

Raecker, Chair
Eichhorn
Tremmel

HSB 70

JUDICIARY

HOUSE FILE _____ Succeeded By
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON LARSON)

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

A BILL FOR

1 An Act relating to nonsubstantive Code corrections and including
2 effective and retroactive applicability provisions.

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

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S.F. _____ H.F. _____

1 Section 1. Section 12.32, subsections 1 and 3, Code 2001,
2 are amended to read as follows:

3 1. "Eligible borrower" means any person who is in the
4 business or is entering the business of producing, processing,
5 or marketing horticultural crops or nontraditional crops in
6 this state or any person in this state who is qualified to
7 participate in one of the programs in this division section
8 and sections 12.33 through 12.43B. "Eligible borrower" does
9 not include a person who has been determined to be delinquent
10 in making child support payments or any other payments due the
11 state.

12 3. "Linked investment" means a certificate of deposit
13 placed pursuant to this division section and sections 12.33
14 through 12.43B by the treasurer of state with an eligible
15 lending institution, at an interest rate not more than three
16 percent below current market rate on the condition that the
17 institution agrees to lend the value of the deposit, according
18 to the investment agreement provided in section 12.35, to an
19 eligible borrower at a rate not to exceed four percent above
20 the rate paid on the certificate of deposit. The treasurer of
21 state shall determine and make available the current market
22 rate which shall be used each month.

23 Sec. 2. Section 12.34, subsections 1 and 2, Code 2001, are
24 amended to read as follows:

25 1. The treasurer of state may invest up to the lesser of
26 one hundred eight million dollars or ten percent of the
27 balance of the state pooled money fund in certificates of
28 deposit in eligible lending institutions as provided in
29 sections 12.32 and 12.33, this division section, and sections
30 12.35 through 12.43B. The moneys invested pursuant to this
31 section shall be used as follows:

32 a. The treasurer of state may invest up to sixty-eight
33 million dollars to support programs provided in sections 12.32
34 and 12.33, this division section, and sections 12.35 through
35 12.43B other than the traditional livestock producers linked

1 investment loan program as provided in section 12.43A and the
2 value-added agricultural linked investment loan program as
3 provided in section 12.43B.

4 b. The treasurer of state shall invest the remaining
5 amount as follows:

6 (1) At least twenty million dollars shall be invested in
7 order to support the traditional livestock producers linked
8 investment loan program as provided in section 12.43A.

9 (2) At least twenty million dollars shall be invested in
10 order to support the value-added agricultural linked
11 investment loan program as provided in section 12.43B.

12 2. a. The treasurer of state shall adopt rules pursuant
13 to chapter 17A to administer sections 12.32 and 12.33, this
14 division section, and sections 12.35 through 12.43B.

15 b. The treasurer of state in cooperation with the board of
16 directors of the agricultural development authority as
17 established in section 175.3 shall adopt rules for the
18 administration of the traditional livestock producers linked
19 investment loan program as provided in section 12.43A. The
20 treasurer of state in cooperation with the agricultural
21 products advisory council established in section 15.203 shall
22 adopt rules for the administration of the value-added
23 agricultural linked investment loan program as provided in
24 section 15.204.

25 Sec. 3. Section 12.35, subsection 1, Code 2001, is amended
26 to read as follows:

27 1. An eligible lending institution that desires to receive
28 a linked investment shall enter into an agreement with the
29 treasurer of state, which shall include requirements necessary
30 for the eligible lending institution to comply with sections
31 12.32 through 12.34, this division section, and sections 12.36
32 through 12.43B.

33 Sec. 4. Section 12.36, subsection 2, Code 2001, is amended
34 to read as follows:

35 2. Upon acceptance of the linked investment loan package

1 or any portion of the package, the treasurer of state shall
2 place certificates of deposit with the eligible lending
3 institution at a rate not more than three percent below the
4 current market rate. The treasurer of state shall not place a
5 certificate of deposit with an eligible lending institution
6 pursuant to sections 12.32 through 12.35, this division
7 section, and sections 12.37 through 12.43B, unless the
8 certificate of deposit earns a rate of interest of at least
9 two percent. Interest earned on the certificate of deposit
10 and principal not renewed shall be remitted to the treasurer
11 of state at the time the certificate of deposit matures.
12 Certificates of deposit placed pursuant to sections 12.32
13 through 12.35, this division section, and sections 12.37
14 through 12.43B are not subject to a penalty for early
15 withdrawal.

16 Sec. 5. Section 12.40, subsection 2, Code 2001, is amended
17 to read as follows:

18 2. The treasurer of state shall adopt rules consistent
19 with sections 12.32 through 12.39, this division section, and
20 sections 12.41 through 12.43B to implement a rural small
21 business transfer linked investment loan program to maintain
22 and expand existing employment opportunities and the provision
23 of retail goods on a local level in small rural communities by
24 assisting in the transfer of ownership of retail-oriented
25 businesses where, in the absence of sufficient financial
26 assistance, the businesses may close.

27 Sec. 6. Section 12.43A, subsection 3, unnumbered paragraph
28 1, Code 2001, is amended to read as follows:

29 In order to qualify for a loan in accordance with an
30 investment agreement under sections 12.32 through 12.43, this
31 division section, and section 12.43B, all of the following
32 requirements must be satisfied:

33 Sec. 7. Section 12.72, subsection 1, Code 2001, is amended
34 to read as follows:

35 1. A vision Iowa fund is created and established as a

1 separate and distinct fund in the state treasury. The moneys
 2 in the fund are appropriated to the vision Iowa board for
 3 purposes of the vision Iowa program established in section
 4 15F.302. Moneys in the fund shall not be subject to
 5 appropriation for any other purpose by the general assembly,
 6 but shall be used only for the purposes of the vision Iowa
 7 fund. The treasurer of state shall act as custodian of the
 8 fund and disburse moneys contained in the fund as directed by
 9 the vision Iowa board, including automatic disbursements of
 10 funds received pursuant to the terms of bond indentures and
 11 documents and security provisions to trustees. The fund shall
 12 be administered by the vision Iowa board which shall make
 13 expenditures from the fund consistent with the purposes of the
 14 vision Iowa program without further appropriation. An
 15 applicant under the vision Iowa program shall not receive more
 16 than seventy-five million dollars in financial assistance from
 17 the fund.

18 Sec. 8. Section 12.72, subsection 2, unnumbered paragraph
 19 1, Code 2001, is amended to read as follows:

20 Revenue for the vision Iowa fund shall include, but is not
 21 limited to, the following, which shall be deposited with the
 22 treasurer of state or ~~it's~~ the treasurer's designee as
 23 provided by any bond or security documents and credited to the
 24 fund:

25 Sec. 9. Section 12.74, subsection 2, Code 2001, is amended
 26 to read as follows:

27 2. The state pledges to and agrees with the holders of
 28 bonds or notes issued under section 12.71 that the state will
 29 not limit or alter the rights and powers vested in the vision
 30 Iowa board or the treasurer of state to fulfill the terms of a
 31 contract made with respect to the bonds or notes, or in any
 32 way impair the rights and remedies of the holders until the
 33 bonds and notes, together with the interest on them including
 34 interest on unpaid installments of interest, are fully met and
 35 discharged.

1 Sec. 10. Section 14B.101, subsection 3, Code 2001, is
2 amended to read as follows:

3 3. "Governmental entity" means any unit of government in
4 the executive, legislative, or judicial branch of government;
5 an agency or political subdivision; any unit of another state
6 government, including its political subdivisions; and or any
7 unit of the United States government.

8 Sec. 11. Section 14B.109, subsection 2, paragraph a, Code
9 2001, is amended to read as follows:

10 a. Standards established by the information technology
11 council, unless waived pursuant to section 14B.105, shall
12 apply to all information technology procurements for
13 participating agencies.

14 Sec. 12. Section 14B.109, subsection 3, Code 2001, is
15 amended to read as follows:

16 3. The information technology department, by rule, may
17 implement a prequalification procedure for contractors with
18 which the department has entered or intends to enter into
19 agreements regarding the procurement of information
20 technology.

21 Sec. 13. Section 14B.109, subsection 5, Code 2001, is
22 amended to read as follows:

23 5. The department shall adopt rules pursuant to chapter
24 17A to implement the procurement methods and procedures
25 provided for in subsections 2 through 4.

26 Sec. 14. Section 14B.201, subsection 2, paragraph b, Code
27 2001, is amended to read as follows:

28 b. The advisory council shall also advise the information
29 technology council and the director with respect to the
30 operation of IowAccess and encourage and implementing
31 implement access to government and its public records by the
32 citizens of this state.

33 Sec. 15. Section 16.92, subsection 7, paragraph b, Code
34 2001, is amended to read as follows:

35 b. For purposes of this subsection, an effective release

1 has not been filed of record if there it appears that a
 2 mortgagee in the record chain of title to the mortgage has
 3 not, either on the mortgagee's own behalf or by the
 4 mortgagee's duly appointed servicer or attorney in fact as
 5 established of record by a filed servicing agreement or power
 6 of attorney, filed of record either an assignment of the
 7 mortgage to another mortgagee in the record chain of title to
 8 the mortgage or a release of the mortgagee's interest in the
 9 mortgage. For the purposes of this subsection and subsection
 10 2, paragraph "c", "mortgage servicer" includes a mortgagee for
 11 which an effective release has not been filed of record as
 12 provided in this paragraph.

13 Sec. 16. Section 18.22, subsection 4, paragraph c,
 14 subparagraph (1), Code 2001, is amended to read as follows:

15 (1) "Bio-based hydraulic fluids, greases, and other
 16 industrial lubricants" means the same as defined by the United
 17 States department of agriculture, if the department has
 18 adopted such a definition. If the United States department of
 19 agriculture has not adopted a definition, "bio-based hydraulic
 20 fluids, greases, and other industrial lubricants" means
 21 hydraulic fluids, greases, and other lubricants containing a
 22 minimum of fifty-one percent soybean oil.

23 Sec. 17. Section 22.7, subsection 20, Code 2001, is
 24 amended to read as follows:

25 20. Information concerning the nature and location of any
 26 archaeological resource or site if, in the opinion of the
 27 state archaeologist, disclosure of the information will result
 28 in unreasonable risk of damage to or loss of the resource or
 29 site where the resource is located. This subsection shall not
 30 be construed to interfere with the responsibilities of the
 31 federal government or the state ~~historical~~ historic
 32 preservation officer pertaining to access, disclosure, and use
 33 of archaeological site records.

34 Sec. 18. Section 50.16, Code 2001, is amended by striking
 35 the words "Election board member's name" and the words "Tally

1 keeper's name" and inserting the following: "Name".

2 Sec. 19. Section 68B.22, subsection 4, paragraph p, Code
3 2001, is amended to read as follows:

4 p. Gifts other than food, beverages, travel, and lodging
5 received by a public official or public employee which are
6 received from a person who is a citizen of a country other
7 than the United States and ~~is~~ are given during a ceremonial
8 presentation or as a result of a custom of the other country
9 and is of personal value only to the donee.

10 Sec. 20. Section 68B.38, subsection 1, Code 2001, is
11 amended to read as follows:

12 1. On or before January 31 and July 31 of each year, a
13 lobbyist's client shall file with the general assembly or
14 board a report that contains information on all salaries,
15 fees, and retainers paid by the lobbyist's client to the
16 lobbyist for lobbying purposes during the preceding six
17 calendar months. Reports by a lobbyist's clients shall be
18 filed with the same entity with which the lobbyist filed the
19 lobbyist's registration.

20 Sec. 21. Section 84A.1A, subsection 4, Code 2001, is
21 amended to read as follows:

22 4. Members of the board, the director, and other employees
23 of the department of workforce development shall be allowed
24 their actual and necessary expenses incurred in the
25 performance of their duties. All expenses shall be paid from
26 appropriations for those purposes and the department is
27 subject to the budget requirements of chapter 8. Each member
28 of the board may also be eligible to receive compensation as
29 provided in section 7E.6.

30 Sec. 22. Section 84A.1B, subsections 5 through 8, Code
31 2001, are amended to read as follows:

32 5. Approve the budget of the department of workforce
33 development related to workforce development as prepared by
34 the director.

35 6. Establish guidelines, procedures, and policies for the

1 awarding of grants for workforce development services by the
2 department of workforce development.

3 7. Review grants or contracts awarded by the department of
4 workforce development, with respect to the department's
5 adherence to the guidelines and procedures and the impact on
6 the five-year strategic plan for workforce development.

7 8. Make recommendations concerning the use of federal
8 funds received by the department of workforce development with
9 respect to the five-year and twenty-year workforce development
10 plans.

