattlesnakes, copperheads, pit vipers, keelbacks, cottonmouths, and sea snakes.

Sec. 115. Section 717F.8, subsection 2, paragraph j, Code 2011, is amended to read as follows:

j. Fifty dollars for a member of the family elapidae, ~~voperidae~~ viperidae, crotalidae, atractaspidae, or hydrophidae which are venomous, including but not limited to cobras, mambas, coral snakes, kraits, adders, vipers, rattlesnakes, copperheads, pit vipers, keelbacks, cottonmouths, and sea snakes.

Sec. 116. Section 805.8A, subsection 13, paragraph f, Code Supplement 2011, is amended to read as follows:

f. For violations of section 327B.1, subsection 1 or ~~2~~ 3, the scheduled fine is two hundred fifty dollars.

Sec. 117. Section 811.1, subsection 1, Code Supplement 2011, is amended to read as follows:

1. A defendant awaiting judgment of conviction and sentencing following either a plea or verdict of guilty of a class "A" felony~~,~~; forcible felony as defined in section 702.11~~,~~; any class "B" felony included in section 462A.14 or 707.6A; any felony included in section 124.401, subsection 1, paragraph "*a*" or "*b*"; ~~or~~ a second or subsequent offense under section 124.401, subsection 1, paragraph "*c*"; any felony punishable under section 902.9, subsection 1; any public offense committed while detained pursuant to section 229A.5; or any public offense committed while subject to an order of commitment pursuant to chapter 229A.

Sec. 118. Section 907.5, Code Supplement 2011, is amended to read as follows:

907.5 Standards for release on probation — written reasons.

1. Before deferring judgment, deferring sentence, or suspending sentence, the court first shall determine which option, if available, will provide maximum opportunity for the rehabilitation of the defendant and protection of the

community from further offenses by the defendant and others. In making this determination, the court shall consider all of the following:

a. The age of the defendant~~; the~~.

b. The defendant's prior record of convictions and prior record of deferments of judgment if any~~; the~~.

c. The defendant's employment circumstances~~; the~~.

d. The defendant's family circumstances~~; the~~.

e. The defendant's mental health and substance abuse history and treatment options available in the community and the correctional system~~; the~~.

f. The nature of the offense committed~~; and such~~.

g. Such other factors as are appropriate.

2. The court shall file a specific written statement of its reasons for and the facts supporting its decision to defer judgment, to defer sentence, or to suspend sentence, and its decision on the length of probation.

Sec. 119. REPEAL. Section 15.103, Code Supplement 2011, is repealed.

Sec. 120. REPEAL. Section 135.160, Code 2011, is repealed.

Sec. 121. 2011 Iowa Acts, chapter 113, section 45, is amended by striking the section and inserting in lieu thereof the following:

SEC. 45. Section 159.20, subsection 1, paragraph j, Code 2011, is amended to read as follows:

j. Provide for the promotion and expansion of renewable fuels and coproducts, by doing all of the following:

~~*j.*~~ (1) Assist the office of renewable fuels and coproducts in administering the provisions of chapter 159A, subchapter II.

(2) Assist the renewable fuel infrastructure board, provide for the administration of the renewable fuel infrastructure programs, and provide for the management of the renewable fuel infrastructure fund, as provided in chapter 159A, subchapter III.

Sec. 122. 2011 Iowa Acts, chapter 131, section 134, is amended to read as follows:

SEC. 134. 2011 Iowa Acts, Senate File 510, section ~~28~~ 27, if enacted, is amended to read as follows:

~~SEC. 28.~~ SEC. 27. EFFECTIVE DATE. The following provision of this division of this Act takes effect thirty days after enactment~~, notwithstanding section 3.7~~ of this Act or thirty days after the enactment of 2011 Iowa Acts, Senate File 533, if enacted, whichever is later:

The section of this division of this Act ~~amending~~ enacting section 124.204, subsection 4, paragraph "ai", subparagraphs (1) through (4).

Sec. 123. 2011 Iowa Acts, chapter 131, section 135, is amended to read as follows:

SEC. 135. 2011 Iowa Acts, Senate File 510, section ~~29~~ 28, if enacted, is amended to read as follows:

~~SEC. 29.~~ SEC. 28. EFFECTIVE UPON ENACTMENT. The following provision of this division of this Act, being deemed of immediate importance, ~~and notwithstanding section 3.7~~ takes effect upon enactment of this Act or upon enactment of 2011 Iowa Acts, Senate File 533, if enacted, whichever is later:

The section of this Act ~~amending~~ enacting section 124.204, subsection 4, paragraph "ai", subparagraph (5).

DIVISION II

INTERNAL REFERENCES

Sec. 124. Section 7E.5A, subsection 4, Code 2011, is amended to read as follows:

4. As used in this section, "*vertical infrastructure*" means the same as defined in section 8.57, subsection ~~6~~ 5, paragraph "*c*".

Sec. 125. Section 8.22A, subsection 5, paragraph b, Code Supplement 2011, is amended to read as follows:

b. The amount of revenue for the following fiscal year from gambling revenues and from interest earned on the cash reserve fund and the economic emergency fund to be deposited in the rebuild Iowa infrastructure fund under section 8.57, subsection ~~6~~ 5, paragraph "*e*".

Sec. 126. Section 8.57A, subsection 4, Code Supplement 2011, is amended to read as follows:

4. *a.* There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2013, and for each fiscal year thereafter, the sum of forty-two million dollars to the environment first fund, notwithstanding section 8.57, subsection ~~6~~ 5, paragraph "*c*".

b. There is appropriated from the rebuild Iowa infrastructure fund each fiscal year for the period beginning July 1, 2010, and ending June 30, 2012, the sum of thirty-three million dollars to the environment first fund, notwithstanding section 8.57, subsection ~~6~~ 5, paragraph "*c*".

c. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the sum of thirty-five million

dollars to the environment first fund, notwithstanding section 8.57, subsection ~~6~~ 5, paragraph "c".

Sec. 127. Section 8.57C, subsection 3, paragraphs b through d, Code Supplement 2011, are amended to read as follows:

b. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2008, and ending June 30, 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~~ 5, paragraph "c".

c. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the sum of ten million dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection ~~6~~ 5, paragraph "c".

d. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the sum of fifteen million, five hundred forty-one thousand dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection ~~6~~ 5, paragraph "c".

Sec. 128. Section 8A.123, subsection 1, Code 2011, is amended to read as follows:

1. Activities of the department shall be accounted for within the general fund of the state, except that the director may establish and maintain internal service funds in accordance with generally accepted accounting principles, as defined in section 8.57, subsection ~~5~~ 4, for activities of the department which are primarily funded from billings to governmental entities for services rendered by the department. The establishment of an internal service fund is subject to the approval of the director of the department of management and the concurrence of the auditor of state. At least ninety days prior to the establishment of an internal service fund pursuant to this section, the director shall notify in writing the general assembly, including the legislative council, legislative fiscal committee, and the legislative services agency.

Sec. 129. Section 12.87, subsection 1, paragraph b, subparagraph (1), Code Supplement 2011, is amended to read as follows:

(1) On or after July 1, 2009, 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~~ 5, paragraph "c", to the extent practicable in any fiscal year and without limiting other qualifying capital expenditures.

Sec. 130. Section 12.89, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. The revenues required to be deposited into the fund pursuant to section 8.57, subsection ~~6~~ 5, paragraph "e", subparagraphs (1) and (2).

Sec. 131. Section 12.89A, subsection 2, paragraph a, Code Supplement 2011, is amended to read as follows:

a. The revenues required to be deposited in the fund pursuant to section 8.57, subsection ~~6~~ 5, paragraph "e", subparagraphs (1) and (2).

Sec. 132. Section 12E.12, subsection 1, paragraph b, subparagraphs (1) and (2), Code 2011, are amended to read as follows:

(1) The tax-exempt bond proceeds restricted capital funds account. The net proceeds of tax-exempt bonds issued to provide funds for capital projects, certain debt service, and attorney fees related to the master settlement agreement which the state treasurer is authorized and directed to deposit on behalf of the state shall be deposited in the account and shall be used to fund capital projects, certain debt service, and the payment of attorney fees related to the master settlement agreement. With respect to capital projects, it is the intent of the general assembly to fund capital projects that qualify as vertical infrastructure projects as defined in section 8.57, subsection ~~6~~ 5, paragraph "c", 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.

(2) The FY 2009 tax-exempt bond proceeds restricted capital funds account. The net proceeds of tax-exempt bonds issued after July 1, 2008, as a result of the securitization of any remaining tobacco settlement payments to provide funds for capital projects which the treasurer of state is authorized and directed to deposit on behalf of the state shall be deposited in the account and shall be used to fund

capital projects. With respect to capital projects, it is the intent of the general assembly to fund capital projects that qualify as vertical infrastructure projects as defined in section 8.57, subsection ~~6~~ 5, paragraph "c", 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.

Sec. 133. Section 15G.110, Code Supplement 2011, is amended to read as follows:

15G.110 Appropriation.

For the fiscal year beginning July 1, 2011, and ending June 30, 2012, there is appropriated to the economic development authority fifteen million dollars from the rebuild Iowa infrastructure fund for deposit in the economic development fund, notwithstanding section 8.57, subsection ~~6~~ 5, paragraph "c".

Sec. 134. Section 16.193, subsection 2, Code Supplement 2011, is amended to read as follows:

2. For the period beginning July 1, 2009, and ending June 30, 2011, 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 and Iowa jobs II program, notwithstanding section 8.57, subsection ~~6~~ 5, paragraph "c".

Sec. 135. Section 99G.39, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. Notwithstanding subsection 1, 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 vision Iowa fund and the school infrastructure fund during the fiscal year pursuant to section 8.57, subsection ~~6~~ 5, paragraph "e", the difference shall be paid from lottery revenues prior to deposit of the lottery revenues in the general fund. If lottery revenues are insufficient during the fiscal year to pay the difference, the remaining difference shall be paid from lottery revenues in subsequent fiscal years as such revenues become available.

Sec. 136. Section 123.53, subsection 3, Code Supplement 2011, is amended to read as follows:

3. 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 and the revenue bonds federal subsidy holdback fund during the fiscal year pursuant to section 8.57, subsection ~~6~~ 5, 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 5 and 6. 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.

Sec. 137. Section 260G.6, subsection 2, Code Supplement 2011, is amended to read as follows:

2. Projects funded pursuant to this section shall be for vertical infrastructure as defined in section 8.57, subsection ~~6~~ 5, paragraph "c".

Sec. 138. Section 324A.6A, Code 2011, is amended to read as follows:

324A.6A Public transit infrastructure grant fund.

A public transit infrastructure grant fund is established within the department. Moneys in the fund shall be awarded to public transit systems within the state for construction and infrastructure projects that meet the definition of "*vertical infrastructure*" in section 8.57, subsection ~~6~~ 5, paragraph "c". The fund shall consist of appropriations made to the fund and transfers of interest, earnings, and moneys from other funds as provided by law. In awarding grant assistance, the office of public transit within the department shall, by rule, specify certain criteria that must be included in a grant application, which shall include but not be limited to information on the feasibility of completion of an individual infrastructure project. Notwithstanding section 8.33, moneys in the public transit infrastructure grant fund shall not revert to the fund from which they are appropriated but shall remain available indefinitely for expenditure under this section.