11 Sec. 23. Section 84A.4, subsections 2 and 3, Code 2001,
12 are amended to read as follows:

13 2. Each regional advisory board shall identify workforce
14 development needs in its region, assist the workforce
15 development board and the department of workforce development
16 in the awarding of grants or contracts administered by the
17 department of workforce development in that region and in
18 monitoring the performance of the grants and contracts
19 awarded, make annual reports as required by section 84A.1B,
20 and make recommendations to the workforce development board
21 and department of workforce development concerning workforce
22 development.

23 3. Section 84A.1A, subsections 2, 3, and 5, apply to the
24 members of a regional advisory board except that the board
25 shall meet if a majority of the members of the board, and not
26 five, file a written request with the chairperson for a
27 meeting. Members of a regional advisory board shall be
28 allowed their actual and necessary expenses incurred in the
29 performance of their duties. All expenses shall be paid from
30 appropriations for those purposes and the department of
31 workforce development is subject to the budget requirements of
32 chapter 8.

33 Sec. 24. Section 88.3, subsection 8, Code 2001, is amended
34 to read as follows:

35 8. "Occupational safety and health standard" means a

1 standard which requires conditions or the adoption or use of
2 one or more practices, means, methods, operations, or
3 processes, reasonably necessary or appropriate to provide
4 safety safe or healthful employment and places of employment.

5 Sec. 25. Section 88.5, subsection 7, Code 2001, is amended
6 to read as follows:

7 7. SPECIAL VARIANCE. Where there are conflicts with
8 standards, rules or regulations promulgated by any federal
9 agency other than the United States department of labor,
10 special variances from standards, rules or regulations
11 promulgated under this chapter may be granted to avoid such
12 regulatory conflicts. Such variances shall take into
13 consideration the safety of the employees involved.
14 Notwithstanding any other provision of this chapter, and with
15 respect to this paragraph, any employer seeking relief under
16 this provision must file an application ~~therefor~~ with the
17 commissioner and the commissioner shall forthwith hold a
18 hearing at which employees or other interested persons,
19 including representatives of the federal regulatory agencies
20 involved, may appear and upon the showing that such a conflict
21 indeed exists the commissioner may issue a special variance
22 until the conflict is resolved.

23 Sec. 26. Section 89.2, subsection 5, paragraph a, Code
24 2001, is amended as follows:

25 a. A building or structure primarily used as a theater,
26 motion picture theater, museum, arena, exhibition hall,
27 school, college, dormitory, bowling alley, physical fitness
28 center, family entertainment center, lodge hall, union hall,
29 pool hall, casino, place of worship, funeral home, institution
30 of health and custodial care, hospital, or child care or adult
31 day care facility.

32 Sec. 27. Section 92.1, subsection 1, Code 2001, is amended
33 to read as follows:

34 1. No person under ten years of age shall be employed or
35 permitted to work with or without compensation at any time

1 within this state in street occupations of peddling,
 2 ~~bootblacking shoe polishing~~, the distribution or sale of
 3 newspapers, magazines, periodicals or circulars, nor in any
 4 other occupations in any street or public place. The labor
 5 commissioner shall, when ordered by a judge of the juvenile
 6 court, issue a work permit as provided in this chapter to a
 7 person under ten years of age.

8 Sec. 28. Section 124.101, subsection 17, Code 2001, is
 9 amended to read as follows:

10 17. "Marijuana" means all parts of the plants of the genus
 11 ~~cannabis~~ Cannabis, whether growing or not; the seeds thereof;
 12 the resin extracted from any part of the plant; and every
 13 compound, manufacture, salt, derivative, mixture or
 14 preparation of the plant, its seeds or resin, including
 15 tetrahydrocannabinols. It does not include the mature stalks
 16 of the plant, fiber produced from the stalks, oil or cake made
 17 from the seeds of the plant, any other compound, manufacture,
 18 salt, derivative, mixture, or preparation of the mature stalks
 19 (except the resin extracted therefrom), fiber, oil or cake or
 20 the sterilized seed of the plant which is incapable of
 21 germination.

22 Sec. 29. Section 139A.2, subsection 14, Code 2001, is
 23 amended to read as follows:

24 14. "Isolation" means the separation of persons or animals
 25 presumably or actually ~~affected~~ infected with a communicable
 26 disease or who are disease carriers for the usual period of
 27 communicability of that disease in such places, marked by
 28 placards if necessary, and under such conditions as will
 29 prevent the direct or indirect conveyance of the infectious
 30 agent or contagion to susceptible persons.

31 Sec. 30. Section 139A.22, subsection 3, Code 2001, is
 32 amended to read as follows:

33 3. The department shall establish an expert review panel
 34 to determine on a case-by-case basis under what circumstances,
 35 if any, a health care provider determined to be infected with

1 HIV or HBV practicing outside the hospital setting or referred
2 to the panel by a hospital or health care facility setting may
3 perform exposure-prone procedures. If a health care provider
4 determined to be infected with HIV or HBV does not comply with
5 the determination of the expert review panel, the panel shall
6 report the noncompliance to the examining board with
7 jurisdiction over the health care provider. A determination
8 of an expert review panel pursuant to this section is a final
9 agency action appealable pursuant to section 17A.19.

10 Sec. 31. Section 161A.15, Code 2001, is amended to read as
11 follows:

12 161A.15 NOTICE AND HEARING.

13 Within thirty days after a petition has been filed with the
14 soil and water conservation district commissioners, they shall
15 fix a date, hour, and place for a hearing and direct the
16 secretary to cause notice to be given to the owners of each
17 tract of land, or lot, within the proposed subdistrict as
18 shown by the transfer books of the auditor's office, and to
19 each lienholder, or encumbrancer, of any such lands as shown
20 by the county records, and to all other persons whom it may
21 concern, and without naming individuals all actual occupants
22 of land in the proposed subdistrict, of the pendency and
23 purpose of the petition and that all objections to
24 establishment of the subdistrict for any reason must be made
25 in writing and filed with the secretary of the soil and water
26 conservation district at, or before, the time set for hearing.
27 The soil and water conservation district commissioners shall
28 consider and determine whether the operation of the
29 subdistrict within the defined boundaries as proposed is
30 desirable, practicable, feasible, and of necessity in the
31 interest of health, safety, and public welfare. All
32 interested parties may attend the hearing and be heard. The
33 soil and water conservation district commissioners may for
34 good cause adjourn the hearing to a day certain which shall be
35 announced at the time of adjournment and made a matter of

1 record. If the soil and water conservation district
2 commissioners determine that the petition meets the
3 requirements set forth in this section and in section 161A.5,
4 they shall declare that the subdistrict is duly organized and
5 shall record such action in their official minutes together
6 with an appropriate official name or designation for the
7 subdistrict.

8 Sec. 32. Section 161A.18, Code 2001, is amended to read as
9 follows:

10 161A.18 AUTHENTICATION.

11 Following the entry in the official minutes of the soil and
12 water conservation district commissioners of the creation of
13 the subdistrict, the commissioners shall certify this fact on
14 a separate form, authentic copies of which shall be recorded
15 with the county recorder of each county in which any portion
16 of the subdistrict lies, and with the division of soil
17 conservation.

18 Sec. 33. Section 166D.2, subsection 2, Code 2001, is
19 amended to read as follows:

20 2. "Approved premises" means a dry lot facility located in
21 an area with confirmed cases of pseudorabies infection, which
22 is certified by the department to receive, and feed, and move
23 or relocate infected swine as provided in section 166D.10B.

24 Sec. 34. Section 166D.12, subsection 2, paragraph c, Code
25 2001, is amended to read as follows:

26 c. A person shall not move swine subject to restricted
27 movement to or from a fixed concentration point ~~subject to~~
28 ~~restricted-movement~~ or receive swine subject to restricted
29 movement at a fixed concentration point, unless the swine is
30 moved and received in compliance with section 166D.10A.

31 Sec. 35. Section 200.7, Code 2001, is amended to read as
32 follows:

33 200.7 FERTILIZER-PESTICIDE MIXTURE.

34 Only those persons licensed under section 200.4 shall be
35 permitted to add pesticides to commercial fertilizers. These

1 persons shall at all times produce a uniform mixture of
2 fertilizer and pesticide and shall register and label their
3 product in compliance with both the-Iowa-Pesticide-Act chapter
4 206 and this chapter.

5 Sec. 36. Section 205.5, Code 2001, is amended to read as
6 follows:

7 205.5 REGULATIONS AS TO SALES OF CERTAIN POISONS.

8 It shall be unlawful for any person except a licensed
9 pharmacist to sell at retail any of the poisons enumerated in
10 this section: Ammoniated mercury, mercury bichloride, red
11 mercuric iodide, and other poisonous salts and compounds of
12 mercury; salts and compounds of arsenic; salts of antimony;
13 salts of barium except the sulphate; salts of thallium;
14 hydrocyanic acid and its salts; chromic, glacial acetic, and
15 picric acids; chloral hydrate, croton oil, creosol,
16 chloroform, dinitrophenol, ether, oil of bitter almonds,
17 phenol, phosphorus and sodium fluoride; aconitine, arecoline,
18 ~~atrophine~~ atropine, brucine, homatropine, hyoscyamine,
19 nicotine, strychnine, and the salts of these alkaloids;
20 aconite, belladonna, cantharides, digitalis, nux vomica,
21 veratrum, and the preparations of these poisonous drugs.

22 Sec. 37. Section 216.15A, subsection 13, Code 2001, is
23 amended to read as follows:

24 13. If a provision of this section ~~216.15A~~ applies under
25 the terms of ~~section-216.15A~~, subsection 12, and the provision
26 of this section ~~216.15A~~ conflicts with a provision of section
27 216.15, then the provision contained within this section
28 ~~216.15A~~ shall prevail. Similarly, if a provision of section
29 216.16A or 216.17A conflicts with a provision of section
30 216.16 or 216.17, then the provision contained in section
31 216.16A or 216.17A shall prevail.

32 Sec. 38. Section 232.52, subsection 7, Code 2001, is
33 amended to read as follows:

34 7. If the court orders the transfer of the custody of the
35 child to the department of human services or to another agency

1 for placement in ~~foster~~ group foster care, the department or
 2 agency shall make every reasonable effort to place the child
 3 within the state, in the least restrictive, most family-like,
 4 and most appropriate setting available and in close proximity
 5 to the parents' home, consistent with the child's best
 6 interests and special needs, and shall consider the
 7 placement's proximity to the school in which the child is
 8 enrolled at the time of placement.

9 Sec. 39. Section 232.102, subsection 7, Code 2001, is
 10 amended to read as follows:

11 7. In any order transferring custody to the department or
 12 an agency, or in orders pursuant to a custody order, the court
 13 shall specify the nature and category of disposition which
 14 will serve the best interests of the child, and shall
 15 prescribe the means by which the placement shall be monitored
 16 by the court. If the court orders the transfer of the custody
 17 of the child to the department of human services or other
 18 agency for placement, the department or agency shall submit a
 19 case permanency plan to the court and shall make every
 20 reasonable effort to return the child to the child's home as
 21 quickly as possible consistent with the best interest of the
 22 child. When the child is not returned to the child's home and
 23 if the child has been previously placed in a licensed foster
 24 care facility, the department or agency shall consider placing
 25 the child in the same licensed foster care facility. If the
 26 court orders the transfer of custody to a parent who does not
 27 have physical care of the child, other relative, or other
 28 suitable person, the court may direct the department or other
 29 agency to provide services to the child's parent, guardian, or
 30 custodian in order to enable them to resume custody of the
 31 child. If the court orders the transfer of custody to the
 32 department of human services or to another agency for
 33 placement in ~~foster~~ group foster care, the department or
 34 agency shall make every reasonable effort to place the child
 35 within Iowa, in the least restrictive, most family-like, and

1 most appropriate setting available, and in close proximity to
2 the parents' home, consistent with the child's best interests
3 and special needs, and shall consider the placement's
4 proximity to the school in which the child is enrolled at the
5 time of placement.

6 Sec. 40. Section 252F.7, Code 2001, is amended to read as
7 follows:

8 252F.7 REPORT TO VITAL STATISTICS RECORDS.

9 Upon the filing of an order with the district court
10 pursuant to this chapter, the clerk of the district court
11 shall report the information from the order to the bureau of
12 vital statistics records in the manner provided in section
13 600B.36.

14 Sec. 41. Section 261.9, subsection 1, paragraph c, Code
15 2001, is amended to read as follows:

16 c. Is a school of nursing accredited by the national
17 league for nursing and approved by the board of nurse
18 examiners nursing, including such a school operated,
19 controlled, and administered by a county public hospital.

20 Sec. 42. Section 275.8, subsection 1, Code 2001, is
21 amended to read as follows:

22 1. Preparation of a written joint plan in which contiguous
23 territory in two or more area education agencies is considered
24 as a part of a potential school district in the area education
25 agency on behalf of which such plan is filed with the state
26 department of public-instruction education by the area
27 education agency board.

28 Sec. 43. Section 275.8, subsection 3, unnumbered
29 paragraphs 1 and 2, Code 2001, are amended to read as follows:

30 Filing said plan with the state department of public
31 instruction education.

32 For purposes of subsection 1 hereof, joint planning shall
33 be evidenced by filing the following items with the state
34 department of public-instruction education:

35 Sec. 44. Section 303.21, unnumbered paragraph 2, Code

1 2001, is amended to read as follows:

2 The petition shall contain a description of the property
3 suggested for inclusion in the district, and the reasons
4 justifying the creation of the district.

5 Sec. 45. Section 321.502, Code 2001, is amended to read as
6 follows:

7 321.502 NOTIFICATION TO NONRESIDENT -- FORM.

8 The notification, provided for in section 321.501, shall be
9 in substantially the following form, to wit:

10 To (Here insert the name of each defendant and the
11 defendant's residence or last known place of abode as
12 definitely as known.)

13 You will take notice that an original notice of suit
14 against you, a copy of which is hereto attached, was duly
15 served upon you at Des Moines, Iowa, by filing a copy of said
16 notice on the day of, 19....., with the director of
17 transportation of the state of Iowa.

18 Dated at, Iowa, this ... day of, 19.....

19

20 Plaintiff.

21 By.....

22 Attorney for plaintiff.

23 Sec. 46. Section 357A.11, subsection 9, Code 2001, is
24 amended to read as follows:

25 9. Finance all or part of the cost of the construction or
26 purchase of a project necessary to carry out the purposes for
27 which the district is incorporated or to refinance all or part
28 of the original cost of that project, including, but not
29 limited to, obligations originated by the district as a
30 nonprofit corporation under chapter 504A and assumed by the
31 district reorganized under this chapter. Financing or
32 refinancing carried out under this subsection shall be in
33 accordance with the terms and procedures set forth in the
34 applicable provisions of sections 384.24A, 384.83 through
35 384.88, 384.92, and 384.93. References in these sections to a

1 city shall be applicable to a rural water district operating
2 under this chapter, and references in ~~that~~ division V of
3 chapter 384 to a city council shall be applicable to the board
4 of directors of a rural water district. This subsection shall
5 not create a lien against the property of a person who is not
6 a rural water subscriber.

7 Sec. 47. Section 357E.9, unnumbered paragraph 2, Code
8 2001, is amended to read as follows:

9 If the state owns at least four hundred acres of land
10 contiguous to a lake within the district, the natural
11 resources resource commission shall appoint two members of the
12 board of trustees in addition to the three members provided in
13 this section. The additional two members must be citizens of
14 the state, not less than eighteen years of age, and property
15 owners within the district. The two additional members have
16 voting and other authority equal to the other members of the
17 board and hold office at the pleasure of the natural resources
18 resource commission.

19 Sec. 48. Section 392.5, unnumbered paragraph 2, Code 2001,
20 is amended to read as follows:

21 In order for the board to function in the same manner, the
22 council shall retain all applicable ordinances, and shall
23 adopt as ordinances all applicable state statutes repealed by
24 646A 1972 Iowa Acts, chapter 1088.

25 Sec. 49. Section 422E.2, subsection 4, paragraph b,
26 unnumbered paragraph 1, Code 2001, is amended to read as
27 follows:

28 Within ten days of the election at which a majority of
29 those voting on the question favors the imposition, repeal, or
30 change in the rate of the tax, the county auditor shall give
31 written notice of the result of the election by sending a copy
32 of the abstract of the votes from the favorable election to
33 the director of revenue and finance ~~of-the-result-of-the~~
34 election. Election costs shall be apportioned among school
35 districts within the county on a pro rata basis in proportion

1 to the number of registered voters in each school district and
2 the total number of registered voters in all of the school
3 districts within the county.

4 Sec. 50. Section 425.21, Code 2001, is amended to read as
5 follows:

6 425.21 SATISFACTION OF OUTSTANDING TAX LIABILITIES.

7 The amount of any claim for credit or reimbursement payable
8 under this division may be applied by the department of
9 revenue and finance against any tax liability, delinquent
10 accounts, charges, loans, fees, or other indebtedness due the
11 state or state agency that ~~have~~ has a formal ~~agreements~~
12 agreement with the department for central debt collection,
13 outstanding on the books of the department against the
14 claimant, or against a spouse who was a member of the
15 claimant's household in the base year.

16 Sec. 51. Section 446.38, Code 2001, is amended to read as
17 follows:

18 446.38 SUSPENDED TAXES OF OLD-AGE ASSISTANCE RECIPIENTS.

19 In cases where taxes were suspended one year or more upon
20 the parcel of a deceased old-age assistance recipient and no
21 estate was opened within ninety days after the death of the
22 recipient and the surviving spouse of the recipient is not
23 occupying the parcel, the county may apply to the probate
24 court to have the parcel conveyed to it for satisfaction of
25 the suspended taxes. The probate court shall prescribe the
26 manner and notices to be given. The probate court shall order
27 the parcel conveyed to the county for satisfaction of the
28 suspended taxes if an estate is not opened within a time
29 specified by the court. The probate court shall make and
30 enter all appropriate orders to effect this conveyance to the
31 county if an estate is not opened within the time specified.
32 The parcel, at the election of the county treasurer, may be
33 offered at tax sale in accordance with this chapter 446 in
34 lieu of the county making application to the probate court.

35 Sec. 52. Section 455A.19, subsection 1, paragraph a,

1 unnumbered paragraph 1, Code 2001, is amended to read as
2 follows:

3 Twenty-eight percent shall be allocated to the open spaces
4 account. At least ten percent of the allocations to the
5 account shall be made available to match private funds for
6 open space projects on the cost-share basis of not less than
7 twenty-five percent private funds pursuant to the rules
8 adopted by the natural resources resource commission. Five
9 percent of the funds allocated to the open spaces account
10 shall be used to fund the protected waters program. This
11 account shall be used by the department to implement the
12 statewide open space acquisition, protection, and development
13 programs.

14 Sec. 53. Section 455E.11, subsection 2, paragraph a,
15 subparagraph (2), subparagraph subdivision (f), Code 2001, is
16 amended to read as follows:

17 (f) Eight and one-half percent to the department to
18 provide additional toxic cleanup days or other efforts of the
19 department to support permanent household hazardous material
20 collection systems and special events for household hazardous
21 material collection, and for the natural resource geographic
22 information system required under section 455E.8, subsection
23 6. Departmental rules adopted for implementation of toxic
24 cleanup days shall provide sufficient flexibility to respond
25 to the household hazardous material collection needs of both
26 small and large communities. Repayment of moneys from the
27 Iowa business loan program for waste reduction and recycling
28 pursuant to section 455B.310, subsection 2, paragraph "b",
29 Code 1993, and discontinued pursuant to 1993 Iowa Acts,
30 chapter 176, section 45, shall be placed into this account to
31 support household hazardous materials programs of the
32 department.

33 Sec. 54. Section 515B.2, subsection 5, Code 2001, is
34 amended to read as follows:

35 5. "Insurer" means an insurer licensed to transact

1 insurance business in this state under either chapter 515 or
 2 chapter 520, either at the time the policy was issued or when
 3 the insured event occurred. It does not include county or
 4 state mutual insurance associations licensed under chapter 518
 5 or chapter 518A, or fraternal beneficiary benefit societies,
 6 orders, or associations licensed under chapter 512B, or
 7 corporations operating nonprofit service plans under chapter
 8 514, or life insurance companies or life, accident, or health
 9 associations licensed under chapter 508, or those professions
 10 under chapter 519.

11 Sec. 55. Section 518.28, Code 2001, is amended to read as
 12 follows:

13 518.28 FAILURE TO FILE COPY.

14 Upon the failure of a county mutual insurance association
 15 to file a copy of its forms of policies or contracts pursuant
 16 to section 518.27, the commissioner of insurance may suspend
 17 its authority to transact business within the state until such
 18 forms of policies or contracts have been filed and approved.

19 Sec. 56. Section 518A.35, Code 2001, is amended to read as
 20 follows:

21 518A.35 ANNUAL TAX.

22 A state mutual insurance association doing business under
 23 this chapter shall on or before the first day of March, each
 24 year, pay to the director of the department of revenue and
 25 finance, or a depository designated by the director, a sum
 26 equivalent to two percent of the gross receipts from premiums
 27 and fees for business done within the state, including all
 28 insurance upon property situated in the state without
 29 including or deducting any amounts received or paid for
 30 reinsurance. However, a company reinsuring windstorm or hail
 31 risks written by county mutual insurance associations is
 32 required to pay a two percent tax on the gross amount of
 33 reinsurance premiums received upon such risks, but after
 34 deducting the amount returned upon canceled policies and
 35 rejected applications covering property situated within the

1 state, and dividends returned to policyholders on property
2 situated within the state.

3 Sec. 57. Section 537.3102, Code 2001, is amended to read
4 as follows:

5 537.3102 SCOPE.

6 Part 2 applies to disclosure with respect to consumer
7 credit transactions, other than consumer rental purchase
8 agreements, and the provision in section 537.3201 applies to a
9 sale of an interest in land or a loan secured by an interest
10 in land, without regard to the rate of finance charge, if the
11 sale or loan is otherwise a consumer credit sale or consumer
12 loan. Parts 3 and 4 apply, respectively, to disclosure,
13 limitations on agreements and practices, and limitations on
14 consumer's liability with respect to certain consumer credit
15 transactions. Part 5 applies to home solicitation sales.
16 Part 6 applies to consumer rental purchase agreements.

17 Sec. 58. Section 805.1, subsection 4, Code 2001, is
18 amended to read as follows:

19 4. The issuance of a citation in lieu of arrest or in lieu
20 of continued custody does not affect the officer's authority
21 to conduct an otherwise lawful search. The issuance of a
22 citation in lieu of arrest shall be deemed an arrest for the
23 purpose of the speedy indictment requirements of R.Cr.P.
24 ~~section 277-subsection-27-paragraph-"a"~~(2)(a), Ia. Ct. Rules,
25 3rd ed.

26 Sec. 59. Section 805.8, subsection 2, paragraph ah, Code
27 2001, is amended to read as follows:

28 ah. If, in connection with a motor vehicle accident, a
29 person is charged and found guilty of a violation of section
30 321.20B, subsection 1, the scheduled fine is five hundred
31 dollars, otherwise the scheduled fine for a violation of
32 section 321.20B, subsection 1, is two hundred fifty dollars.
33 Notwithstanding section 805.12, fines collected pursuant to
34 this paragraph shall be submitted to the state court
35 administrator and distributed fifty percent to the victim

1 compensation fund established in section ~~912.14~~ 915.94,
2 twenty-five percent to the county in which such fine is
3 imposed, and twenty-five percent to the general fund of the
4 state.

5 Sec. 60. Sections 496B.11, 496B.12, 496C.3, 496C.14,
6 496C.20, 496C.22, and 544A.21, Code 2001, are amended by
7 adding after the words "Iowa business corporation Act", the
8 following: ", chapter 490,".

9 Sec. 61. Section 496B.3, Code 2001, is amended by adding
10 after the words "Iowa business corporation Act," the
11 following: "chapter 490,".

12 Sec. 62. Sections 496B.6, 496B.8, 496B.17, 496C.4, 496C.9,
13 496C.19, 496C.21, and 504A.6, Code 2001, are amended by adding
14 after the words "Iowa business corporation Act", the
15 following: ", chapter 490".

16 Sec. 63. 2000 Iowa Acts, chapter 1029, section 1, is
17 amended by striking the amending phrase to the section and
18 inserting in lieu thereof the following: "Section 249A.4,
19 subsection 8, unnumbered paragraph 1, Code Supplement 1999, is
20 amended to read as follows:".

21 Sec. 64. 2000 Iowa Acts, chapter 1098, section 1, is
22 amended by striking the amending phrase to the section and
23 inserting in lieu thereof the following: "Section 256.7, Code
24 Supplement 1999, is amended by adding the following new
25 subsection:".

26 Sec. 65. 2000 Iowa Acts, chapter 1145, sections 10, 12,
27 18, and 23, are amended by striking the word and figure "Code
28 1999" in the amending phrase to the section and inserting in
29 lieu thereof the following: "Code Supplement 1999".