Sec. 139. Section 461A.3A, subsection 1, Code Supplement 2011, is amended to read as follows:

1. The department shall establish a restore the outdoors program. The purpose of the program is to provide funding for projects involving existing vertical infrastructure as defined in section 8.57, subsection ~~6~~ 5, paragraph "c", or the construction of new vertical infrastructure if the new

construction is required due to increased demand for facilities at the park or if it is not cost-effective to repair or renovate the existing vertical infrastructure. Projects shall be limited to existing state parks and other public facilities managed by the department.

Sec. 140. Section 473.19A, subsection 3, Code Supplement 2011, is amended to read as follows:

3. The building energy 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~~ 5.

DIVISION III

EFFECTIVE DATE AND APPLICABILITY PROVISIONS

Sec. 141. EFFECTIVE UPON ENACTMENT. The provisions in division I of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending section 42.4, subsection 8.

2. The section of this Act amending section 15E.120.

3. The section of this Act amending 2011 Iowa Acts, chapter 113, section 45.

4. The section of this Act amending 2011 Iowa Acts, chapter 131, section 134.

5. The section of this Act amending 2011 Iowa Acts, chapter 131, section 135.

Sec. 142. EFFECTIVE DATE — CONTINGENT REPEAL. The section of this Act amending section 321.18, Code 2011, by striking subsection 9, takes effect on June 30, 2012, or on the date that chapter 322E is repealed, whichever date is the latest.

Sec. 143. RETROACTIVE APPLICABILITY. The section of this Act amending section 42.4, subsection 8, applies retroactively to January 1, 2011.

Sec. 144. RETROACTIVE APPLICABILITY. The following provision or provisions of this Act apply retroactively to July 1, 2011:

1. The section of this Act amending section 15E.120.

2. The section of this Act amending 2011 Iowa Acts, chapter 113, section 45.

Sec. 145. RETROACTIVE APPLICABILITY. The provision in division I of this Act amending 2011 Iowa Acts, chapter 131, section 134, applies retroactively to the date which is 30 days after July 29, 2011.

Sec. 146. RETROACTIVE APPLICABILITY. The provision in division I of this Act amending 2011 Iowa Acts, chapter 131, section 135, applies retroactively to July 29, 2011.

JOHN P. KIBBIE
President of the Senate

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2285, Eighty-fourth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 3/22, 2012

TERRY E. BRANSTAD
Governor

GENERAL ASSEMBLY

Senate File 2288

AN ACT

RELATING TO REQUIREMENTS FOR DRIVERS OF VEHICLES AT RAILROAD GRADE CROSSINGS UPON THE APPROACH OR PRESENCE OF RAILROAD TRACK EQUIPMENT, AND MAKING A PENALTY APPLICABLE.

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

Section 1. Section 321.341, Code 2011, is amended to read as follows:

321.341 Obedience to signal ~~of~~ indicating approach of railroad train or railroad track equipment.

1. When a person driving a vehicle approaches a railroad grade crossing and warning is given by automatic signal, crossing gates, a flag person, or otherwise of the immediate approach of a railroad train or railroad track equipment, the driver of the vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail and shall not proceed until the driver can do so safely.

2. The driver of a vehicle shall stop and remain standing and not traverse such a grade crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train or railroad track equipment.

Sec. 2. Section 321.342, subsection 1, Code 2011, is amended to read as follows:

1. The driver of any vehicle approaching a railroad grade crossing across which traffic is regulated by a stop sign, a

railroad sign directing traffic to stop, or an official traffic control signal displaying a flashing red or steady circular red colored light shall stop prior to ~~crossing~~ driving across the railroad grade crossing at the first opportunity at either the clearly marked stop line or at a point near the crossing where the driver has a clear view of the approaching railroad ~~traffic~~ train or railroad track equipment.

Sec. 3. Section 321.343, subsection 1, Code 2011, is amended to read as follows:

1. The driver of a motor vehicle carrying passengers for hire, a school bus, or a vehicle carrying hazardous material and required to stop before ~~crossing~~ driving across a railroad track by motor carrier safety rules adopted under section 321.449, before ~~crossing~~ driving across at grade any track of a railroad, shall stop the vehicle within fifty feet but not less than fifteen feet from the nearest rail. While stopped, the driver shall listen and look in both directions for an approaching railroad train or railroad track equipment, and for signals indicating the approach of a railroad train or railroad track equipment, and shall not proceed until the driver can do so safely.

Sec. 4. Section 321.343, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. If the driver is not always required to stop at a railroad crossing, slow down when approaching the crossing and check that the railroad tracks are clear of an approaching railroad train or railroad track equipment before proceeding.

Sec. 5. Section 321.344, subsections 2, 3, and 4, Code 2011, are amended to read as follows:

2. Notice of ~~any such~~ the intended crossing shall be given to a superintendent of ~~such~~ the railroad, and a reasonable time shall be given to ~~such~~ the railroad to provide proper protection at ~~such~~ the crossing.

3. Before making ~~any such~~ the crossing, the person operating or moving ~~any such~~ the vehicle or equipment shall first stop the ~~same~~ vehicle or equipment not less than ten feet nor more than fifty feet from the nearest rail of ~~such railway~~ the railroad and, while ~~so~~ stopped, shall listen and look in both directions along ~~such~~ the track for any approaching railroad train or railroad track equipment and for signals indicating the approach of a railroad train or railroad track equipment, and shall not proceed until the crossing can be made safely.

4. No such crossing shall be made when warning is given by

automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or ~~car~~ railroad track equipment.

JOHN P. KIBBIE
President of the Senate

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2288, Eighty-fourth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 3/30, 2012

TERRY E. BRANSTAD
Governor

GENERAL ASSEMBLY

Senate File 2311

AN ACT

REVISING PROVISIONS AFFECTING THE ADMINISTRATION OF THE DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP, INCLUDING ASSOCIATED REGULATIONS AND LICENSING, AS IT RELATES TO BIOFUELS, WEATHER AND MARKET INFORMATION, INTERNET PUBLICATIONS, SOIL AND WATER CONSERVATION, FEED, VACCINATIONS, TUBERCULOSIS, BRUCELLOSIS, CLASSICAL SWINE FEVER, JOHNE'S DISEASE, TREATMENT FOR SHEEP, BRANDING, MANUFACTURED ARTICLES, GRAIN, PESTICIDES, COAL MINING, AND WEIGHTS AND MEASURES, MAKING PENALTIES APPLICABLE, AND INCLUDING APPLICABILITY PROVISIONS.

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

DIVISION I

GENERAL

Section 1. Section 159.2, subsection 1, Code 2011, is amended to read as follows:

1. To encourage, promote, and advance the interests of agriculture, including horticulture, livestock industry,

dairying, cheese making, poultry raising, biofuels, beekeeping, production of wool, production of domesticated fur-bearing animals, and other kindred and allied industries.

Sec. 2. Section 159.5, subsection 4, Code 2011, is amended to read as follows:

4. Maintain a weather ~~division~~ bureau which shall, in cooperation with the national weather service, collect and disseminate weather and phenological statistics and meteorological data, and promote knowledge of meteorology, phenology, and climatology of the state. The ~~division~~ bureau shall be headed by the state climatologist who shall be appointed by the secretary of agriculture, and shall be an officer of the national weather service, if one is detailed for that purpose by the federal government.

Sec. 3. Section 159.5, subsection 5, Code 2011, is amended by striking the subsection.

Sec. 4. Section 159.5, subsection 7, Code 2011, is amended to read as follows:

7. ~~Maintain a division of agricultural statistics, which shall, in cooperation~~ Cooperate with the United States department of agriculture statistical reporting service, to gather, compile, and publish statistical information concerning the condition and progress of crops, the production of crops, livestock, livestock products, poultry, and other such related agricultural statistics, as will generally promote knowledge of the agricultural industry in the state of Iowa. The statistics, when published, constitute official agricultural statistics for the state of Iowa. ~~The division is in the charge of an administrator, who shall be appointed by the secretary of agriculture and who shall be an officer of the United States department of agriculture statistical reporting service, if one is detailed for that purpose by the federal government.~~

Sec. 5. Section 159.5, subsection 8, Code 2011, is amended to read as follows:

8. Establish and maintain a marketing news service ~~division~~ bureau in the department which shall, in cooperation with the federal market news and grading division of the United States department of agriculture, collect and disseminate data and information relative to the market prices and conditions of agricultural products raised, produced, and handled in the state. ~~The division is in the charge of an administrator, who shall be appointed by the secretary of agriculture and shall be~~

~~an officer of the federal market news and grading division of the United States department of agriculture, if one is detailed for that purpose by the federal government.~~

Sec. 6. Section 159.9, Code 2011, is amended to read as follows:

159.9 ~~Publication and distribution of rules~~ Internet access to statutes and rules.

~~A sufficient number of pamphlets setting forth the~~ The statutes relating to and rules ~~of~~ adopted by the department ~~shall be published from time to time to supply the various needs for the same and shall be furnished to any resident of the state upon request~~ shall be made available on the internet.

Sec. 7. REPEAL. Section 159.14, Code 2011, is repealed.

DIVISION II

SOIL AND WATER CONSERVATION

Sec. 8. Section 159.8, Code 2011, is amended to read as follows:

159.8 Comprehensive management plan — highly erodible acres.

1. The department shall request cooperation from the federal government, including the United States department of agriculture consolidated farm service agency and the United States department of agriculture natural resources conservation service, to investigate methods to preserve land which is highly erodible, as provided in the federal Food Security Act of 1985, 16 U.S.C. § 3801 et seq., for the purpose of developing with owners of the land a comprehensive management plan for the land. The plan may be based on the soil conservation plan of the natural resources conservation service and may include a farm unit conservation plan and a comprehensive agreement as provided in chapter 161A. The extension services at Iowa state university of science and technology shall cooperate with the department in developing the comprehensive plan.

2. The investigation shall include methods which help to preserve highly erodible land from row crop production through production of alternative commodities, and financial incentives. ~~The department shall report to the governor and the general assembly not later than January 15, 1990, of the department's progress in the investigation. The department shall report to the governor and the general assembly not later than January 15, 1991, on the department's recommendation for programs necessary to preserve highly erodible land from injury or destruction.~~

Sec. 9. Section 161A.7, subsection 3, Code 2011, is amended to read as follows:

3. The commissioners ~~shall~~, as a condition for the receipt of any state cost-sharing funds for permanent soil conservation practices, shall 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~~ not to exceed 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.

Sec. 10. Section 161A.12, Code 2011, is amended to read as follows:

161A.12 Statement to department of management.

On or before October 1 next preceding each annual legislative session, the ~~division~~ department shall submit to the department of management, on official estimate blanks furnished for those purposes, statements and estimates of the expenditure requirements for each fiscal year, and a statement of the balance of funds, if any, available to the division, and the estimates of the division as to the sums needed for the administrative and other expenses of the division for the purposes of this chapter.

Sec. 11. Section 161A.42, subsection 3, Code 2011, is amended by striking the subsection.

Sec. 12. Section 161A.42, subsection 7, Code 2011, is amended to read as follows:

7. *"Farm unit soil conservation plan"* means a plan jointly developed by the owner and, if appropriate, the operator of a farm unit and the commissioners of the soil and water conservation district within which that farm unit is located, ~~based on the conservation folder for that farm unit and~~ identifying those permanent soil and water conservation

commercial weighing and measuring device used to measure and dispense motor fuel originating from a motor fuel storage tank, on a retail basis.