30 Sec. 66. 2000 Iowa Acts, chapter 1145, section 11, is
31 amended by striking the section and inserting in lieu thereof
32 the following:

33 SEC. 11. Section 600.8, subsections 4, 7, 8, 9, and 12,
34 Code Supplement 1999, are amended to read as follows:

35 4. A postplacement investigation and the report of the

1 investigation shall be completed and filed with the juvenile
2 court or court prior to the holding of the adoption hearing
3 prescribed in section 600.12. Upon the filing of an adoption
4 petition pursuant to section 600.5, the juvenile court or
5 court shall immediately appoint the department, an agency, or
6 an investigator to conduct and complete the postplacement
7 report. Any person, ~~including a juvenile court,~~ who has
8 gained relevant background information concerning a minor
9 person subject to an adoption petition shall, upon request,
10 fully cooperate with the conducting of the postplacement
11 investigation by disclosing any relevant information
12 requested, whether contained in sealed records or not.

13 7. Any investigation or report required under this section
14 shall not apply when the person to be adopted is an adult or
15 when the prospective adoption petitioner or adoption
16 petitioner is a stepparent of the person to be adopted.
17 However, in the case of a stepparent adoption, the juvenile
18 court or court, upon the request of an interested person or on
19 its own motion stating the reasons therefor of record, may
20 order an investigation or report pursuant to this section.

21 8. Any person designated to make an investigation and
22 report under this section may request an agency or state
23 agency, within or outside this state, to conduct a portion of
24 the investigation or the report, as may be appropriate, and to
25 file a supplemental report of such investigation or report
26 with the juvenile court or court. In the case of the adoption
27 of a minor person by a person domiciled or residing in any
28 other jurisdiction of the United States, any investigation or
29 report required under this section which has been conducted
30 pursuant to the standards of that other jurisdiction shall be
31 recognized in this state.

32 9. The department may investigate, on its own initiative
33 or on order of the juvenile court or court, any placement made
34 or adoption petition filed under this chapter or chapter 600A
35 and may report its resulting recommendation to the juvenile

1 court or court.

2 12. Any investigation and report required under subsection
3 1 of this section may be waived by the juvenile court or court
4 if the adoption petitioner is related within the fourth degree
5 of consanguinity to the person to be adopted.

6 Sec. 67. 2000 Iowa Acts, chapter 1145, section 17, is
7 amended by striking the section and inserting in lieu thereof
8 the following:

9 SEC. 17. Section 600.13, subsections 1, 2, 3, and 5, Code
10 Supplement 1999, are amended to read as follows:

11 1. At the conclusion of the adoption hearing, the juvenile
12 court or court shall:

- 13 a. Issue a final adoption decree;
- 14 b. Issue an interlocutory adoption decree; or,
- 15 c. Dismiss the adoption petition if the requirements of
16 this chapter have not been met or if dismissal of the adoption
17 petition is in the best interest of the person whose adoption
18 has been petitioned. Upon dismissal, the juvenile court or
19 court shall determine who is to be guardian or custodian of a
20 minor child, including the adoption petitioner if it is in the
21 best interest of the minor person whose adoption has been
22 petitioned.

23 2. An interlocutory adoption decree automatically becomes
24 a final adoption decree at a date specified by the juvenile
25 court or court in the interlocutory adoption decree, which
26 date shall not be less than one hundred eighty days nor more
27 than three hundred sixty days from the date the interlocutory
28 decree is issued. However, an interlocutory adoption decree
29 may be vacated prior to the date specified for it to become
30 final. Also, the juvenile court or court may provide in the
31 interlocutory adoption decree for further observation,
32 investigation, and report of the conditions of and the
33 relationships between the adoption petitioner and the person
34 petitioned to be adopted.

35 3. If an interlocutory adoption decree is vacated under

1 subsection 2, it shall be void from the date of issuance and
2 the rights, duties, and liabilities of all persons affected by
3 it shall, unless they have become vested, be governed
4 accordingly. Upon vacation of an interlocutory adoption
5 decree, the juvenile court or court shall proceed under the
6 provisions of subsection 1, paragraph "c".

7 5. An interlocutory or a final adoption decree shall be
8 entered with the clerk of court. Such decree shall set forth
9 any facts of the adoption petition which have been proven to
10 the satisfaction of the juvenile court or court and any other
11 facts considered to be relevant by the juvenile court or court
12 and shall grant the adoption petition. If so designated in
13 the adoption decree, the name of the adopted person shall be
14 changed by issuance of that decree. The clerk of the court
15 shall, within thirty days of issuance, deliver one certified
16 copy of any adoption decree to the petitioner, one copy of any
17 adoption decree to the department and any agency or person
18 making an independent placement who placed a minor person for
19 adoption, and one certification of adoption as prescribed in
20 section 144.19 to the state registrar of vital statistics.
21 Upon receipt of the certification, the state registrar shall
22 prepare a new birth certificate pursuant to section 144.23 and
23 deliver to the parents named in the decree and any adult
24 person adopted by the decree a copy of the new birth
25 certificate. The parents shall pay the fee prescribed in
26 section 144.46. If the person adopted was born outside the
27 state, the state registrar shall forward the certification of
28 adoption to the appropriate agency in the state or foreign
29 nation of birth. A copy of any interlocutory adoption decree
30 vacation shall be delivered and another birth certificate
31 shall be prepared in the same manner as a certification of
32 adoption is delivered and the birth certificate was originally
33 prepared.

34 Sec. 68. 2000 Iowa Acts, chapter 1183, section 1, is
35 amended by striking the amending phrase to the section and

1 inserting in lieu thereof the following: "Section 169.5, Code
2 Supplement 1999, is amended by adding the following new
3 subsection:".

4 Sec. 69. 2000 Iowa Acts, chapter 1231, section 33,
5 unnumbered paragraph 3, is amended to read as follows:

6 Of the moneys remaining on June 30, 2000, in the
7 administrative fund established in section ~~12B-4A~~ 12D.4,
8 \$150,000 shall not revert to the general fund of the state but
9 shall be carried forward to the fiscal year beginning July 1,
10 2000, and may be expended for establishing an automated
11 distribution system for educational savings plan benefits.

12 Sec. 70. 2000 Iowa Acts, chapter 1231, section 39, is
13 amended to read as follows:

14 SEC. 39. Chapter 8A and section 12D.4A, Code and Code
15 Supplement 1999, are repealed.

16 Sec. 71. 1999 Iowa Acts, chapter 7, section 9, is amended
17 by striking the amending phrase to the section and inserting
18 in lieu thereof the following: "Section 321.34, subsection
19 12, Code 1999, is amended by adding the following new
20 paragraph:".

21 Sec. 72. EFFECTIVE DATES.

22 1. Sections 64, 65, 66, 67, 69, and 70, being deemed of
23 immediate importance, take effect upon enactment and apply
24 retroactively to July 1, 2000.

25 2. Section 63 of this Act, being deemed of immediate
26 importance, takes effect upon enactment and applies
27 retroactively to March 31, 2000.

28 3. Section 68 takes effect July 1, 2001.

29 4. Section 71, being deemed of immediate importance, takes
30 effect upon enactment and applies retroactively to July 1,
31 1999.

32 EXPLANATION

33 This bill makes nonsubstantive corrections to the Code of
34 Iowa.

35 Code sections 12.32, 12.34, 12.35, 12.40, and 12.43A.

1 Strikes the word "division" and substitutes references to the
2 sections in Code chapter 12, which correspond with the linked
3 investment program. There are no divisions in Code chapter
4 12.

5 Code sections 12.72 and 12.74. Adds the words "vision
6 Iowa" before the word "board". The term "board" is defined in
7 Code chapter 15F to mean the vision Iowa board and that board
8 is responsible for administering the vision Iowa program and
9 fund. The words "the treasurer's" are substituted for the
10 word "its" in language relating to the designation by the
11 treasurer of an individual or entity with which the revenue
12 from the vision Iowa fund is to be deposited.

13 Code section 14B.101. Changes the word "and" to "or" in
14 language describing what entities are "governmental entities"
15 for purposes of the information technology department chapter.

16 Code section 14B.109. Adds, in subsection 2, the words
17 "information technology" before the word "council" in language
18 relating to waiver of standards established by the information
19 technology council under Code section 14B.105. The term
20 "council" is not defined in Code chapter 14B. The word "with"
21 is added to language relating to contractors with which the
22 department has entered or intends to enter into agreements.
23 The words "and procedures" are added after the words
24 "procurement methods". Subsections 2 through 4 provide for
25 both procurement methods and procurement procedures.

26 Code section 14B.201. Changes the word "implementing" to
27 "implement" in language relating to the duty of the IowaAccess
28 council to encourage and implement access to government and
29 its public records.

30 Code section 16.92. Changes the word "there" to "it" in
31 language describing the apparent conditions which would cause
32 an effective release to not be filed of record in provisions
33 relating to the execution of certificates of release from
34 mortgages by the Iowa finance authority.

35 Code section 18.22. Adds the words "the same" in language

1 describing the meaning of the term "bio-based hydraulic
2 fluids, greases, and other industrial lubricants" if the
3 United States department of agriculture has adopted such a
4 term.

5 Code section 22.7. Corrects the name of the state historic
6 preservation officer within provisions relating to
7 confidentiality of public records.

8 Code section 68B.22. Corrects the verb "is" to "are" in
9 language pertaining to gifts which may be permissibly received
10 by a public official or employee.

11 Code section 50.16. Changes parenthetical references in a
12 form to "election board member's name" and "tally keeper's
13 name" to the word "name", to simplify the form. The words
14 "election board members" and "designated tally keepers" appear
15 in the opposite side of the column, parallel to the location
16 of the words being deleted.

17 Code section 68B.38. Adds the word "a" before the word
18 "lobbyist's" in language relating to reports filed by a
19 lobbyist's clients.

20 Code section 84A.4. Adds the words "of workforce
21 development" after the word "department" in language relating
22 to the awarding of workforce development grants by the
23 workforce development board and the department of workforce
24 development based on the advice of the regional advisory
25 boards.

26 Code section 88.3. Changes the word "safety" to "safe" in
27 the definition of the term "occupational safety and health
28 standard".

29 Code section 88.5. Strikes the word "therefor" in language
30 relating to the filing of applications for special variances
31 from labor standards with the commissioner of labor.

32 Code section 89.2. Adds the word "facility" after the
33 words "or child care or adult day care" in the portion of the
34 definition of "public assembly" in the boilers and unfired
35 steam pressure vessels chapter, relating to the use of certain

1 buildings or structures in which public assemblies may occur.

2 Code section 92.1. Updates the term "bootblacking" to the
3 term "shoe polishing" in provisions regulating child labor.

4 Code section 124.101. Capitalizes the genus name Cannabis
5 in the definition of the term "marijuana" in the controlled
6 substance chapter.

7 Code section 139A.2. Changes the word "affected" to
8 "infected" in the definition of the term "isolation" in the
9 communicable and infectious diseases and poisonings chapter.

10 Code section 139A.22. Moves the word "setting" to after
11 the words "outside the hospital" in language relating to
12 referrals of a health care provider, who is infected with HIV
13 or HBV, by a hospital or health care facility to an expert
14 panel for a determination of whether that provider can perform
15 exposure-prone procedures.

16 Code section 161A.15. Corrects references to the name of
17 the soil and water conservation district commissioners in the
18 soil and water conservation chapter.

19 Code section 161A.18. Corrects references to the name of
20 the soil and water conservation district commissioners in the
21 soil and water conservation chapter.

22 Code section 166D.2. Makes grammatical changes in language
23 describing the kinds of activities that are carried out in
24 certain dry lot facilities that are certified by the
25 department of agriculture and land stewardship as approved
26 premises for the care of swine that are infected with
27 pseudorabies.

28 Code section 166D.12. Moves the words "subject to
29 restricted movement" from after the words "concentration
30 point" to after the word "swine". The swine are subject to a
31 restricted movement.

32 Code section 200.7. Strikes the words "the Iowa Pesticide
33 Act" and replaces them with the words "chapter 206". The
34 pesticide Act of Iowa is contained in Code chapter 206.

35 Code section 205.5. Corrects the spelling of the word

1 "atropine" in language relating to the regulation of the sale
2 of certain poisons.

3 Code section 216.15A. Deletes or changes references to
4 Code section 216.15A in this section in the civil rights
5 commission chapter to "this section".

6 Code section 232.52. Corrects a reference to foster group
7 care to refer instead to group foster care. This is
8 consistent with other references to group foster care within
9 this section which pertains to the disposition of a child
10 found to have committed a delinquent act.

11 Code section 232.102. Corrects a reference to foster group
12 care to refer instead to group foster care in provisions
13 relating to the transfer and legal care of a child found to
14 have committed a delinquent act.

15 Code section 261.9. Corrects the name of the board of
16 nursing in language describing which schools are accredited
17 private institutions for purposes of students receiving
18 financial aid under the tuition grant program.

19 Code section 275.8. Updates references to the state
20 department of public instruction to the current name of the
21 department of education in the reorganization of school
22 districts chapter.

23 Code section 303.21. Strikes a comma and adds the word
24 "and" in this provision which relates to a petition for a
25 referendum for the establishment of a historical preservation
26 district.