Sec. 148. Section 214.11, Code 2011, is amended to read as follows:

214.11 Inspections — recalibrations — penalty.

1. The department ~~of agriculture and land stewardship~~ shall provide for annual inspections of all motor fuel pumps, including but not limited to motor fuel blender pumps, licensed under this chapter. Inspections shall be for the purpose of determining the accuracy of the pumps' measuring mechanisms, and for such purpose the department's inspectors may enter upon the premises of any wholesale dealer or retail dealer, as they are defined in section 214A.1, of motor fuel or fuel oil within this state. Upon completion of an inspection, the inspector shall affix the department's seal to the measuring mechanism of the motor fuel pump. The seal shall be appropriately marked, dated, and recorded by the inspector. If the owner of an inspected and sealed motor fuel pump is registered with the department as a servicer in accordance with section 215.23, or employs a person so registered as a servicer, the owner or other servicer may open the motor fuel pump, break the department's seal, recalibrate the measuring mechanism if necessary, and reseal the motor fuel pump as long as the department is notified of the recalibration within forty-eight hours, on a form provided by the department.

2. A person violating a provision of this section is, upon conviction, guilty of a simple misdemeanor.

DIVISION XXII

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD

Sec. 149. Section 455G.4, subsection 1, paragraph a, subparagraphs (4) and (5), Code Supplement 2011, are amended to read as follows:

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

(5) ~~Two~~ Three owners or operators appointed by the governor, two of which shall be designated as follows:

(a) One member shall be an owner or operator who is self-insured.

(b) One member shall be a member of the petroleum marketers and convenience stores of Iowa or its designee.

JOHN P. KIBBIE
President of the Senate

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2311, Eighty-fourth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/19, 2012

TERRY E. BRANSTAD
Governor

GENERAL ASSEMBLY

Senate File 2313

AN ACT

RELATING TO APPROPRIATIONS TO CERTAIN STATE DEPARTMENTS, AGENCIES, FUNDS, AND CERTAIN OTHER ENTITIES, PROVIDING FOR REGULATORY AUTHORITY, AND OTHER PROPERLY RELATED MATTERS AND INCLUDING EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS.

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

Section 1. 2011 Iowa Acts, chapter 127, section 9, subsection 2, paragraph c, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) Notwithstanding section 8.33 or any other provision to the contrary, any unencumbered or unobligated balance in an amount not to exceed five hundred thousand dollars of the appropriation made in this paragraph for the insurance division or any other appropriation made for operational purposes for the fiscal year beginning July 1, 2011, and ending June 30, 2012, that remains unused, unencumbered, or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for any relocation costs of the division in the succeeding fiscal year.

Sec. 2. 2011 Iowa Acts, chapter 127, section 61, is amended to read as follows:

SEC. 61. 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, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated, and for not more than the

following full-time equivalent positions:

a. For salaries, support, maintenance, and miscellaneous purposes:

..... $ ~~2,010,172~~ 4,020,344

..... FTEs ~~84.18~~ 78.37

b. For the payment of utility costs:

..... $ ~~1,313,230~~ 2,676,460

..... 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.

c. For Terrace Hill operations:

405,914

..... FTEs ~~6.88~~ 5.00

d. For ~~the I3 distribution account~~ distribution to other governmental entities for the payment of services related to the integrated information for Iowa system:

..... $ ~~1,638,973~~ 3,277,946

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 associated with the integrated information for Iowa system provided during the fiscal year by the department.

e. For operations and maintenance of the Iowa building:

..... $ ~~497,768~~ 995,535

..... FTEs ~~7.00~~ 6.78

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.

Sec. 3. DEPARTMENT OF ADMINISTRATIVE SERVICES — TRANSFER — MEDICATION THERAPY MANAGEMENT PROGRAM. Contingent upon the enactment of legislation during the 2012 legislative session establishing a medication therapy management program, there is transferred from the fees collected by the board of pharmacy pursuant to chapter 155A and retained by the board pursuant to the authority granted in section 147.82 to the department of administrative services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, $510,000 to be used for the medication therapy management program.

Sec. 4. 2011 Iowa Acts, chapter 127, section 65, is amended to read as follows:

SEC. 65. 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, 2012, and ending June 30, 2013, subject to subsection 3 of this section, the following amount, or so much thereof as is necessary, to be used for the purposes designated, and for not more than the following full-time equivalent positions:

For salaries, support, maintenance, and miscellaneous purposes:

..... $ ~~452,734~~
905,468

..... FTEs 103.00

2. 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.

3. The auditor of state shall allocate resources from the appropriation in this section solely for audit work related to the comprehensive annual financial report, federally required audits, and investigations of embezzlement, theft, or other significant financial irregularities until the audit of the comprehensive annual financial report is complete.

Sec. 5. 2011 Iowa Acts, chapter 127, section 66, is amended to read as follows:

SEC. 66. 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, 2012, and ending June 30, 2013, 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:

..... $ ~~237,500~~
490,000

..... FTEs 5.00

Sec. 6. 2011 Iowa Acts, chapter 127, section 67, subsection 1, is amended to read as follows:

1. There is appropriated from the general fund of the state to the department of commerce for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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:

..... $ ~~610,196~~
1,220,391

..... FTEs ~~21.00~~
18.50

b. PROFESSIONAL LICENSING AND REGULATION BUREAU

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ ~~300,177~~
600,353

..... FTEs 12.00

Sec. 7. 2011 Iowa Acts, chapter 127, section 67, subsection

2, paragraphs a, b, and c, are amended to read as follows:

a. BANKING DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ ~~4,425,835~~ 9,098,170

..... FTEs ~~80.00~~ 70.50

b. CREDIT UNION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ ~~863,998~~ 1,792,995

..... FTEs ~~19.00~~ 15.00

c. INSURANCE DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ ~~2,491,622~~ 4,983,244

..... FTEs ~~106.50~~ 99.50

(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.

Sec. 8. 2011 Iowa Acts, chapter 127, section 67, subsection 2, paragraph d, subparagraphs (1) and (2), are amended to read as follows:

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ ~~4,086,535~~ 8,173,069

..... 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.

Sec. 9. 2011 Iowa Acts, chapter 127, section 67, subsection 2, paragraph d, subparagraph (4), is amended to read as follows:

(4) In addition to the funds otherwise appropriated to the division in subparagraph (1), and contingent upon the enactment of ~~legislation~~ House File 561 during the ~~2011~~ 2012 legislative session relating to the permitting, licensing, construction, and operation of nuclear generation facilities and establishing rate-making principles in relation thereto, for salaries, support, consulting, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 425,000

..... FTEs 3.50

Sec. 10. 2011 Iowa Acts, chapter 127, section 68, is amended to read as follows:

SEC. 68. 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, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

177

For salaries, support, maintenance, and miscellaneous purposes:

..... $ ~~31,159~~ 62,317

Sec. 11. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION — REGIONAL TELECOMMUNICATIONS COUNCILS. There is appropriated from the general fund of the state to the Iowa telecommunications and technology commission for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For state aid for regional telecommunications councils:

..... $ 992,913

The regional telecommunications councils established in section 8D.5 shall use the moneys appropriated in this section to provide technical assistance for network classrooms, planning and troubleshooting for local area networks, scheduling of video sites, and other related support activities.

Sec. 12. 2011 Iowa Acts, chapter 127, section 69, is amended to read as follows:

SEC. 69. 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, 2012, and ending June 30, 2013, 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:

..... $ ~~1,144,013~~ 2,194,914

..... FTEs ~~22.88~~ 20.00

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:

..... $ 93,111

..... FTEs 2.00

Sec. 13. 2011 Iowa Acts, chapter 127, section 70, is amended to read as follows:

SEC. 70. 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, 2012, and ending June 30, 2013, 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:

..... $ ~~145,000~~ 240,000

..... FTEs ~~8.00~~ 4.00

Sec. 14. 2011 Iowa Acts, chapter 127, section 71, is amended to read as follows:

SEC. 71. 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, 2012, and ending June 30, 2013, 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:

..... $ ~~103,052~~ 206,103

..... FTEs ~~7.00~~ 5.35

2. COMMUNITY ADVOCACY AND SERVICES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ ~~514,039~~ 1,028,077

..... FTEs ~~17.00~~ 9.38

3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ ~~511,946~~ 1,100,105

Sec. 21. 2011 Iowa Acts, chapter 127, section 78, is amended to read as follows:

SEC. 78. RACING AND GAMING COMMISSION.

1. RACETRACK REGULATION

There is appropriated from the gaming regulatory revolving fund established in section 99F.20 to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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 pari-mutuel racetracks, and for not more than the following full-time equivalent positions:

..... $ ~~1,255,720~~
2,898,925

..... FTEs ~~28.53~~
32.03

2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

There is appropriated from the gaming regulatory revolving fund established in section 99F.20 to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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:

..... $ ~~1,539,050~~
2,923,838

..... FTEs ~~44.22~~
40.72

Sec. 22. 2011 Iowa Acts, chapter 127, section 79, is amended to read as follows:

SEC. 79. ROAD USE TAX FUND APPROPRIATION — DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the road use tax fund created in section 312.1 to the administrative hearings division of the department of inspections and appeals for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... $ ~~811,949~~
1,623,897

Sec. 23. 2011 Iowa Acts, chapter 127, section 80, is amended to read as follows:

SEC. 80. DEPARTMENT OF MANAGEMENT.

1. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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:

..... $ ~~1,196,999~~
2,393,998

..... FTEs ~~25.00~~
20.00

2. 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. 24. 2011 Iowa Acts, chapter 127, section 81, is amended to read as follows:

SEC. 81. ROAD USE TAX APPROPRIATION — DEPARTMENT OF MANAGEMENT. There is appropriated from the road use tax fund created in section 312.1 to the department of management for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... $ ~~28,000~~
56,000

Sec. 25. 2011 Iowa Acts, chapter 127, section 82, is amended to read as follows:

SEC. 82. DEPARTMENT OF REVENUE.

1. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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:

..... $ ~~8,829,742~~ 17,659,484

..... FTEs ~~303.48~~ 309.00

2. 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.

3. 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. 26. 2011 Iowa Acts, chapter 127, section 83, is amended to read as follows:

SEC. 83. 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, 2012, and ending June 30, 2013, 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 administration and enforcement of the provisions of chapter 452A and the motor vehicle use tax program:

..... $ ~~652,888~~ 1,305,775

Sec. 27. 2011 Iowa Acts, chapter 127, section 84, is amended to read as follows:

SEC. 84. SECRETARY OF STATE.

1. 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, 2012, and ending June 30, 2013, 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:

..... $ ~~1,447,793~~ 2,895,585

..... FTEs ~~45.00~~ 34.00

2. 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. 28. 2011 Iowa Acts, chapter 127, section 85, is amended to read as follows:

SEC. 85. SECRETARY OF STATE FILING FEES REFUND. Notwithstanding the obligation to collect fees pursuant to the provisions of section 489.117, subsection 1, paragraphs "a" and "o", 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, 2012, 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 chapter 17A.

Sec. 29. 2011 Iowa Acts, chapter 127, section 86, is amended to read as follows:

SEC. 86. TREASURER.

1. There is appropriated from the general fund of the state to the office of treasurer of state for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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:

..... $ ~~427,145~~ 854,289

..... FTEs 28.80

2. The office of treasurer of state shall supply clerical and secretarial support for the executive council.

Sec. 30. 2011 Iowa Acts, chapter 127, section 87, is amended to read as follows:

SEC. 87. ROAD USE TAX APPROPRIATION — OFFICE OF TREASURER OF STATE. There is appropriated from the road use tax fund created in section 312.1 to the office of treasurer of state for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For enterprise resource management costs related to the distribution of road use tax funds:

..... $ ~~46,574~~

93,148

Sec. 31. 2011 Iowa Acts, chapter 127, section 88, is amended to read as follows:

SEC. 88. 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, 2012, and ending June 30, 2013, 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:

..... $ ~~8,843,484~~
17,686,968

..... FTEs 90.13

Sec. 32. 2011 Iowa Acts, chapter 129, section 149, is amended to read as follows:

SEC. 149. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the Medicaid fraud account created in section 249A.7 to the department of inspections and appeals for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the inspection and certification of assisted living programs and adult day care services, including program administration and costs associated with implementation:

..... $ ~~669,764~~
1,339,527

Sec. 33. Section 80E.1, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The governor's office of drug control policy shall be an independent office, located at the same location as the department of public safety. Administrative support services may be provided to the governor's office of drug control policy by the department of public safety.

Sec. 34. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending 2011 Iowa Acts, chapter 127, section 9, subsection 2, paragraph "c".

Sec. 35. RETROACTIVE APPLICABILITY. The following

provision or provisions of this Act apply retroactively to July 1, 2011:

1. The section of this Act amending 2011 Iowa Acts, chapter 127, section 9, subsection 2, paragraph "c".

JOHN P. KIBBIE
President of the Senate

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2313, Eighty-fourth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 5/25, 2012

TERRY E. BRANSTAD
Governor

SF 2314
DOT Appropriations

The FY 2013 Transportation Appropriations Act, SF 2314, is the final FY 2013 operations budget for the DOT. SF 2314 amends HF 683, the FY 2012 Transportation Appropriations Act, which is published as 2011 Iowa Acts, chapter 125.

Total funding appropriated to the DOT for FY 2013, including appropriations enacted in 2011 for FY 2013, is $350.5 million. This includes $47.4 million from the Road Use Tax Fund (RUTF), $303.1 million from the Primary Road Fund (PRF) and 2,870 full-time equivalent (FTE) positions. This is a decrease from the 3,109 FTE positions authorized in HF 683, the FY 2012 Transportation Appropriations Act, and 3,373 FTEs authorized in SF 2381, the FY 2011 Transportation Appropriations Act. The decrease in FTEs authorized for FY 2013 is due to the lack of funding for salary adjustments in FY 2012.

A detailed fiscal analysis of SF 2314, prepared by the Legislative Services Agency, is at the following link: SF 2314 NOBA.

Section 1

Amends 2011 Iowa Acts, chapter 125, section 2, to:

- reduce the PRF appropriation to the DOT operations budget unit for FY 2012 by $280,000, and
- reduce the PRF appropriations to the DOT highways budget unit for FY 2012 by 800,000.

The deappropriation was made with the intent of immediately realizing potential savings in utility costs for FY 2012, and took effect upon enactment, April 4, 2012.

This section is effective upon enactment, April 4, 2012.

Section 2

Amends 2011 Iowa Acts, chapter 125, section 3, to make additional appropriations from the Road Use Tax Fund to the DOT for FY 2013. Includes funding for producing driver's licenses; salaries, support, maintenance, and miscellaneous purposes for various DOT areas; payment to the Department of Administrative Services (DAS) for utility services (includes certain personnel, information technology, I3 budget system, and other services) and for workers' compensation claims; unemployment compensation; payment to the General Fund for indirect cost recoveries; reimbursement to the state auditor for audit expenses; various costs associated with the county

Section 2 (continued)

issuance of driver's licenses and vehicle registration and titles; transfer to the Department of Public Safety for operation of a toll-free telephone road and weather conditions information system; participation in the Mississippi River Parkway Commission; motor vehicle division field facility maintenance projects; and scale replacement projects at various locations.

This appropriation reduces the RUTF appropriation for scale replacement projects by $200,000 for FY 2013. The original appropriation of $550,000 was enacted during the 2011 legislative session and maintained the same funding as for FY 2012. The DOT has identified five scales that are in need of replacement and are older than the expected service life of 15 years. The original intent was to replace the Dallas County 90-foot scale and the Brandon 40-foot southbound scale.

Moneys appropriated for payment of costs associated with the production of driver's licenses remain available for expenditure through June 30, 2014.

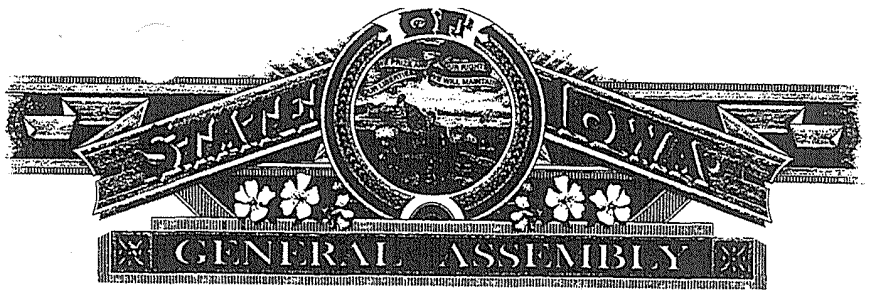
Moneys appropriated for Motor Vehicle Division field facility maintenance projects and for scale replacement projects remain available for expenditure through June 30, 2016. However, if the projects are completed in an earlier fiscal year, unencumbered or unobligated moneys revert at the close of that fiscal year.

Section 3

Amends 2011 Iowa Acts, chapter 125, section 4, to make additional appropriations from the Primary Road Fund to the DOT for FY 2013. Appropriates moneys from the Primary Road Fund to the DOT for FY 2013. Includes funding for: salaries, support, maintenance, and miscellaneous purposes for various DOT areas and specifies the number of full-time equivalent positions; payments to DAS for utility services and workers' compensation claims; unemployment compensation; disposal of hazardous wastes; payment to the General Fund for indirect cost recoveries; reimbursement to the state auditor for audit expenses; costs associated with producing transportation maps; inventory and equipment replacement; utility improvements; roofing projects and heating, cooling, and exhaust system improvements at various

Section 3 (continued)	locations; deferred maintenance projects at field facilities; wastewater treatment improvements at various locations; and replacement of the New Hampton combined facility. The appropriation to produce transportation maps reduces the level of funding by two-thirds, to $80,667, compared to the appropriation made for FY 2012. Moneys appropriated in subsections Code section 125.4(10-15) for various construction projects and facility improvements remain available for expenditure through June 30, 2016. However, if the projects are completed in an earlier fiscal year, unencumbered or unobligated moneys revert at the close of that fiscal year.
Section 4	Requires the DOT to submit quarterly electronic reports to various entities regarding implementation of efficiency measures identified in the January 2012 "Road Use Tax Fund Efficiency Report." The reports shall provide details of activities undertaken and savings realized in the previous quarter related to program and partnership efficiencies; updates concerning measures that have not been implemented; efforts involving other governmental or stakeholder interest groups; any new efficiency measures identified or undertaken; and identification of any legislative action that may be required to achieve efficiencies. The first report is due by October 1, 2012.
Section 5	Provides that section 1, amending 2011 Acts, chapter 235, section 2, subsection 1, paragraphs "a" and "c," takes effect upon enactment, April 4, 2012.

GENERAL ASSEMBLY



Senate File 2314

AN ACT

RELATING TO 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. 2011 Iowa Acts, chapter 125, section 2, subsection 1, paragraphs a and c, are amended to read as follows:

a. Operations:

..... $ ~~40,356,529~~
40,076,529

..... FTEs 296.00

c. Highways:

..... $~~230,913,992~~
230,113,992

..... FTEs 2,247.00

Sec. 2. 2011 Iowa Acts, chapter 125, section 3, is amended to read as follows:

SEC. 3. 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, 2012, and ending June 30, 2013, 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:

..... $ 3,876,000

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 specified in this subsection until the close of the succeeding fiscal year.

2. For salaries, support, maintenance, and miscellaneous purposes:

a. Operations:

..... $ ~~3,285,000~~
6,570,000

b. Planning:

..... $ ~~229,000~~
458,000

c. Motor vehicles:

..... $ ~~16,960,500~~
33,921,000

3. For payments to the department of administrative services for utility services:

..... $ ~~112,500~~
228,000

4. Unemployment compensation:

..... $ ~~3,500~~
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:

..... $ ~~59,500~~
121,000

6. For payment to the general fund of the state for indirect cost recoveries:

..... $ ~~39,000~~
78,000

7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:

..... $ ~~33,660~~
67,319

8. For automation, telecommunications, and related costs associated with the county issuance of driver's licenses and vehicle registrations and titles:

..... $ ~~703,000~~
1,406,000

9. For transfer to the department of public safety for operating a system providing toll-free telephone road and weather conditions information:

..... $ ~~50,000~~

100,000

10. For costs associated with the participation in the Mississippi river parkway commission:

..... $ ~~20,000~~ 40,000

11. For motor vehicle division field facility maintenance projects at various locations:

..... $ 200,000

12. For scale replacement projects at various locations:

..... $ ~~550,000~~ 350,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 11 and 12 that remain unencumbered or unobligated 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 projects for which the appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

Sec. 3. 2011 Iowa Acts, chapter 125, section 4, is amended to read as follows:

SEC. 4. 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, 2012, and ending June 30, 2013, 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:

..... $ ~~20,178,265~~ 40,607,023

..... FTEs ~~296.00~~ 282.00

b. Planning:

..... $ ~~4,348,548~~ 8,697,095

..... FTEs ~~121.00~~ 113.00

c. Highways:

..... $~~115,456,996~~

232,672,498

..... FTEs ~~2,247.00~~ 2,065.00

d. Motor vehicles:

..... $ ~~706,770~~ 1,413,540

..... FTEs ~~445.00~~ 410.00

2. For payments to the department of administrative services for utility services:

..... $ ~~694,000~~ 1,404,000

3. Unemployment compensation:

..... $ ~~69,000~~ 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:

..... $ ~~1,423,000~~ 2,889,000

5. For disposal of hazardous wastes from field locations and the central complex:

..... $ ~~400,000~~ 800,000

6. For payment to the general fund of the state for indirect cost recoveries:

..... $ ~~286,000~~ 572,000

7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:

..... $ ~~207,591~~ 415,181

8. For costs associated with producing transportation maps:

..... $ ~~121,000~~ 80,667

9. For inventory and equipment replacement:

..... $ ~~2,683,000~~ 5,366,000

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:

..... $ 200,000

13. For deferred maintenance projects at field facilities throughout the state:

..... $ 1,000,000

14. For wastewater treatment improvements at various locations:

..... $ 1,000,000

15. For replacement of the New Hampton combined facility:

..... $ 5,200,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 10 through 15 that remain unencumbered or unobligated 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.

Sec. 4. ROAD USE TAX FUND EFFICIENCY MEASURES — QUARTERLY REPORTS. The department of transportation shall submit quarterly reports in an electronic format to the co-chairpersons of the joint appropriations subcommittee on transportation, infrastructure, and capitals, the chairpersons of the senate and house standing committees on transportation, the department of management, and the legislative services agency regarding the implementation of efficiency measures identified in the "Road Use Tax Fund Efficiency Report", January 2012. The reports shall provide details of activities undertaken in the previous quarter relating to one-time and long-term program efficiencies and partnership efficiencies. Issues to be covered in the reports shall include but are not limited to savings realized from the implementation of particular efficiency measures; updates concerning measures that have not been implemented; efforts involving cities, counties, other jurisdictions, or stakeholder interest groups; any new efficiency measures identified or undertaken; and identification of any legislative action that may be required to achieve efficiencies. The first report shall be submitted by October 1, 2012.