27 Code section 321.502. Updates century date references, by
28 striking the figure "19" in a form used for the notification
29 of a nonresident of any civil actions and proceedings relating
30 to the use and operation of a motor vehicle by the nonresident
31 in this state.

32 Code section 357A.11. Specifies the division within Code
33 chapter 384 in which references to a city council are made
34 applicable to a rural water district operating under Code
35 chapter 357A. Code section 384.24A, which was added by 2000

1 Acts, chapter 1078, section 1, is in a different division of
2 Code chapter 384 than the other sections cited.

3 Code section 357E.9. Corrects references to the natural
4 resource commission in the recreational lake and water quality
5 districts chapter.

6 Code section 392.5. Updates a reference to an Iowa Acts
7 chapter in provisions relating to the establishment of
8 administrative agencies by cities by replacing the reference
9 to the general assembly number with the correct year of the
10 Acts in which that chapter appeared.

11 Code section 422E.2. Moves the words "of the result of the
12 election" to after the word "notice" in language requiring the
13 county auditor to send a copy of the abstract of votes from
14 the favorable election to the director of revenue and finance.
15 The abstract of votes contains the result of the election.

16 Code section 425.21. Changes a verb form and substitutes
17 the word "agreement" to conform with the use of the
18 disjunctive "or" in provisions relating to the application of
19 claims for credit or reimbursement to satisfy tax liability,
20 delinquencies, or other forms of indebtedness.

21 Code section 446.38. Changes a reference to "chapter 446"
22 to "this chapter" in this provision relating to suspended
23 taxes of old-age assistance recipients.

24 Code section 455A.19. Corrects references to the natural
25 resource commission in the chapter relating to the
26 jurisdiction of the department of natural resources.

27 Code section 455E.11. Strikes the word "of" in language
28 describing where repayment moneys received from the Iowa
29 business loan program for waste reduction and recycling
30 program are to be deposited.

31 Code section 515B.2. Corrects the use of the term
32 "fraternal benefit societies" to the name given those
33 societies under Code chapter 512B in the definition of
34 "insurer" in the insurance guaranty association chapter.

35 Code section 518.28. Adds the word "insurance" between the

1 words "county mutual" and "association" in provisions relating
2 to the failure of a county mutual insurance association to
3 file its forms of policies or contracts under Code section
4 518.27. Code chapter 518 is entitled "county mutual insurance
5 associations".

6 Code section 518A.35. Adds the word "insurance" between
7 the words "county mutual" and "association" in provisions
8 relating to the reinsurance by a state mutual insurance
9 association of certain risks written by a county mutual
10 insurance association.

11 Code section 537.3102. Adds the word "purchase" between
12 the words "consumer rental" and "agreements". Part 6 of Code
13 chapter 537 is entitled "consumer rental purchase agreements".

14 Code section 805.1. Corrects the citation to Iowa court
15 rule of criminal procedure 27. The Iowa court rules are
16 referred to as rules, not sections and subsections.

17 Code section 805.8. Corrects a reference to the section in
18 which the victim compensation fund is established. The victim
19 compensation fund language was moved to Code section 915.94 by
20 1998 Iowa Acts, chapter 1090, section 55.

21 Code sections 496B.3, 496B.6, 496B.8, 496B.11, 496B.12,
22 496B.17, 496C.3, 496C.4, 496C.9, 496C.14, 496C.19, 496C.20,
23 496C.21, 496C.22, 504A.6, and 544A.21. Adds the word and
24 figure "chapter 490" after the words "Iowa business
25 corporation Act". The Iowa business corporation Act is
26 contained in Code chapter 490.

27 2000 Iowa Acts, chapter 1029. Corrects lead-in language to
28 refer to the 1999 Code Supplement. This correction is
29 effective upon enactment and applies retroactively to March
30 31, 2000.

31 2000 Iowa Acts, chapter 1098. Corrects lead-in language to
32 refer to the 1999 Code Supplement.

33 2000 Iowa Acts, chapter 1145, sections 10, 11, 12, 17, 18,
34 and 23. Conforms the provisions to the text of the Code as it
35 appeared in Code Supplement 1999, by either amending the lead-

1 in language to the bill sections or replacing the Code 1999
2 language with the applicable Code Supplement 1999 language and
3 reinserting the amendments made in the 2000 Act into that
4 language.

5 2000 Iowa Acts, chapter 1183, section 1. Adds the word
6 "Supplement" to existing language in the amending clause of
7 that section of that Act.

8 2000 Iowa Acts, chapter 1231, section 33. Amends a
9 reference to Code section 12D.4A to Code section 12D.4. The
10 administrative fund is established in Code section 12D.4 and
11 12D.4A was repealed in 2000 Iowa Acts, chapter 1231, section
12 39.

13 2000 Iowa Acts, chapter 1231, section 39. Adds the words
14 "and Code". Although a portion of Code chapter 8A was
15 included in the 1999 Code Supplement, the remaining
16 substantive provisions of Code chapter 8A appeared in the 1999
17 Code.

18 1999 Iowa Acts, chapter 7, section 9. Adds the word and
19 figure "Code 1999" to existing language in the amending clause
20 of that section of that Act.

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Place On Calendar

HOUSE FILE 194
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 70)

Passed House (P. 411) Date 2/14/01 Passed Senate (P. 809) Date 3-26-01
Vote: Ayes 97 Nays 0 Vote: Ayes 45 Nays 0
Approved April 4, 2001

A BILL FOR

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

HF 194

HOUSE FILE 194

H-1041

1 Amend House File 194, as follows:
2 1. Page 11, by inserting after line 8, the
3 following:
4 "Sec. ____ . Section 147.80, subsection 13, Code
5 2001, is amended to read as follows:
6 13. License to practice nursing issued upon the
7 basis of an examination given by the board of ~~nurse~~
8 ~~examiners~~ nursing, license to practice nursing based
9 on an endorsement from another state, territory or
10 foreign country, renewal of a license to practice
11 nursing."
12 2. Page 21, by inserting after line 15, the
13 following:
14 "Sec. ____ . Section 714.19, subsection 2, Code
15 2001, is amended to read as follows:
16 2. Schools of nursing accredited by the board of
17 ~~nurse~~ ~~examiners~~ nursing or an equivalent public board
18 of another state or foreign country."
19 3. By numbering, renumbering, and changing
20 internal references as necessary.

adopted 2/14/01 (P. 411) By COMMITTEE ON JUDICIARY
LARSON of Linn, Chairperson
H-1041 FILED FEBRUARY 7, 2001

1 Section 1. Section 12.32, subsections 1 and 3, Code 2001,
2 are amended to read as follows:

3 1. "Eligible borrower" means any person who is in the
4 business or is entering the business of producing, processing,
5 or marketing horticultural crops or nontraditional crops in
6 this state or any person in this state who is qualified to
7 participate in one of the programs in this division section
8 and sections 12.33 through 12.43B. "Eligible borrower" does
9 not include a person who has been determined to be delinquent
10 in making child support payments or any other payments due the
11 state.

12 3. "Linked investment" means a certificate of deposit
13 placed pursuant to this division section and sections 12.33
14 through 12.43B by the treasurer of state with an eligible
15 lending institution, at an interest rate not more than three
16 percent below current market rate on the condition that the
17 institution agrees to lend the value of the deposit, according
18 to the investment agreement provided in section 12.35, to an
19 eligible borrower at a rate not to exceed four percent above
20 the rate paid on the certificate of deposit. The treasurer of
21 state shall determine and make available the current market
22 rate which shall be used each month.

23 Sec. 2. Section 12.34, subsections 1 and 2, Code 2001, are
24 amended to read as follows:

25 1. The treasurer of state may invest up to the lesser of
26 one hundred eight million dollars or ten percent of the
27 balance of the state pooled money fund in certificates of
28 deposit in eligible lending institutions as provided in
29 sections 12.32 and 12.33, this division section, and sections
30 12.35 through 12.43B. The moneys invested pursuant to this
31 section shall be used as follows:

32 a. The treasurer of state may invest up to sixty-eight
33 million dollars to support programs provided in sections 12.32
34 and 12.33, this division section, and sections 12.35 through
35 12.43B other than the traditional livestock producers linked

1 investment loan program as provided in section 12.43A and the
2 value-added agricultural linked investment loan program as
3 provided in section 12.43B.

4 b. The treasurer of state shall invest the remaining
5 amount as follows:

6 (1) At least twenty million dollars shall be invested in
7 order to support the traditional livestock producers linked
8 investment loan program as provided in section 12.43A.

9 (2) At least twenty million dollars shall be invested in
10 order to support the value-added agricultural linked
11 investment loan program as provided in section 12.43B.

12 2. a. The treasurer of state shall adopt rules pursuant
13 to chapter 17A to administer sections 12.32 and 12.33, this
14 division section, and sections 12.35 through 12.43B.

15 b. The treasurer of state in cooperation with the board of
16 directors of the agricultural development authority as
17 established in section 175.3 shall adopt rules for the
18 administration of the traditional livestock producers linked
19 investment loan program as provided in section 12.43A. The
20 treasurer of state in cooperation with the agricultural
21 products advisory council established in section 15.203 shall
22 adopt rules for the administration of the value-added
23 agricultural linked investment loan program as provided in
24 section 15.204.

25 Sec. 3. Section 12.35, subsection 1, Code 2001, is amended
26 to read as follows:

27 1. An eligible lending institution that desires to receive
28 a linked investment shall enter into an agreement with the
29 treasurer of state, which shall include requirements necessary
30 for the eligible lending institution to comply with sections
31 12.32 through 12.34, this division section, and sections 12.36
32 through 12.43B.

33 Sec. 4. Section 12.36, subsection 2, Code 2001, is amended
34 to read as follows:

35 2. Upon acceptance of the linked investment loan package

1 or any portion of the package, the treasurer of state shall
2 place certificates of deposit with the eligible lending
3 institution at a rate not more than three percent below the
4 current market rate. The treasurer of state shall not place a
5 certificate of deposit with an eligible lending institution
6 pursuant to sections 12.32 through 12.35, this ~~division~~
7 section, and sections 12.37 through 12.43B, unless the
8 certificate of deposit earns a rate of interest of at least
9 two percent. Interest earned on the certificate of deposit
10 and principal not renewed shall be remitted to the treasurer
11 of state at the time the certificate of deposit matures.
12 Certificates of deposit placed pursuant to sections 12.32
13 through 12.35, this ~~division~~ section, and sections 12.37
14 through 12.43B are not subject to a penalty for early
15 withdrawal.

16 Sec. 5. Section 12.40, subsection 2, Code 2001, is amended
17 to read as follows:

18 2. The treasurer of state shall adopt rules consistent
19 with sections 12.32 through 12.39, this ~~division~~ section, and
20 sections 12.41 through 12.43B to implement a rural small
21 business transfer linked investment loan program to maintain
22 and expand existing employment opportunities and the provision
23 of retail goods on a local level in small rural communities by
24 assisting in the transfer of ownership of retail-oriented
25 businesses where, in the absence of sufficient financial
26 assistance, the businesses may close.

27 Sec. 6. Section 12.43A, subsection 3, unnumbered paragraph
28 1, Code 2001, is amended to read as follows:

29 In order to qualify for a loan in accordance with an
30 investment agreement under sections 12.32 through 12.43, this
31 ~~division~~ section, and section 12.43B, all of the following
32 requirements must be satisfied:

33 Sec. 7. Section 12.72, subsection 1, Code 2001, is amended
34 to read as follows:

35 1. A vision Iowa fund is created and established as a

1 separate and distinct fund in the state treasury. The moneys
2 in the fund are appropriated to the vision Iowa board for
3 purposes of the vision Iowa program established in section
4 15F.302. Moneys in the fund shall not be subject to
5 appropriation for any other purpose by the general assembly,
6 but shall be used only for the purposes of the vision Iowa
7 fund. The treasurer of state shall act as custodian of the
8 fund and disburse moneys contained in the fund as directed by
9 the vision Iowa board, including automatic disbursements of
10 funds received pursuant to the terms of bond indentures and
11 documents and security provisions to trustees. The fund shall
12 be administered by the vision Iowa board which shall make
13 expenditures from the fund consistent with the purposes of the
14 vision Iowa program without further appropriation. An
15 applicant under the vision Iowa program shall not receive more
16 than seventy-five million dollars in financial assistance from
17 the fund.

18 Sec. 8. Section 12.72, subsection 2, unnumbered paragraph
19 1, Code 2001, is amended to read as follows:

20 Revenue for the vision Iowa fund shall include, but is not
21 limited to, the following, which shall be deposited with the
22 treasurer of state or ~~its~~ the treasurer's designee as provided
23 by any bond or security documents and credited to the fund:

24 Sec. 9. Section 12.74, subsection 2, Code 2001, is amended
25 to read as follows:

26 2. The state pledges to and agrees with the holders of
27 bonds or notes issued under section 12.71 that the state will
28 not limit or alter the rights and powers vested in the vision
29 Iowa board or the treasurer of state to fulfill the terms of a
30 contract made with respect to the bonds or notes, or in any
31 way impair the rights and remedies of the holders until the
32 bonds and notes, together with the interest on them including
33 interest on unpaid installments of interest, are fully met and
34 discharged.

35 Sec. 10. Section 14B.101, subsection 3, Code 2001, is

1 amended to read as follows:

2 3. "Governmental entity" means any unit of government in
3 the executive, legislative, or judicial branch of government;
4 an agency or political subdivision; any unit of another state
5 government, including its political subdivisions; and or any
6 unit of the United States government.

7 Sec. 11. Section 14B.109, subsection 2, paragraph a, Code
8 2001, is amended to read as follows:

9 a. Standards established by the information technology
10 council, unless waived pursuant to section 14B.105, shall
11 apply to all information technology procurements for
12 participating agencies.

13 Sec. 12. Section 14B.109, subsection 3, Code 2001, is
14 amended to read as follows:

15 3. The information technology department, by rule, may
16 implement a prequalification procedure for contractors with
17 which the department has entered or intends to enter into
18 agreements regarding the procurement of information
19 technology.

20 Sec. 13. Section 14B.109, subsection 5, Code 2001, is
21 amended to read as follows:

22 5. The department shall adopt rules pursuant to chapter
23 17A to implement the procurement methods and procedures
24 provided for in subsections 2 through 4.

25 Sec. 14. Section 14B.201, subsection 2, paragraph b, Code
26 2001, is amended to read as follows:

27 b. The advisory council shall also advise the information
28 technology council and the director with respect to the
29 operation of IowaAccess and encourage and implementing
30 implement access to government and its public records by the
31 citizens of this state.

32 Sec. 15. Section 16.92, subsection 7, paragraph b, Code
33 2001, is amended to read as follows:

34 b. For purposes of this subsection, an effective release
35 has not been filed of record if there it appears that a

1 mortgagee in the record chain of title to the mortgage has
2 not, either on the mortgagee's own behalf or by the
3 mortgagee's duly appointed servicer or attorney in fact as
4 established of record by a filed servicing agreement or power
5 of attorney, filed of record either an assignment of the
6 mortgage to another mortgagee in the record chain of title to
7 the mortgage or a release of the mortgagee's interest in the
8 mortgage. For the purposes of this subsection and subsection
9 2, paragraph "c", "mortgage servicer" includes a mortgagee for
10 which an effective release has not been filed of record as
11 provided in this paragraph.

12 Sec. 16. Section 18.22, subsection 4, paragraph c,
13 subparagraph (1), Code 2001, is amended to read as follows:

14 (1) "Bio-based hydraulic fluids, greases, and other
15 industrial lubricants" means the same as defined by the United
16 States department of agriculture, if the department has
17 adopted such a definition. If the United States department of
18 agriculture has not adopted a definition, "bio-based hydraulic
19 fluids, greases, and other industrial lubricants" means
20 hydraulic fluids, greases, and other lubricants containing a
21 minimum of fifty-one percent soybean oil.

22 Sec. 17. Section 22.7, subsection 20, Code 2001, is
23 amended to read as follows:

24 20. Information concerning the nature and location of any
25 archaeological resource or site if, in the opinion of the
26 state archaeologist, disclosure of the information will result
27 in unreasonable risk of damage to or loss of the resource or
28 site where the resource is located. This subsection shall not
29 be construed to interfere with the responsibilities of the
30 federal government or the state ~~historical~~ historic
31 preservation officer pertaining to access, disclosure, and use
32 of archaeological site records.

33 Sec. 18. Section 50.16, Code 2001, is amended by striking
34 the words "Election board member's name" and the words "Tally
35 keeper's name" and inserting the following: "Name".

1 Sec. 19. Section 68B.22, subsection 4, paragraph p, Code
2 2001, is amended to read as follows:

3 p. Gifts other than food, beverages, travel, and lodging
4 received by a public official or public employee which are
5 received from a person who is a citizen of a country other
6 than the United States and ~~is~~ are given during a ceremonial
7 presentation or as a result of a custom of the other country
8 and is of personal value only to the donee.

9 Sec. 20. Section 68B.38, subsection 1, Code 2001, is
10 amended to read as follows:

11 1. On or before January 31 and July 31 of each year, a
12 lobbyist's client shall file with the general assembly or
13 board a report that contains information on all salaries,
14 fees, and retainers paid by the lobbyist's client to the
15 lobbyist for lobbying purposes during the preceding six
16 calendar months. Reports by a lobbyist's clients shall be
17 filed with the same entity with which the lobbyist filed the
18 lobbyist's registration.

19 Sec. 21. Section 84A.1A, subsection 4, Code 2001, is
20 amended to read as follows:

21 4. Members of the board, the director, and other employees
22 of the department of workforce development shall be allowed
23 their actual and necessary expenses incurred in the
24 performance of their duties. All expenses shall be paid from
25 appropriations for those purposes and the department is
26 subject to the budget requirements of chapter 8. Each member
27 of the board may also be eligible to receive compensation as
28 provided in section 7E.6.

29 Sec. 22. Section 84A.1B, subsections 5 through 8, Code
30 2001, are amended to read as follows:

31 5. Approve the budget of the department of workforce
32 development related to workforce development as prepared by
33 the director.

34 6. Establish guidelines, procedures, and policies for the
35 awarding of grants for workforce development services by the

1 department of workforce development.

2 7. Review grants or contracts awarded by the department of
3 workforce development, with respect to the department's
4 adherence to the guidelines and procedures and the impact on
5 the five-year strategic plan for workforce development.

6 8. Make recommendations concerning the use of federal
7 funds received by the department of workforce development with
8 respect to the five-year and twenty-year workforce development
9 plans.

10 Sec. 23. Section 84A.4, subsections 2 and 3, Code 2001,
11 are amended to read as follows:

12 2. Each regional advisory board shall identify workforce
13 development needs in its region, assist the workforce
14 development board and the department of workforce development
15 in the awarding of grants or contracts administered by the
16 department of workforce development in that region and in
17 monitoring the performance of the grants and contracts
18 awarded, make annual reports as required by section 84A.1B,
19 and make recommendations to the workforce development board
20 and department of workforce development concerning workforce
21 development.

22 3. Section 84A.1A, subsections 2, 3, and 5, apply to the
23 members of a regional advisory board except that the board
24 shall meet if a majority of the members of the board, and not
25 five, file a written request with the chairperson for a
26 meeting. Members of a regional advisory board shall be
27 allowed their actual and necessary expenses incurred in the
28 performance of their duties. All expenses shall be paid from
29 appropriations for those purposes and the department of
30 workforce development is subject to the budget requirements of
31 chapter 8.

32 Sec. 24. Section 88.3, subsection 8, Code 2001, is amended
33 to read as follows:

34 8. "Occupational safety and health standard" means a
35 standard which requires conditions or the adoption or use of

1 one or more practices, means, methods, operations, or
2 processes, reasonably necessary or appropriate to provide
3 ~~safety~~ safe or healthful employment and places of employment.

4 Sec. 25. Section 88.5, subsection 7, Code 2001, is amended
5 to read as follows:

6 7. SPECIAL VARIANCE. Where there are conflicts with
7 standards, rules or regulations promulgated by any federal
8 agency other than the United States department of labor,
9 special variances from standards, rules or regulations
10 promulgated under this chapter may be granted to avoid such
11 regulatory conflicts. Such variances shall take into
12 consideration the safety of the employees involved.
13 Notwithstanding any other provision of this chapter, and with
14 respect to this paragraph, any employer seeking relief under
15 this provision must file an application ~~therefor~~ with the
16 commissioner and the commissioner shall forthwith hold a
17 hearing at which employees or other interested persons,
18 including representatives of the federal regulatory agencies
19 involved, may appear and upon the showing that such a conflict
20 indeed exists the commissioner may issue a special variance
21 until the conflict is resolved.

22 Sec. 26. Section 89.2, subsection 5, paragraph a, Code
23 2001, is amended as follows:

24 a. A building or structure primarily used as a theater,
25 motion picture theater, museum, arena, exhibition hall,
26 school, college, dormitory, bowling alley, physical fitness
27 center, family entertainment center, lodge hall, union hall,
28 pool hall, casino, place of worship, funeral home, institution
29 of health and custodial care, hospital, or child care or adult
30 day care facility.

31 Sec. 27. Section 92.1, subsection 1, Code 2001, is amended
32 to read as follows:

33 1. No person under ten years of age shall be employed or
34 permitted to work with or without compensation at any time
35 within this state in street occupations of peddling,

1 bootblacking shoe polishing, the distribution or sale of
2 newspapers, magazines, periodicals or circulars, nor in any
3 other occupations in any street or public place. The labor
4 commissioner shall, when ordered by a judge of the juvenile
5 court, issue a work permit as provided in this chapter to a
6 person under ten years of age.

7 Sec. 28. Section 124.101, subsection 17, Code 2001, is
8 amended to read as follows:

9 17. "Marijuana" means all parts of the plants of the genus
10 cannabis Cannabis, whether growing or not; the seeds thereof;
11 the resin extracted from any part of the plant; and every
12 compound, manufacture, salt, derivative, mixture or
13 preparation of the plant, its seeds or resin, including
14 tetrahydrocannabinols. It does not include the mature stalks
15 of the plant, fiber produced from the stalks, oil or cake made
16 from the seeds of the plant, any other compound, manufacture,
17 salt, derivative, mixture, or preparation of the mature stalks
18 (except the resin extracted therefrom), fiber, oil or cake or
19 the sterilized seed of the plant which is incapable of
20 germination.

21 Sec. 29. Section 139A.2, subsection 14, Code 2001, is
22 amended to read as follows:

23 14. "Isolation" means the separation of persons or animals
24 presumably or actually affected infected with a communicable
25 disease or who are disease carriers for the usual period of
26 communicability of that disease in such places, marked by
27 placards if necessary, and under such conditions as will
28 prevent the direct or indirect conveyance of the infectious
29 agent or contagion to susceptible persons.

30 Sec. 30. Section 139A.22, subsection 3, Code 2001, is
31 amended to read as follows:

32 3. The department shall establish an expert review panel
33 to determine on a case-by-case basis under what circumstances,
34 if any, a health care provider determined to be infected with
35 HIV or HBV practicing outside the hospital setting or referred

1 to the panel by a hospital or health care facility setting may
2 perform exposure-prone procedures. If a health care provider
3 determined to be infected with HIV or HBV does not comply with
4 the determination of the expert review panel, the panel shall
5 report the noncompliance to the examining board with
6 jurisdiction over the health care provider. A determination
7 of an expert review panel pursuant to this section is a final
8 agency action appealable pursuant to section 17A.19.

9 Sec. 31. Section 161A.15, Code 2001, is amended to read as
10 follows:

11 161A.15 NOTICE AND HEARING.

12 Within thirty days after a petition has been filed with the
13 soil and water conservation district commissioners, they shall
14 fix a date, hour, and place for a hearing and direct the
15 secretary to cause notice to be given to the owners of each
16 tract of land, or lot, within the proposed subdistrict as
17 shown by the transfer books of the auditor's office, and to
18 each lienholder, or encumbrancer, of any such lands as shown
19 by the county records, and to all other persons whom it may
20 concern, and without naming individuals all actual occupants
21 of land in the proposed subdistrict, of the pendency and
22 purpose of the petition and that all objections to
23 establishment of the subdistrict for any reason must be made
24 in writing and filed with the secretary of the soil and water
25 conservation district at, or before, the time set for hearing.
26 The soil and water conservation district commissioners shall
27 consider and determine whether the operation of the
28 subdistrict within the defined boundaries as proposed is
29 desirable, practicable, feasible, and of necessity in the
30 interest of health, safety, and public welfare. All
31 interested parties may attend the hearing and be heard. The
32 soil and water conservation district commissioners may for
33 good cause adjourn the hearing to a day certain which shall be
34 announced at the time of adjournment and made a matter of
35 record. If the soil and water conservation district

1 commissioners determine that the petition meets the
2 requirements set forth in this section and in section 161A.5,
3 they shall declare that the subdistrict is duly organized and
4 shall record such action in their official minutes together
5 with an appropriate official name or designation for the
6 subdistrict.

7 Sec. 32. Section 161A.18, Code 2001, is amended to read as
8 follows:

9 161A.18 AUTHENTICATION.