Sec. 5. EFFECTIVE UPON ENACTMENT. The following provision

of this Act, being deemed of immediate importance, takes effect upon enactment:

1. The section of this Act amending 2011 Acts, chapter 125, section 2, subsection 1, paragraphs "a" and "c".

JOHN P. KIBBIE
President of the Senate

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2314, Eighty-fourth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/4, 2012

TERRY E. BRANSTAD
Governor

GENERAL ASSEMBLY

Senate File 2316

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO STATE DEPARTMENTS AND AGENCIES FROM THE REBUILD IOWA INFRASTRUCTURE FUND, THE TECHNOLOGY REINVESTMENT FUND, THE ENDOWMENT FOR IOWA'S HEALTH RESTRICTED CAPITALS FUND, AND THE MORTGAGE SERVICING SETTLEMENT FUND, PROVIDING FOR RELATED MATTERS, AND INCLUDING EFFECTIVE DATE AND RETROACTIVE APPLICABILITY 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 following fiscal years the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

a. For projects related to major repairs and major maintenance for state buildings and facilities:

FY 2012-2013..... $ 10,250,000

The moneys appropriated in this lettered paragraph shall be used according to the department's major maintenance project

recommendation list submitted to the Governor's vertical infrastructure advisory committee.

b. For renovations and related improvements to a cottage at the Iowa juvenile home at Toledo:

FY 2012-2013..... $ 500,000

2. DEPARTMENT OF CORRECTIONS

For repairs and renovation of the hot water loop system at the Newton correctional facility:

FY 2012-2013..... $ 425,000

3. DEPARTMENT OF CULTURAL AFFAIRS

a. For exterior and interior repairs and related improvements to the state historical building, including the addition of a visitor center:

FY 2012-2013..... $ 1,450,000

FY 2013-2014..... $ 1,000,000

b. 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":

FY 2012-2013..... $ 1,000,000

4. ECONOMIC DEVELOPMENT AUTHORITY

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":

FY 2012-2013..... $ 500,000

b. For administration and support of the world food prize including the Borlaug/Ruan scholar program, notwithstanding section 8.57, subsection 6, paragraph "c":

FY 2012-2013..... $ 100,000

c. For roof repairs, restoration of the chapel, and improvements and interior renovation to develop a collections room at the museum at Fort Des Moines:

FY 2012-2013..... $ 100,000

d. For remodeling, renovations, and related improvements of a kitchen at a year-round camp for persons with disabilities in a central Iowa city with a population between one hundred ninety-five thousand and two hundred five thousand as determined by the 2010 federal decennial census:

FY 2012-2013..... $ 125,000

Moneys appropriated in this lettered paragraph are contingent upon receipt of matching funds.

5. DEPARTMENT OF EDUCATION

For accelerated career education program capital projects at community colleges that are authorized under chapter 260G and that meet the definition of the term "vertical infrastructure" in section 8.57, subsection 6, paragraph "c":

FY 2012-2013..... $ 6,000,000

6. DEPARTMENT OF HUMAN SERVICES

For the renovation and construction of certain nursing facilities, consistent with the provisions of chapter 249K:

FY 2012-2013..... $ 250,000

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":

FY 2012-2013..... $ 6,000,000

b. For the restoration and reconstruction of a dam in a county with a population between seventeen thousand seven hundred and seventeen thousand eight hundred as determined by the 2010 federal decennial census, for a lake with public access that has the support of a benefited lake district:

FY 2012-2013..... $ 2,500,000

FY 2013-2014..... $ 2,500,000

The appropriations in this lettered paragraph are conditioned upon the completion of a plan by the benefited lake district to increase public access areas to the lake such as boat ramps and beaches, and to address wastewater treatment systems for homeowners in an effort to reduce pollution and increase the water quality at the lake. The plan shall be submitted to the general assembly no later than December 31, 2012.

c. 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":

FY 2012-2013..... $ 1,000,000

8. DEPARTMENT OF PUBLIC DEFENSE

a. For major maintenance projects at national guard armories and facilities:

FY 2012-2013..... $ 2,000,000

b. For construction improvement projects at statewide readiness centers:

FY 2012-2013..... $ 2,050,000

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c. For construction upgrades at Camp Dodge including sanitary system and sewer system improvements:

FY 2012-2013..... $ 610,000

d. For renovation, repair, and related improvements at the joint forces headquarters building:

FY 2012-2013..... $ 500,000

9. BOARD OF REGENTS

a. For allocation by the state board of regents to the state university of Iowa, Iowa state university of science and technology, and the university of northern Iowa to reimburse the institutions for deficiencies in the operating funds resulting from the pledging of tuition, student fees and charges, and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions:

FY 2012-2013..... $ 25,130,412

b. To Iowa state university of science and technology to the college of veterinary medicine for renovations and improvements of facilities:

FY 2012-2013..... $ 400,000

c. To Iowa state university of science and technology to be used for the phase II expansion of a building at the science and technology research park:

FY 2012-2013..... $ 1,000,000

10. DEPARTMENT OF TRANSPORTATION

a. For acquiring, constructing, and improving recreational trails within the state:

FY 2012-2013..... $ 3,000,000

b. For deposit into the public transit infrastructure grant fund created in section 324A.6A, for projects that meet the definition of "vertical infrastructure" in section 8.57, subsection 6, paragraph "c":

FY 2012-2013..... $ 1,500,000

c. For infrastructure improvements at the commercial service airports within the state:

FY 2012-2013..... $ 1,500,000

d. For infrastructure improvements at general aviation airports within the state:

FY 2012-2013..... $ 750,000

e. For deposit into the railroad revolving loan and grant fund created in section 327H.20A, notwithstanding section 8.57, subsection 6, paragraph "c":

FY 2012-2013..... $ 1,500,000

11. DEPARTMENT OF VETERANS AFFAIRS

For a boiler replacement and related improvements at the Iowa veterans home:

FY 2012-2013..... $ 975,919

12. STATE FAIR AUTHORITY

For renovations and improvements including but not limited to the cultural center at the state fair:

FY 2012-2013..... $ 250,000

FY 2013-2014..... $ 250,000

13. TREASURER OF STATE

For distribution in accordance with chapter 174 to qualified fairs which belong to the association of Iowa fairs for county fair infrastructure improvements:

FY 2012-2013..... $ 1,060,000

Sec. 2. 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 is 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

TECHNOLOGY REINVESTMENT FUND

Sec. 3. There is appropriated from the technology reinvestment fund created in section 8.57C to the following entities for the following fiscal years, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF CORRECTIONS

a. For costs associated with the Iowa corrections offender network data system:

FY 2012-2013..... $ 500,000

b. For the provision of land mobile radio communications equipment purchased by the department of corrections with the goal of achieving compliance with the federal communications commission's narrowbanding mandate deadline, and for achieving interoperability as defined in section 80.28:

FY 2012-2013..... $ 3,500,000

If the department of public safety enters into a public-private partnership, through a competitive bidding

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process, for the provision of the statewide network and the purchase of compatible equipment, the department of corrections shall join that effort.

As a condition of this appropriation, all land mobile radio communications equipment purchased by the department of corrections shall be compliant with the federal communications commission's narrowbanding mandate and shall provide the maximum amount of statewide coverage and interoperability, throughout all phases of migration, to the department of public safety's future statewide digital radio network utilizing P-25 standards.

2. DEPARTMENT OF CULTURAL AFFAIRS

For providing a grant to the Grout museum district for the Sullivan brothers veterans museum for costs associated with the oral history exhibit including but not limited to exhibit information technology, computer connectivity, and interactive display technologies:

FY 2012-2013..... $ 150,000

FY 2013-2014..... $ 129,450

3. DEPARTMENT OF EDUCATION

a. For the continued development and 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:

FY 2012-2013..... $ 600,000

The department may use a portion of the moneys appropriated in this lettered paragraph for an e-transcript data system capable of tracking students throughout their education via interconnectivity with multiple schools.

b. To the public broadcasting division for the purchase of eight high-powered transmitting tubes:

FY 2012-2013..... $ 320,000

c. For maintenance and lease costs associated with connections for part III of the Iowa communications network:

FY 2013-2014..... $ 2,727,000

4. DEPARTMENT OF HUMAN RIGHTS

For the cost of equipment and computer software for the continued development and implementation of Iowa's criminal justice information system:

FY 2012-2013..... $ 1,714,307

5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

a. For a comprehensive audit and appraisal, notwithstanding section 8.57C, subsection 2:

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FY 2012-2013..... $ 500,000

Prior to the sale or lease of the Iowa communications network, the network shall conduct a comprehensive accounting to include a complete inventory of all the components included in the network including all fiber, switching stations, end user equipment, and individual components purchased by the network and the state of Iowa since the creation of the network. The network shall then conduct an appraisal of the network to determine the market value of the assets listed in the accounting as well as the market value of the network's current and future operations.

The inventory audit and appraisal shall be conducted by an independent professional firm selected through a competitive bidding process not associated with the network or any of its vendors. The selected firm shall be accredited in business valuation from either the American institute of certified public accountants or the American society of appraisers, be technology-based, and have extensive industry experience in telecommunications. In addition, the selected firm shall have experience and knowledge regarding the public markets for telecommunications companies, potential buyers of telecommunications networks, and specific attributes of telecommunications networks that impact their valuation.

b. For replacement of equipment for the Iowa communications network:

FY 2012-2013..... $ 2,198,653

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.

6. DEPARTMENT OF MANAGEMENT

a. For the continued development and implementation of a searchable database that can be placed on the internet for budget and financial information:

FY 2012-2013..... $ 45,000

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b. For completion of the comprehensive electronic grant management system:

FY 2012-2013..... $ 125,000

7. IOWA JUDICIAL BRANCH

For costs associated with the continued development and implementation of the electronic document management system:

FY 2012-2013..... $ 1,000,000

FY 2013-2014..... $ 3,000,000

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 III

ENDOWMENT FOR IOWA'S HEALTH RESTRICTED CAPITALS FUND ACCOUNT — APPROPRIATION

Sec. 5. ENDOWMENT FOR IOWA'S HEALTH RESTRICTED CAPITALS FUND ACCOUNT. There is appropriated from the endowment for Iowa's health restricted capitals fund account to the department of corrections for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the construction project and one-time furniture, fixture, and equipment costs at Fort Madison:

..... $ 2,000,000

Sec. 6. 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 one year after the end of the fiscal year for which the appropriation is 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

DEPARTMENT OF TRANSPORTATION — RADIOS

Sec. 7. DEPARTMENT OF TRANSPORTATION — RADIOS. All land mobile radio communications equipment purchased by the department of transportation shall be compliant with the federal communications commission's narrowbanding mandate and shall provide the maximum amount of statewide coverage and interoperability, throughout all phases of migration, to the department of public safety's future statewide digital radio network utilizing P-25 standards.

Sec. 8. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 9. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to July 1, 2011.

DIVISION V

MORTGAGE SERVICING SETTLEMENT FUND — APPROPRIATION — DEPARTMENT OF EDUCATION

Sec. 10. MORTGAGE SERVICING SETTLEMENT FUND. There is appropriated from the mortgage servicing settlement fund to the department of education for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For major renovation and major repair needs, including health, life, and fire safety needs and for compliance with the federal Americans with Disabilities Act, and for routine maintenance and building operations, for buildings and facilities under the purview of the community colleges:

..... $ 5,000,000

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 is 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 VI

CHANGES TO PRIOR APPROPRIATIONS

Sec. 12. 2009 Iowa Acts, chapter 170, section 25, subsection 1, paragraph d, is amended to read as follows:

d. DEPARTMENT OF PUBLIC SAFETY

For construction of a state emergency response training facility to be located in merged area XI:

..... $ ~~2,000,000~~ 0

Sec. 13. 2011 Iowa Acts, chapter 128, section 19, subsection 2, is amended to read as follows:

2. a. The mobile radios purchased by the department of natural resources pursuant to subsection 1 shall be compatible with a statewide public safety radio network~~, if~~ created in ~~legislation enacted by the 2011 regular session of the General Assembly, which may include provisions in 2011 Iowa Acts, Senate File 541, if enacted~~ 2011 Iowa Acts, ch. 133, section 3, subsection 8, paragraph a. The department shall purchase the mobile radios after conducting a competitive bidding process.

b. As a condition of this appropriation, all land mobile radio communications equipment purchased by the department of natural resources shall be compliant with the federal communications commission's narrowbanding mandate and shall provide the maximum amount of statewide coverage and interoperability, throughout all phases of migration, to the department of public safety's future statewide digital radio network utilizing P-25 standards.

Sec. 14. 2011 Iowa Acts, chapter 133, section 1, subsection 3, paragraphs a and b, are amended to read as follows:

a. For the construction project and one-time furniture, fixture, and equipment costs at Fort Madison:

FY 2011-2012..... $ 5,155,077

FY 2012-2013..... $ ~~18,269,124~~ 16,269,124

FY 2013-2014..... $ 3,000,000

b. For the construction project and one-time furniture, fixture, and equipment costs at the Iowa correctional facility for women at Mitchellville:

FY 2011-2012..... $ 3,061,556

FY 2012-2013..... $ 5,391,062

FY 2013-2014..... $ 26,769,040

Sec. 15. 2011 Iowa Acts, chapter 133, section 1, subsection 10, paragraphs c through f, are amended to read as follows:

c. For projects for immediate fire safety needs and for compliance with the federal Americans with Disabilities Act, at the regents institutions:

FY 2011-2012..... $ 2,000,000

FY 2012-2013..... $ 2,000,000

Of the amounts appropriated in this lettered paragraph, up to $2,000,000 may be used to fund deductibles on property insurance and to provide the necessary match for funds which may be available from the federal emergency management agency for the cleanup, repair, and restoration of facilities at the state school for the deaf and the Iowa braille and sight saving school due to storm damage in the calendar year 2011, notwithstanding section 8.57, subsection 6, paragraph "c".

d. For construction, renovation, and related improvements for phase II of the agricultural and biosystems engineering complex, including classrooms, laboratories, and offices at Iowa state university of science and technology:

FY 2011-2012..... $ 1,000,000
FY 2012-2013..... $ ~~20,800,000~~ 19,050,000
FY 2013-2014..... $ ~~20,000,000~~ 21,750,000
FY 2014-2015..... $ 18,600,000

e. For the renovation and related improvements to the dental science building at the state university of Iowa including but not limited to renovation of clinical spaces and development of a multidisciplinary clinical area:

FY 2011-2012..... $ 1,000,000
FY 2012-2013..... $ ~~12,000,000~~ 10,250,000
FY 2013-2014..... $ ~~8,000,000~~ 9,750,000
FY 2014-2015..... $ 8,000,000

f. For renovation and related improvements for Bartlett hall at the university of northern Iowa including providing faculty offices, seminar rooms, and laboratories in the building and the associated demolition of Baker hall:

FY 2011-2012..... $ 1,000,000
FY 2012-2013..... $ ~~8,286,000~~ 7,786,000
FY 2013-2014..... $ ~~9,767,000~~ 10,267,000
FY 2014-2015..... $ 1,947,000

Sec. 16. 2011 Iowa Acts, chapter 133, section 1, subsection 13, paragraph b, is amended to read as follows:

b. For the Iowa veterans home to upgrade generator emissions controls to meet required stack emissions for four generators and ~~related improvements~~ for the construction of a building that secures vehicles during nonuse and inclement weather:

FY 2011-2012..... $ 250,000

Sec. 17. 2011 Iowa Acts, chapter 133, section 3, subsection 5, paragraph a, is amended to read as follows:

a. To be used for medical contracts under the medical assistance program for technology upgrades necessary to support Medicaid claims and other health operations, worldwide HIPAA claims transactions and coding requirements, and the Iowa automated benefits calculation system:

FY 2011-2012..... $ 3,494,176
FY 2012-2013..... $ ~~4,667,600~~ 4,120,037
FY 2013-2014..... $ ~~4,267,600~~ 4,815,163
FY 2014-2015..... $ 1,945,684

Sec. 18. 2011 Iowa Acts, chapter 133, section 3, subsection 8, is amended to read as follows:

8. DEPARTMENT OF PUBLIC SAFETY

a. For the provision of a statewide public safety radio network and the purchase of compatible radio communications equipment with the goal of achieving compliance with the federal communications commission's narrowbanding mandate deadline, and for achieving "interoperability", as defined in section 80.28:

FY 2011-2012..... $ 2,500,000
FY 2012-2013..... $ 2,500,000
FY 2013-2014..... $ 2,500,000

Of the amounts appropriated in this lettered paragraph, the department of public safety may enter into a public-private partnership, through a competitive bidding process, for the provision of the statewide network and the purchase of compatible equipment.

As a condition of this appropriation, all land mobile radio communications equipment purchased by the department of public safety shall be compliant with the federal communications commission's narrowbanding mandate and shall provide the maximum amount of statewide coverage and interoperability, throughout all phases of migration, to the department of public safety's future statewide digital radio network utilizing P-25 standards.

On or before January 13, 2012, the department of public safety shall provide a report to the legislative services agency and the department of management. The report shall

detail the status of the funds appropriated in this subsection and shall include the estimated needs of the departments of public safety, corrections, and natural resources to achieve interoperability and to meet the federal narrowbanding mandate, any changes in estimated costs to meet those needs, and the status of requests for proposals to develop a public-private partnership.

b. For transfer to a firefighter association in a county with a population between ninety thousand and ninety-five thousand as determined by the 2010 federal decennial census for a ~~driving simulator to enhance the association's emergency vehicle operations course~~ firearms training simulator:

FY 2011-2012..... $ 80,000

Sec. 19. 2011 Iowa Acts, chapter 133, section 5, subsection 1, is amended to read as follows:

1. DEPARTMENT OF CORRECTIONS

For the construction project and one-time furniture, fixture, and equipment costs at the Iowa correctional facility for women at Mitchellville:

..... $ 4,430,952

Sec. 20. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VII

MISCELLANEOUS CODE CHANGES

Sec. 21. Section 8.57, subsection 6, paragraph e, subparagraph (1), subparagraph division (d), subparagraph subdivision (ii), Code Supplement 2011, is amended to read as follows:

(ii) (A) ~~However~~ Except as otherwise provided in subparagraph part (B), in lieu of the deposit in subparagraph subdivision (i), for the fiscal ~~year~~ years beginning July 1, 2010, July 1, 2011, and July 1, 2013, 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, sixty-four million seven hundred fifty thousand 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.

(B) For the fiscal year beginning July 1, 2012, and ending June 30, 2013, thirty-eight million seven hundred fifty thousand dollars shall be deposited in the general fund of the

state and the next twenty million dollars shall be deposited in the technology reinvestment fund.

Sec. 22. Section 8.57C, subsection 3, paragraph a, Code Supplement 2011, is amended to read as follows:

a. There is appropriated from the general fund of the state for the fiscal year beginning July 1, ~~2012~~ 2013, and for each subsequent fiscal year thereafter, the sum of seventeen million five hundred thousand dollars to the technology reinvestment fund.

Sec. 23. Section 15F.204, subsection 8, paragraph g, Code Supplement 2011, is amended to read as follows:

g. For ~~the~~ each fiscal year for the fiscal period beginning July 1, 2012, and ending June 30, ~~2013~~ 2014, the sum of five million dollars.

Sec. 24. Section 16.181A, subsection 1, Code 2011, is amended by striking the subsection.

Sec. 25. Section 428A.8, subsection 2, paragraphs d, e, and f, Code 2011, are amended to read as follows:

d. For the fiscal year beginning July 1, 2012, ~~seventy-five~~ fifty-two and one-half percent of the receipts shall be deposited in the general fund, ~~twenty~~ forty-two and one-half percent of the receipts shall be transferred to the housing trust fund, and five percent of the receipts shall be transferred to the shelter assistance fund.

e. For the fiscal year beginning July 1, 2013, ~~seventy~~ forty-seven and one-half percent of the receipts shall be deposited in the general fund, ~~twenty-five~~ forty-seven and one-half percent of the receipts shall be transferred to the housing trust fund, and five percent of the receipts shall be transferred to the shelter assistance fund.

f. For the fiscal year beginning July 1, 2014, and each succeeding fiscal year, ~~sixty-five~~ forty-two and one-half percent of the receipts shall be deposited in the general fund, ~~thirty~~ fifty-two and one-half percent of the receipts shall be transferred to the housing trust fund, and five percent of the receipts shall be transferred to the shelter assistance fund.

Sec. 26. Section 428A.8, subsection 3, Code 2011, is amended to read as follows:

3. Notwithstanding subsection 2, the amount of money that shall be transferred pursuant to this section to the housing trust fund in any one fiscal year shall not exceed ~~three~~ six million dollars. Any money that otherwise would be transferred pursuant to this section to the housing trust fund in excess

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of that amount shall be deposited in the general fund of the state.

JOHN P. KIBBIE
President of the Senate

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2316, Eighty-fourth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 6/7, 2012

TERRY E. BRANSTAD
Governor

GENERAL ASSEMBLY

Senate File 2332

AN ACT

RELATING TO ENHANCED 911 EMERGENCY COMMUNICATION SYSTEMS, INCLUDING SURCHARGES AND THE ALLOCATION OF MONEYS COLLECTED FROM SUCH SURCHARGES AND REPLACING THE EXISTING SURCHARGE ON PREPAID WIRELESS SERVICE WITH A NEW SURCHARGE COLLECTED AT THE POINT OF RETAIL SALE, AND INCLUDING EFFECTIVE AND APPLICABILITY DATE PROVISIONS.

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

Section 1. Section 34A.2, Code 2011, is amended to read as follows:

34A.2 Definitions.

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

1. *"Access line"* means an exchange access line that has the ability to access dial tone and reach a public safety answering point.

2. *"Administrator"* means the administrator of the homeland security and emergency management division of the department of public defense.

3. *"Communications service"* means a service capable of accessing, connecting with, or interfacing with a 911 system by dialing, initializing, or otherwise activating the system exclusively through the digits 911 by means of a local telephone device or wireless communications device.

4. *"Communications service provider"* means a service provider, public or private, that transports information electronically via landline, wireless, internet, cable, or satellite.

~~3.~~ 5. *"Competitive local exchange service provider"* means the same as defined in section 476.96.

~~4. "Emergency 911 notification device" means a product capable of accessing a public safety answering point through the 911 system.~~

6. *"Emergency communications service surcharge"* means a charge established by the program manager in accordance with section 34A.7A.