10 Following the entry in the official minutes of the soil and
11 water conservation district commissioners of the creation of
12 the subdistrict, the commissioners shall certify this fact on
13 a separate form, authentic copies of which shall be recorded
14 with the county recorder of each county in which any portion
15 of the subdistrict lies, and with the division of soil
16 conservation.

17 Sec. 33. Section 166D.2, subsection 2, Code 2001, is
18 amended to read as follows:

19 2. "Approved premises" means a dry lot facility located in
20 an area with confirmed cases of pseudorabies infection, which
21 is certified by the department to receive, and feed, and move
22 or relocate infected swine as provided in section 166D.10B.

23 Sec. 34. Section 166D.12, subsection 2, paragraph c, Code
24 2001, is amended to read as follows:

25 c. A person shall not move swine subject to restricted
26 movement to or from a fixed concentration point subject-to
27 restricted-movement or receive swine subject to restricted
28 movement at a fixed concentration point, unless the swine is
29 moved and received in compliance with section 166D.10A.

30 Sec. 35. Section 200.7, Code 2001, is amended to read as
31 follows:

32 200.7 FERTILIZER-PESTICIDE MIXTURE.

33 Only those persons licensed under section 200.4 shall be
34 permitted to add pesticides to commercial fertilizers. These
35 persons shall at all times produce a uniform mixture of

1 fertilizer and pesticide and shall register and label their
2 product in compliance with both ~~the Iowa Pesticide Act~~ chapter
3 206 and this chapter.

4 Sec. 36. Section 205.5, Code 2001, is amended to read as
5 follows:

6 205.5 REGULATIONS AS TO SALES OF CERTAIN POISONS.

7 It shall be unlawful for any person except a licensed
8 pharmacist to sell at retail any of the poisons enumerated in
9 this section: Ammoniated mercury, mercury bichloride, red
10 mercuric iodide, and other poisonous salts and compounds of
11 mercury; salts and compounds of arsenic; salts of antimony;
12 salts of barium except the sulphate; salts of thallium;
13 hydrocyanic acid and its salts; chromic, glacial acetic, and
14 picric acids; chloral hydrate, croton oil, creosol,
15 chloroform, dinitrophenol, ether, oil of bitter almonds,
16 phenol, phosphorus and sodium fluoride; aconitine, arecoline,
17 ~~atrophine~~ atropine, brucine, homatropine, hyoscyamine,
18 nicotine, strychnine, and the salts of these alkaloids;
19 aconite, belladonna, cantharides, digitalis, nux vomica,
20 veratrum, and the preparations of these poisonous drugs.

21 Sec. 37. Section 216.15A, subsection 13, Code 2001, is
22 amended to read as follows:

23 13. If a provision of this section ~~216.15A~~ applies under
24 the terms of ~~section 216.15A~~, subsection 12, and the provision
25 of this section ~~216.15A~~ conflicts with a provision of section
26 216.15, then the provision contained within this section
27 ~~216.15A~~ shall prevail. Similarly, if a provision of section
28 216.16A or 216.17A conflicts with a provision of section
29 216.16 or 216.17, then the provision contained in section
30 216.16A or 216.17A shall prevail.

31 Sec. 38. Section 232.52, subsection 7, Code 2001, is
32 amended to read as follows:

33 7. If the court orders the transfer of the custody of the
34 child to the department of human services or to another agency
35 for placement in ~~foster~~ group foster care, the department or

1 agency shall make every reasonable effort to place the child
2 within the state, in the least restrictive, most family-like,
3 and most appropriate setting available and in close proximity
4 to the parents' home, consistent with the child's best
5 interests and special needs, and shall consider the
6 placement's proximity to the school in which the child is
7 enrolled at the time of placement.

8 Sec. 39. Section 232.102, subsection 7, Code 2001, is
9 amended to read as follows:

10 7. In any order transferring custody to the department or
11 an agency, or in orders pursuant to a custody order, the court
12 shall specify the nature and category of disposition which
13 will serve the best interests of the child, and shall
14 prescribe the means by which the placement shall be monitored
15 by the court. If the court orders the transfer of the custody
16 of the child to the department of human services or other
17 agency for placement, the department or agency shall submit a
18 case permanency plan to the court and shall make every
19 reasonable effort to return the child to the child's home as
20 quickly as possible consistent with the best interest of the
21 child. When the child is not returned to the child's home and
22 if the child has been previously placed in a licensed foster
23 care facility, the department or agency shall consider placing
24 the child in the same licensed foster care facility. If the
25 court orders the transfer of custody to a parent who does not
26 have physical care of the child, other relative, or other
27 suitable person, the court may direct the department or other
28 agency to provide services to the child's parent, guardian, or
29 custodian in order to enable them to resume custody of the
30 child. If the court orders the transfer of custody to the
31 department of human services or to another agency for
32 placement in ~~foster~~ group foster care, the department or
33 agency shall make every reasonable effort to place the child
34 within Iowa, in the least restrictive, most family-like, and
35 most appropriate setting available, and in close proximity to

1 the parents' home, consistent with the child's best interests
2 and special needs, and shall consider the placement's
3 proximity to the school in which the child is enrolled at the
4 time of placement.

5 Sec. 40. Section 252F.7, Code 2001, is amended to read as
6 follows:

7 252F.7 REPORT TO VITAL STATISTICS RECORDS.

8 Upon the filing of an order with the district court
9 pursuant to this chapter, the clerk of the district court
10 shall report the information from the order to the bureau of
11 vital statistics records in the manner provided in section
12 600B.36.

13 Sec. 41. Section 261.9, subsection 1, paragraph c, Code
14 2001, is amended to read as follows:

15 c. Is a school of nursing accredited by the national
16 league for nursing and approved by the board of nurse
17 examiners nursing, including such a school operated,
18 controlled, and administered by a county public hospital.

19 Sec. 42. Section 275.8, subsection 1, Code 2001, is
20 amended to read as follows:

21 1. Preparation of a written joint plan in which contiguous
22 territory in two or more area education agencies is considered
23 as a part of a potential school district in the area education
24 agency on behalf of which such plan is filed with the state
25 department of public-instruction education by the area
26 education agency board.

27 Sec. 43. Section 275.8, subsection 3, unnumbered
28 paragraphs 1 and 2, Code 2001, are amended to read as follows:

29 Filing said plan with the state department of public
30 instruction education.

31 For purposes of subsection 1 hereof, joint planning shall
32 be evidenced by filing the following items with the state
33 department of public-instruction education:

34 Sec. 44. Section 303.21, unnumbered paragraph 2, Code
35 2001, is amended to read as follows:

1 The petition shall contain a description of the property
2 suggested for inclusion in the district, and the reasons
3 justifying the creation of the district.

4 Sec. 45. Section 321.502, Code 2001, is amended to read as
5 follows:

6 321.502 NOTIFICATION TO NONRESIDENT -- FORM.

7 The notification, provided for in section 321.501, shall be
8 in substantially the following form, to wit:

9 To (Here insert the name of each defendant and the
10 defendant's residence or last known place of abode as
11 definitely as known.)

12 You will take notice that an original notice of suit
13 against you, a copy of which is hereto attached, was duly
14 served upon you at Des Moines, Iowa, by filing a copy of said
15 notice on the day of, 19....., with the director of
16 transportation of the state of Iowa.

17 Dated at, Iowa, this ... day of, 19.....
18

19 Plaintiff.

20 By.....
21 Attorney for plaintiff.

22 Sec. 46. Section 357A.11, subsection 9, Code 2001, is
23 amended to read as follows:

24 9. Finance all or part of the cost of the construction or
25 purchase of a project necessary to carry out the purposes for
26 which the district is incorporated or to refinance all or part
27 of the original cost of that project, including, but not
28 limited to, obligations originated by the district as a
29 nonprofit corporation under chapter 504A and assumed by the
30 district reorganized under this chapter. Financing or
31 refinancing carried out under this subsection shall be in
32 accordance with the terms and procedures set forth in the
33 applicable provisions of sections 384.24A, 384.83 through
34 384.88, 384.92, and 384.93. References in these sections to a
35 city shall be applicable to a rural water district operating

1 under this chapter, and references in ~~that~~ that division V of
2 chapter 384 to a city council shall be applicable to the board
3 of directors of a rural water district. This subsection shall
4 not create a lien against the property of a person who is not
5 a rural water subscriber.

6 Sec. 47. Section 357E.9, unnumbered paragraph 2, Code
7 2001, is amended to read as follows:

8 If the state owns at least four hundred acres of land
9 contiguous to a lake within the district, the natural
10 ~~resources~~ resource commission shall appoint two members of the
11 board of trustees in addition to the three members provided in
12 this section. The additional two members must be citizens of
13 the state, not less than eighteen years of age, and property
14 owners within the district. The two additional members have
15 voting and other authority equal to the other members of the
16 board and hold office at the pleasure of the natural ~~resources~~
17 resource commission.

18 Sec. 48. Section 392.5, unnumbered paragraph 2, Code 2001,
19 is amended to read as follows:

20 In order for the board to function in the same manner, the
21 council shall retain all applicable ordinances, and shall
22 adopt as ordinances all applicable state statutes repealed by
23 ~~646A~~ 1972 Iowa Acts, chapter 1088.

24 Sec. 49. Section 422E.2, subsection 4, paragraph b,
25 unnumbered paragraph 1, Code 2001, is amended to read as
26 follows:

27 Within ten days of the election at which a majority of
28 those voting on the question favors the imposition, repeal, or
29 change in the rate of the tax, the county auditor shall give
30 written notice of the result of the election by sending a copy
31 of the abstract of the votes from the favorable election to
32 the director of revenue and finance ~~of-the-result-of-the~~
33 ~~election~~. Election costs shall be apportioned among school
34 districts within the county on a pro rata basis in proportion
35 to the number of registered voters in each school district and

1 the total number of registered voters in all of the school
2 districts within the county.

3 Sec. 50. Section 425.21, Code 2001, is amended to read as
4 follows:

5 425.21 SATISFACTION OF OUTSTANDING TAX LIABILITIES.

6 The amount of any claim for credit or reimbursement payable
7 under this division may be applied by the department of
8 revenue and finance against any tax liability, delinquent
9 accounts, charges, loans, fees, or other indebtedness due the
10 state or state agency that have has a formal agreements
11 agreement with the department for central debt collection,
12 outstanding on the books of the department against the
13 claimant, or against a spouse who was a member of the
14 claimant's household in the base year.

15 Sec. 51. Section 446.38, Code 2001, is amended to read as
16 follows:

17 446.38 SUSPENDED TAXES OF OLD-AGE ASSISTANCE RECIPIENTS.

18 In cases where taxes were suspended one year or more upon
19 the parcel of a deceased old-age assistance recipient and no
20 estate was opened within ninety days after the death of the
21 recipient and the surviving spouse of the recipient is not
22 occupying the parcel, the county may apply to the probate
23 court to have the parcel conveyed to it for satisfaction of
24 the suspended taxes. The probate court shall prescribe the
25 manner and notices to be given. The probate court shall order
26 the parcel conveyed to the county for satisfaction of the
27 suspended taxes if an estate is not opened within a time
28 specified by the court. The probate court shall make and
29 enter all appropriate orders to effect this conveyance to the
30 county if an estate is not opened within the time specified.
31 The parcel, at the election of the county treasurer, may be
32 offered at tax sale in accordance with this chapter 446 in
33 lieu of the county making application to the probate court.

34 Sec. 52. Section 455A.19, subsection 1, paragraph a,
35 unnumbered paragraph 1, Code 2001, is amended to read as

1 follows:

2 Twenty-eight percent shall be allocated to the open spaces
3 account. At least ten percent of the allocations to the
4 account shall be made available to match private funds for
5 open space projects on the cost-share basis of not less than
6 twenty-five percent private funds pursuant to the rules
7 adopted by the natural resources resource commission. Five
8 percent of the funds allocated to the open spaces account
9 shall be used to fund the protected waters program. This
10 account shall be used by the department to implement the
11 statewide open space acquisition, protection, and development
12 programs.

13 Sec. 53. Section 455E.11, subsection 2, paragraph a,
14 subparagraph (2), subparagraph subdivision (f), Code 2001, is
15 amended to read as follows:

16 (f) Eight and one-half percent to the department to
17 provide additional toxic cleanup days or other efforts of the
18 department to support permanent household hazardous material
19 collection systems and special events for household hazardous
20 material collection, and for the natural resource geographic
21 information system required under section 455E.8, subsection
22 6. Departmental rules adopted for implementation of toxic
23 cleanup days shall provide sufficient flexibility to respond
24 to the household hazardous material collection needs of both
25 small and large communities. Repayment of moneys from the
26 Iowa business loan program for waste reduction and recycling
27 pursuant to section 455B.310, subsection 2, paragraph "b",
28 Code 1993, and discontinued pursuant to 1993 Iowa Acts,
29 chapter 176, section 45, shall be placed into this account to
30 support household hazardous materials programs of the
31 department.