~~5.~~ 7. *"Enhanced 911"* or *"E911"* means a service that provides the user of a communications service with the ability to reach a public safety answering point by ~~dialing~~ using the digits 911, and that has the following additional features:

a. Routes an incoming 911 call to the appropriate public safety answering point.

b. Automatically provides voice, displays the name, address or location, and telephone number of an incoming 911 call and public safety agency servicing the location.

~~6.~~ 8. *"Enhanced 911 service area"* means the geographic area to be serviced, or currently serviced under an enhanced 911 service plan, provided that an enhanced 911 service area must at minimum encompass one entire county. The enhanced 911 service area may encompass more than one county, and need not be restricted to county boundaries.

~~7.~~ 9. *"Enhanced 911 service plan"* means a plan that includes the following information:

a. A description of the enhanced 911 service area.

b. A list of all public and private safety agencies within the enhanced 911 service area.

c. The number of public safety answering points within the enhanced 911 service area.

d. Identification of the agency responsible for management and supervision of the enhanced 911 emergency communication system.

e. (1) A statement of estimated costs to be incurred by the joint E911 service board or the department of public safety, including separate estimates of the following:

(a) Nonrecurring costs, including~~,~~ but not limited to~~,~~ public safety answering points, network equipment, software, database, addressing, ~~initial~~ training, and other capital ~~and start-up~~ expenditures, including the purchase or lease of subscriber names, addresses, and telephone information from the local exchange service provider.

(b) Recurring costs, including~~,~~ but not limited to~~,~~ network access fees and other telephone charges, software, equipment, and database management, and maintenance, including

the purchase or lease of subscriber names, addresses, and telephone information from the local exchange service provider. Recurring costs shall not include personnel costs for a public safety answering point.

(2) Funds deposited in an E911 service fund are appropriated and shall be used for the payment of costs that are limited to nonrecurring and recurring costs directly attributable to the ~~provision~~ receipt and disposition of the 911 ~~emergency telephone communication service and may include costs for portable and vehicle radios, communication towers and associated equipment, and other radios and associated equipment permanently located at the public safety answering point and as directed by either the joint E911 service board or the department of public safety~~ call. Costs do not include expenditures for any other purpose, and specifically exclude costs attributable to other emergency services or expenditures for buildings or personnel, except for the costs of personnel for database management and personnel directly associated with addressing.

f. Current equipment operated by affected local exchange service providers, and central office equipment and technology upgrades necessary for the provider to implement enhanced 911 service within the enhanced 911 service area.

g. A schedule for implementation of the plan throughout the E911 service area. The schedule may provide for phased implementation.

h. The number of telephone access lines capable of access to 911 in the enhanced 911 service area.

i. The total property valuation in the enhanced 911 service area.

j. A plan to migrate to an internet protocol-enabled next generation network.

~~8.~~ 10. *"Local exchange carrier"* means the same as defined in section 476.96.

~~9.~~ 11. *"Local exchange service provider"* means a vendor engaged in providing telecommunications service between points within an exchange and includes but is not limited to a competitive local exchange service provider and a local exchange carrier.

12. *"Prepaid wireless telecommunications service"* means a wireless communications service that provides the right to utilize mobile wireless service as well as other nontel[illegible]mmunications services, including the download

of digital products delivered electronically, content and ancillary services, which must be paid for in advance and that is sold in predetermined units or dollars of which the amount declines with use in a known amount.

~~10.~~ 13. *"Program manager"* means the E911 program manager appointed pursuant to section 34A.2A.

~~11.~~ 14. *"Provider"* means a vendor who provides, or offers to provide, E911 equipment, installation, maintenance, or exchange access services within the enhanced 911 service area.

~~12.~~ 15. *"Public or private safety agency"* means a unit of state or local government, a special purpose district, or a private firm which provides or has the authority to provide fire fighting, police, ambulance, emergency medical services, or hazardous materials response.

~~13.~~ 16. *"Public safety answering point"* means a twenty-four-hour public safety communications facility that receives enhanced 911 service calls and directly dispatches emergency response services or relays calls to the appropriate public or private safety agency.

17. *"Wireless communications service"* means commercial mobile radio service. *"Wireless communications service"* includes any wireless two-way communications used in cellular telephone service, personal communications service, or the functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, a personal communications service, or a network access line. *"Wireless communications service"* does not include a service whose customers do not have access to 911 or 911-like service, a communications channel utilized only for data transmission, or a private telecommunications system.

18. *"Wireless communications service provider"* means a company that offers wireless communications service to users of wireless devices including but not limited to cellular, personal communications services, mobile satellite services, and enhanced specialized mobile radio.

~~14.~~ 19. *"Wireless E911 phase 1"* means a 911 call made from a wireless device in which the wireless service provider delivers the call-back number and address of the tower that received the call to the appropriate public safety answering point.

~~15.~~ 20. *"Wireless E911 phase 2"* means a 911 call made from a wireless device in which the wireless service provider delivers the call-back number and the latitude and lon[illegible]de

coordinates of the wireless device to the appropriate public safety answering point.

~~16.~~ 21. *"Wire-line E911 service surcharge"* ~~is~~ means a charge set by the E911 service area operating authority and assessed on each wire-line access line which physically terminates within the E911 service area in accordance with section 34A.7.

Sec. 2. Section 34A.3, subsection 4, Code 2011, is amended to read as follows:

4. *Participation in joint E911 service board required.* A political subdivision ~~or state agency~~ having a public safety agency within its territory or jurisdiction shall participate in a joint E911 service board and cooperate in maintaining the E911 service plan.

Sec. 3. Section 34A.6, subsection 1, Code 2011, is amended to read as follows:

1. Before a joint E911 service board may request imposition of the wire-line surcharge by the program manager, the board shall submit the following question to voters, as provided in subsection 2, in the proposed E911 service area, and the question shall receive a favorable vote from a simple majority of persons submitting valid ballots on the following question within the proposed E911 service area:

Shall the following public measure be adopted?

YES ...

NO ...

Enhanced 911 emergency telephone service shall be funded, in whole or in part, by a monthly surcharge of (an amount determined by the local joint E911 service board of up to one dollar) on each telephone access line collected as part of each telephone subscriber's monthly phone bill if provided within (description of the proposed E911 service area).

Sec. 4. Section 34A.6A, Code 2011, is amended to read as follows:

34A.6A Alternative surcharge.

1. Notwithstanding section 34A.6, the board may request imposition of ~~a~~ an alternative surcharge in an amount up to two dollars and fifty cents per month on each telephone access line. The board shall submit the question of the alternative surcharge to voters in the same manner as provided in section 34A.6. Not less than sixty days before the date of the referendum, the board shall notify all local exchange service providers in the county or counties comprising the E911 service area that a referendum on an alternative surcharge will be held. Not less than thirty days before the date of the referendum, the board shall publish in a newspaper of general circulation in the county or counties comprising the E911 service area a statement of estimated costs as described in section 34A.2, subsection 9, paragraph *"e"*, subparagraph (1), and justification of the need for the additional revenue. If approved, the alternative surcharge may be collected for a period of twenty-four months. At the end of the twenty-four-month period, the rate of the surcharge shall revert to one dollar per month, per access line.

2. Notwithstanding subsection 1, a temporary moratorium shall be applicable to a new surcharge authorized pursuant to this section until one hundred and fifty days after submission of recommendations by the E911 task force established by this Act to the general assembly.

Sec. 5. Section 34A.7, subsection 1, paragraph a, unnumbered paragraph 1, Code 2011, is amended to read as follows:

To encourage local implementation of E911 service, one source of funding for E911 emergency ~~telephone~~ communication systems shall come from a surcharge per month, per access line on each access line subscriber, except as provided in subsection 5, equal to the lowest amount of the following:

Sec. 6. Section 34A.7, subsection 1, paragraph b, subparagraph (1), Code 2011, is amended to read as follows:

(1) The program manager shall notify a local exchange service provider scheduled to provide exchange access line service to an E911 service area that implementation of an E911 service plan has been approved by the joint E911 service board and by the service area referendum and that collection of the surcharge is to begin within ~~one hundred~~ sixty days.

Sec. 7. Section 34A.7, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. A local exchange service provider is not liable for an uncollected surcharge for which the local exchange service provider has billed a subscriber but not been paid. The surcharge shall appear as a single line item on a subscriber's periodic billing entitled, "E911 emergency ~~telephone~~ communications service surcharge".

Sec. 8. Section 34A.7, subsection 5, paragraph b, subparagraph (3), Code 2011, is amended to read as follows:

(3) If money remains in the fund after fully paying obligations under subparagraphs (1) and (2), the remainder may

be accumulated in the fund as a carryover operating surplus. If the surplus is greater than twenty-five percent of the approved annual operating budget for the next year, the program manager shall reduce the surcharge by an amount calculated to result in a surplus of no more than twenty-five percent of the planned annual operating budget. After nonrecurring costs have been paid, if the surcharge is less than the maximum allowed and the fund surplus is less than twenty-five percent of the approved annual operating budget, the program manager shall, upon application of the joint E911 service board, increase the surcharge in an amount calculated to result in a surplus of twenty-five percent of the approved annual operating budget. The surcharge may only be adjusted once in a single year, upon ~~one hundred~~ sixty days' prior notice to the provider.

Sec. 9. Section 34A.7A, Code 2011, is amended to read as follows:

34A.7A ~~Wireless~~ Emergency communications service surcharge — fund established — distribution and permissible expenditures.

1. *a.* Notwithstanding section 34A.6, the administrator shall adopt by rule a monthly surcharge of up to sixty-five cents to be imposed on each ~~wireless~~ communications service number provided in this state. The surcharge shall be imposed uniformly on a statewide basis and simultaneously on all ~~wireless~~ communications service numbers as provided by rule of the administrator. The surcharge shall not be imposed on wire-line-based communications or prepaid wireless telecommunications service.

b. The program manager shall provide no less than ~~one hundred~~ sixty days' notice of the surcharge to be imposed to each ~~wireless~~ communications service provider. The program manager, subject to the sixty-five cent limit in paragraph "*a*", may adjust the amount of the surcharge as necessary, but no more than once in any calendar year.

c. (1) The surcharge shall be collected as part of the ~~wireless~~ communications service provider's periodic billing to a subscriber. The surcharge shall appear as a single line item on a subscriber's periodic billing indicating that the surcharge is for E911 emergency ~~telephone~~ communications service. ~~In the case of prepaid wireless telephone service, this surcharge shall be remitted based upon the address associated with the point of purchase, the customer billing address, or the location associated with the mobile telephone number, if each active prepaid wireless telephone that has~~

~~a sufficient positive balance as of the last days of the information, if that information is available.~~

(2) In compensation for the costs of billing and collection, the ~~wireless~~ communications service provider may retain one percent of the gross surcharges collected.

(3) The surcharges shall be remitted quarterly by the ~~wireless~~ communications service provider to the program manager for deposit into the fund established in subsection 2.

(4) A ~~wireless~~ communications service provider is not liable for an uncollected surcharge for which the ~~wireless~~ communications service provider has billed a subscriber but which has not been paid.

2. Moneys collected pursuant to subsection 1 and section 34A.7B, subsection 2, shall be deposited in a separate ~~wireless~~ E911 emergency communications fund within the state treasury under the control of the program manager. Section 8.33 shall not apply to moneys in the fund. Moneys earned as income, including as interest, from the fund shall remain in the fund until expended as provided in this section. Moneys in the fund shall be expended and distributed in the following priority order:

a. An amount as appropriated by the general assembly to the administrator shall be allocated to the administrator and program manager for implementation, support, and maintenance of the functions of the administrator and program manager and to employ the auditor of state to perform an annual audit of the ~~wireless~~ E911 emergency communications fund.

~~*b.* The program manager shall allocate twenty-one percent of the total amount of surcharge generated to wireless carriers to recover their costs to deliver E911 phase 1 services. If the allocation in this paragraph is insufficient to reimburse all wireless carriers for such carrier's eligible expenses, the program manager shall allocate a prorated amount to each wireless carrier equal to the percentage of such carrier's eligible expenses as compared to the total of all eligible expenses for all wireless carriers for the calendar quarter during which such expenses were submitted. When prorated expenses are paid, the remaining unpaid expenses shall no longer be eligible for payment under this paragraph.~~

~~*c.*~~ *b.* The program manager shall reimburse ~~wire-line carriers~~ communication service providers on a calendar quarter basis for carriers' eligible expenses for transport costs between the selective router and the public safety answering

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points related to the delivery of wireless E911 phase 1 services.

~~d.~~ *c.* The program manager shall reimburse wire-line carriers and third-party E911 automatic location information database providers on a calendar quarterly basis for the costs of maintaining and upgrading the E911 components and functionalities beyond the input to the E911 selective router, including the E911 selective router and the automatic location information database.

~~e. The program manager shall apply an amount up to five hundred thousand dollars per calendar quarter to any outstanding wireless E911 phase 1 obligations incurred pursuant to this chapter prior to July 1, 2004.~~

~~f.~~ *d.* (1) ~~The program manager shall allocate an amount up to one hundred fifty-nine thousand dollars per calendar quarter equally to the joint E911 service boards and the department of public safety that have submitted an annual written request to the program manager in a form approved by the program manager by May 15 of each year.~~ The program manager shall allocate to each joint E911 service board and to the department of public safety a minimum of one thousand dollars per calendar quarter for each public safety answering point within the service area of the department of public safety or joint E911 service board that has submitted an annual written request to the program manager in a form approved by the program manager by May 15 of each year.

(2) ~~Upon retirement of outstanding obligations referred to in paragraph "e", the~~ The amount allocated under this paragraph ~~"f"~~ *"d"* shall be ~~twenty-five~~ forty-six percent of the total amount of surcharge generated per calendar quarter allocated as follows:

(a) Sixty-five percent of the total dollars available for allocation shall be allocated in proportion to the square miles of the service area to the total square miles in this state.

(b) Thirty-five percent of the total dollars available for allocation shall be allocated in proportion to the wireless E911 calls taken at the public safety answering point in the service area to the total number of wireless E911 calls originating in this state.

(c) Notwithstanding subparagraph divisions (a) and (b), the minimum amount allocated to each joint E911 service board and to the department of public safety shall be no less than one thousand dollars for each public safety answering point within

the service area of the department of public safety or joint E911 service board.

(3) The funds allocated in this paragraph ~~"f"~~ *"d"* shall be used for communication equipment ~~located inside~~ utilized by the public safety answering points for the implementation and maintenance of ~~wireless~~ E911 ~~phase 2~~ services. ~~The joint E911 service boards and the department of public safety shall provide an estimate of phase 2 implementation costs to the program manager by January 1, 2005.~~

~~g.~~ *e.* If moneys remain in the fund after fully paying all obligations under paragraphs "a" through ~~"f"~~ *"d"*, the remainder may be accumulated in the fund as a carryover operating surplus. This surplus shall be used to fund future ~~phase 2~~ network and public safety answering point improvements, including hardware and software for an internet protocol-enabled next generation network, and wireless carriers' transport costs related to wireless E911 services, if those costs are not otherwise recovered by wireless carriers through customer billing or other sources and approved by the program manager. Notwithstanding section 8.33, any moneys remaining in the fund at the end of each fiscal year shall not revert to the general fund of the state but shall remain available for the purposes of the fund.

~~h.~~ *f.* The administrator, in consultation with the program manager and the E911 communications council, shall adopt rules pursuant to chapter 17A governing the distribution of the surcharge collected and distributed pursuant to this subsection. The rules shall include provisions that all joint E911 service boards and the department of public safety which answer or service wireless E911 calls are eligible to receive an equitable portion of the receipts.

3. *a.* The program manager shall submit an annual report by January 15 of each year to the general assembly's standing committees on government oversight 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 general assembly's standing committees on government oversight shall review the priorities of distribution of funds

under this chapter at least every two years.

4. The amount collected from a ~~wireless~~ communications service provider and deposited in the fund, pursuant to section 22.7, subsection 6, information provided by a ~~wireless~~ communications service provider to the program manager consisting of trade secrets, pursuant to section 22.7, subsection 3, and other financial or commercial operations information provided by a ~~wireless~~ communications service provider to the program manager, shall be kept confidential as provided under section 22.7. This subsection does not prohibit the inclusion of information in any report providing aggregate amounts and information which does not identify numbers of accounts or customers, revenues, or expenses attributable to an individual ~~wireless~~ communications service provider.

~~5. For purposes of this section, "wireless communications service" means commercial mobile radio service, as defined under sections 3(27) and 332(d) of the federal Telecommunications Act of 1996, 47 U.S.C. § 151 et seq.; federal communications commission rules; and the Omnibus Budget Reconciliation Act of 1993. "Wireless communications service" includes any wireless two-way communications used in cellular telephone service, personal communications service, or the functional or competitive equivalent of a radio telephone communications line used in cellular telephone service, a personal communications service, or a network access line. "Wireless communications service" does not include services whose customers do not have access to 911 or a 911-like service, a communications channel utilized only for data transmission, or a private telecommunications system.~~

Sec. 10. NEW SECTION. **34A.7B Prepaid wireless E911 surcharge.**

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

a. "Consumer" means a person who purchases prepaid wireless telecommunications service in a retail transaction.

b. "Department" means the department of revenue.

c. "Prepaid wireless E911 surcharge" means the surcharge that is required to be collected by a seller from a consumer in the amount established under this section.

d. "Provider" means a person who provides prepaid wireless telecommunications service pursuant to a license issued by the federal communications commission.

e. "Retail transaction" means the purchase of prepaid

wireless telecommunications service from a seller for any purpose other than resale.

f. "Seller" means a person who sells prepaid wireless telecommunications service to another person.

2. There is imposed a prepaid wireless E911 surcharge of thirty-three cents on each retail transaction or, on or after the determination of an adjusted rate as determined pursuant to subsection 7, the adjusted rate.

3. The prepaid wireless E911 surcharge shall be collected by the seller from the consumer with respect to each retail transaction occurring in this state. The amount of the prepaid wireless E911 surcharge shall be either separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller, or otherwise disclosed to the consumer.

4. For purposes of subsection 3, a retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state, and any other retail transaction shall be treated as occurring in this state if the retail transaction is treated as occurring in this state for purposes of section 423.20 as that section applies to sourcing of a prepaid wireless calling service.

5. The prepaid wireless E911 surcharge is the liability of the consumer and not of the seller or of any provider, except that the seller shall be liable to remit all prepaid wireless E911 surcharges that the seller collects from consumers as provided in subsection 3, including all such surcharges that the seller is deemed to collect where the amount of the surcharge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

6. The amount of the prepaid wireless E911 surcharge that is collected by a seller from a consumer, if such amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, other surcharge, or other charge that is imposed by this state, any political subdivision of this state, or any intergovernmental agency.

7. The prepaid wireless E911 surcharge shall be increased or reduced, as applicable, in an amount proportionate to any change to the surcharge imposed under section 34A."

subsection 1. The proportional increase or reduction shall be effective on the first day of the calendar month after the effective date of the change to the surcharge imposed under section 34A.7A, subsection 1. The department shall provide not less than thirty days' advance notice of such increase or reduction on the department's internet site.

8. If a minimal amount of prepaid wireless telecommunications service is sold with a prepaid wireless device for a single, nonitemized price, the seller may elect not to apply the prepaid wireless E911 surcharge to the retail transaction. For purposes of this subsection, an amount of service denominated as ten minutes or less, or five dollars or less, shall be regarded as a minimal amount of service.

9. Prepaid wireless E911 surcharges collected by sellers shall be remitted to the department at the times and in the manner provided by chapter 423 with respect to the sales and use tax. The department shall establish registration and payment procedures that substantially coincide with the registration and payment procedures that apply to sellers under chapter 423.

10. A seller may deduct and retain three percent of prepaid wireless E911 surcharges that are collected by the seller from consumers.

11. The audit and appeal procedures applicable under chapter 423 shall apply to prepaid wireless E911 surcharges.

12. The department shall establish procedures by which a seller of prepaid wireless telecommunications service may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions under chapter 423.

13. The department shall transfer all remitted prepaid wireless E911 surcharges to the treasurer of state for deposit in the E911 emergency communications fund created under section 34A.7A, subsection 2, within thirty days of receipt after deducting an amount, not to exceed two percent of collected surcharges, that shall be retained by the department to reimburse its direct costs of administering the collection and remittance of prepaid wireless E911 surcharges.

14. The limitation of actions provisions under section 34A.7, subsection 6, shall apply to providers and sellers of prepaid wireless telecommunications service. In addition, a provider or seller of prepaid wireless telecommunications service shall not be liable for damages to any person resulting

from or incurred in connection with the provision of any lawful assistance to any investigative or law enforcement officer of the United States, this or any other state, or any political subdivision of this or any other state, in connection with any lawful investigation or other law enforcement activity by such investigative or law enforcement officer.

15. The prepaid wireless E911 surcharge imposed pursuant to this section shall be the only E911 funding obligation imposed with respect to prepaid wireless telecommunications service in this state, and no tax, fee, surcharge, or other charge shall be imposed by this state, any political subdivision of this state, or any intergovernmental agency, for E911 funding purposes, upon any provider, seller, or consumer with respect to the sale, purchase, use, or provision of prepaid wireless telecommunications service.

Sec. 11. Section 34A.15, subsection 1, paragraph c, Code Supplement 2011, is amended to read as follows:

c. One person appointed by the Iowa ~~association of chiefs of police and~~ peace officers association.

Sec. 12. E911 TASK FORCE.

1. The homeland security and emergency management division of the department of public defense shall convene a task force of stakeholders to consider and offer recommendations regarding needed upgrades and enhancements to the state's E911 programs. Stakeholders shall include public safety and emergency management representatives, local public safety answering point personnel, telecommunications service providers, and state agencies that are directly involved in administering and providing E911 services in this state. Aspects of E911 service delivery for consideration by the task force shall include but not be limited to the following:

a. Enhanced technology needs of local E911 public safety answering points to ensure timely, quality emergency response services.

b. Identification of new wireless technologies used in E911 service delivery.

c. Funding needs to meet state and federal emergency communications technology mandates.

d. Potential wireless and wire-line surcharge adjustments to meet E911 service delivery demands, including specific recommendations on surcharge equalization and on the distribution formula of surcharge revenues.

e. Local and state E911 administration and governance.

2. The task force shall submit a report containing recommendations to the general assembly by December 1, 2012.

Sec. 13. EFFECTIVE DATE. The section of this Act enacting section 34A.7B takes effect January 1, 2013.

Sec. 14. APPLICABILITY. The section of this Act enacting section 34A.7B applies to retail sales of prepaid wireless telecommunications service on or after January 1, 2013.

JOHN P. KIBBIE
President of the Senate

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2332, Eighty-fourth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 5/2, 2012

TERRY E. BRANSTAD
Governor