32 Sec. 54. Section 515B.2, subsection 5, Code 2001, is
33 amended to read as follows:

34 5. "Insurer" means an insurer licensed to transact
35 insurance business in this state under either chapter 515 or

1 chapter 520, either at the time the policy was issued or when
2 the insured event occurred. It does not include county or
3 state mutual insurance associations licensed under chapter 518
4 or chapter 518A, or fraternal beneficiary benefit societies,
5 orders, or associations licensed under chapter 512B, or
6 corporations operating nonprofit service plans under chapter
7 514, or life insurance companies or life, accident, or health
8 associations licensed under chapter 508, or those professions
9 under chapter 519.

10 Sec. 55. Section 518.28, Code 2001, is amended to read as
11 follows:

12 518.28 FAILURE TO FILE COPY.

13 Upon the failure of a county mutual insurance association
14 to file a copy of its forms of policies or contracts pursuant
15 to section 518.27, the commissioner of insurance may suspend
16 its authority to transact business within the state until such
17 forms of policies or contracts have been filed and approved.

18 Sec. 56. Section 518A.35, Code 2001, is amended to read as
19 follows:

20 518A.35 ANNUAL TAX.

21 A state mutual insurance association doing business under
22 this chapter shall on or before the first day of March, each
23 year, pay to the director of the department of revenue and
24 finance, or a depository designated by the director, a sum
25 equivalent to two percent of the gross receipts from premiums
26 and fees for business done within the state, including all
27 insurance upon property situated in the state without
28 including or deducting any amounts received or paid for
29 reinsurance. However, a company reinsuring windstorm or hail
30 risks written by county mutual insurance associations is
31 required to pay a two percent tax on the gross amount of
32 reinsurance premiums received upon such risks, but after
33 deducting the amount returned upon canceled policies and
34 rejected applications covering property situated within the
35 state, and dividends returned to policyholders on property

1 situated within the state.

2 Sec. 57. Section 537.3102, Code 2001, is amended to read
3 as follows:

4 537.3102 SCOPE.

5 Part 2 applies to disclosure with respect to consumer
6 credit transactions, other than consumer rental purchase
7 agreements, and the provision in section 537.3201 applies to a
8 sale of an interest in land or a loan secured by an interest
9 in land, without regard to the rate of finance charge, if the
10 sale or loan is otherwise a consumer credit sale or consumer
11 loan. Parts 3 and 4 apply, respectively, to disclosure,
12 limitations on agreements and practices, and limitations on
13 consumer's liability with respect to certain consumer credit
14 transactions. Part 5 applies to home solicitation sales.
15 Part 6 applies to consumer rental purchase agreements.

16 Sec. 58. Section 805.1, subsection 4, Code 2001, is
17 amended to read as follows:

18 4. The issuance of a citation in lieu of arrest or in lieu
19 of continued custody does not affect the officer's authority
20 to conduct an otherwise lawful search. The issuance of a
21 citation in lieu of arrest shall be deemed an arrest for the
22 purpose of the speedy indictment requirements of R.Cr.P.
23 ~~section 27, subsection 2, paragraph "a" (2)(a),~~ Ia. Ct. Rules,
24 3rd ed.

25 Sec. 59. Section 805.8, subsection 2, paragraph ah, Code
26 2001, is amended to read as follows:

27 ah. If, in connection with a motor vehicle accident, a
28 person is charged and found guilty of a violation of section
29 321.20B, subsection 1, the scheduled fine is five hundred
30 dollars, otherwise the scheduled fine for a violation of
31 section 321.20B, subsection 1, is two hundred fifty dollars.
32 Notwithstanding section 805.12, fines collected pursuant to
33 this paragraph shall be submitted to the state court
34 administrator and distributed fifty percent to the victim
35 compensation fund established in section ~~912.14~~ 915.94,

1 twenty-five percent to the county in which such fine is
2 imposed, and twenty-five percent to the general fund of the
3 state.

4 Sec. 60. Sections 496B.11, 496B.12, 496C.3, 496C.14,
5 496C.20, 496C.22, and 544A.21, Code 2001, are amended by
6 adding after the words "Iowa business corporation Act", the
7 following: ", chapter 490,".

8 Sec. 61. Section 496B.3, Code 2001, is amended by adding
9 after the words "Iowa business corporation Act," the
10 following: "chapter 490,".

11 Sec. 62. Sections 496B.6, 496B.8, 496B.17, 496C.4, 496C.9,
12 496C.19, 496C.21, and 504A.6, Code 2001, are amended by adding
13 after the words "Iowa business corporation Act", the
14 following: ", chapter 490".

15 Sec. 63. 2000 Iowa Acts, chapter 1029, section 1, is
16 amended by striking the amending phrase to the section and
17 inserting in lieu thereof the following: "Section 249A.4,
18 subsection 8, unnumbered paragraph 1, Code Supplement 1999, is
19 amended to read as follows:".

20 Sec. 64. 2000 Iowa Acts, chapter 1098, section 1, is
21 amended by striking the amending phrase to the section and
22 inserting in lieu thereof the following: "Section 256.7, Code
23 Supplement 1999, is amended by adding the following new
24 subsection:".

25 Sec. 65. 2000 Iowa Acts, chapter 1145, sections 10, 12,
26 18, and 23, are amended by striking the word and figure "Code
27 1999" in the amending phrase to the section and inserting in
28 lieu thereof the following: "Code Supplement 1999".

29 Sec. 66. 2000 Iowa Acts, chapter 1145, section 11, is
30 amended by striking the section and inserting in lieu thereof
31 the following:

32 SEC. 11. Section 600.8, subsections 4, 7, 8, 9, and 12,
33 Code Supplement 1999, are amended to read as follows:

34 4. A postplacement investigation and the report of the
35 investigation shall be completed and filed with the juvenile

1 court or court prior to the holding of the adoption hearing
2 prescribed in section 600.12. Upon the filing of an adoption
3 petition pursuant to section 600.5, the juvenile court or
4 court shall immediately appoint the department, an agency, or
5 an investigator to conduct and complete the postplacement
6 report. Any person, ~~including a juvenile court,~~ who has
7 gained relevant background information concerning a minor
8 person subject to an adoption petition shall, upon request,
9 fully cooperate with the conducting of the postplacement
10 investigation by disclosing any relevant information
11 requested, whether contained in sealed records or not.

12 7. Any investigation or report required under this section
13 shall not apply when the person to be adopted is an adult or
14 when the prospective adoption petitioner or adoption
15 petitioner is a stepparent of the person to be adopted.
16 However, in the case of a stepparent adoption, the juvenile
17 court or court, upon the request of an interested person or on
18 its own motion stating the reasons therefor of record, may
19 order an investigation or report pursuant to this section.

20 8. Any person designated to make an investigation and
21 report under this section may request an agency or state
22 agency, within or outside this state, to conduct a portion of
23 the investigation or the report, as may be appropriate, and to
24 file a supplemental report of such investigation or report
25 with the juvenile court or court. In the case of the adoption
26 of a minor person by a person domiciled or residing in any
27 other jurisdiction of the United States, any investigation or
28 report required under this section which has been conducted
29 pursuant to the standards of that other jurisdiction shall be
30 recognized in this state.

31 9. The department may investigate, on its own initiative
32 or on order of the juvenile court or court, any placement made
33 or adoption petition filed under this chapter or chapter 600A
34 and may report its resulting recommendation to the juvenile
35 court or court.

1 12. Any investigation and report required under subsection
2 1 of this section may be waived by the juvenile court or court
3 if the adoption petitioner is related within the fourth degree
4 of consanguinity to the person to be adopted.

5 Sec. 67. 2000 Iowa Acts, chapter 1145, section 17, is
6 amended by striking the section and inserting in lieu thereof
7 the following:

8 SEC. 17. Section 600.13, subsections 1, 2, 3, and 5, Code
9 Supplement 1999, are amended to read as follows:

10 1. At the conclusion of the adoption hearing, the juvenile
11 court or court shall:

- 12 a. Issue a final adoption decree;
- 13 b. Issue an interlocutory adoption decree; or,
- 14 c. Dismiss the adoption petition if the requirements of
15 this Act have not been met or if dismissal of the adoption
16 petition is in the best interest of the person whose adoption
17 has been petitioned. Upon dismissal, the juvenile court or
18 court shall determine who is to be guardian or custodian of a
19 minor child, including the adoption petitioner if it is in the
20 best interest of the minor person whose adoption has been
21 petitioned.

22 2. An interlocutory adoption decree automatically becomes
23 a final adoption decree at a date specified by the juvenile
24 court or court in the interlocutory adoption decree, which
25 date shall not be less than one hundred eighty days nor more
26 than three hundred sixty days from the date the interlocutory
27 decree is issued. However, an interlocutory adoption decree
28 may be vacated prior to the date specified for it to become
29 final. Also, the juvenile court or court may provide in the
30 interlocutory adoption decree for further observation,
31 investigation, and report of the conditions of and the
32 relationships between the adoption petitioner and the person
33 petitioned to be adopted.

34 3. If an interlocutory adoption decree is vacated under
35 subsection 2, it shall be void from the date of issuance and

1 the rights, duties, and liabilities of all persons affected by
2 it shall, unless they have become vested, be governed
3 accordingly. Upon vacation of an interlocutory adoption
4 decree, the juvenile court or court shall proceed under the
5 provisions of subsection 1, paragraph "c".

6 5. An interlocutory or a final adoption decree shall be
7 entered with the clerk of court. Such decree shall set forth
8 any facts of the adoption petition which have been proven to
9 the satisfaction of the juvenile court or court and any other
10 facts considered to be relevant by the juvenile court or court
11 and shall grant the adoption petition. If so designated in
12 the adoption decree, the name of the adopted person shall be
13 changed by issuance of that decree. The clerk of the court
14 shall, within thirty days of issuance, deliver one certified
15 copy of any adoption decree to the petitioner, one copy of any
16 adoption decree to the department and any agency or person
17 making an independent placement who placed a minor person for
18 adoption, and one certification of adoption as prescribed in
19 section 144.19 to the state registrar of vital statistics.
20 Upon receipt of the certification, the state registrar shall
21 prepare a new birth certificate pursuant to section 144.23 and
22 deliver to the parents named in the decree and any adult
23 person adopted by the decree a copy of the new birth
24 certificate. The parents shall pay the fee prescribed in
25 section 144.46. If the person adopted was born outside the
26 state, the state registrar shall forward the certification of
27 adoption to the appropriate agency in the state or foreign
28 nation of birth. A copy of any interlocutory adoption decree
29 vacation shall be delivered and another birth certificate
30 shall be prepared in the same manner as a certification of
31 adoption is delivered and the birth certificate was originally
32 prepared.

33 Sec. 68. 2000 Iowa Acts, chapter 1183, section 1, is
34 amended by striking the amending phrase to the section and
35 inserting in lieu thereof the following: "Section 169.5, Code

1 Supplement 1999, is amended by adding the following new
2 subsection:".

3 Sec. 69. 2000 Iowa Acts, chapter 1231, section 33,
4 unnumbered paragraph 3, is amended to read as follows:

5 Of the moneys remaining on June 30, 2000, in the
6 administrative fund established in section ~~12B-4A~~ 12D.4,
7 \$150,000 shall not revert to the general fund of the state but
8 shall be carried forward to the fiscal year beginning July 1,
9 2000, and may be expended for establishing an automated
10 distribution system for educational savings plan benefits.

11 Sec. 70. 2000 Iowa Acts, chapter 1231, section 39, is
12 amended to read as follows:

13 SEC. 39. Chapter 8A and section 12D.4A, Code and Code
14 Supplement 1999, are repealed.

15 Sec. 71. 1999 Iowa Acts, chapter 7, section 9, is amended
16 by striking the amending phrase to the section and inserting
17 in lieu thereof the following: "Section 321.34, subsection
18 12, Code 1999, is amended by adding the following new
19 paragraph:".

20 Sec. 72. EFFECTIVE DATES.

21 1. Sections 64, 65, 66, 67, 69, and 70, being deemed of
22 immediate importance, take effect upon enactment and apply
23 retroactively to July 1, 2000.

24 2. Section 63 of this Act, being deemed of immediate
25 importance, takes effect upon enactment and applies
26 retroactively to March 31, 2000.

27 3. Section 68 takes effect July 1, 2001.

28 4. Section 71, being deemed of immediate importance, takes
29 effect upon enactment and applies retroactively to July 1,
30 1999.

31 EXPLANATION

32 This bill makes nonsubstantive corrections to the Code of
33 Iowa.

34 Code sections 12.32, 12.34, 12.35, 12.40, and 12.43A.

35 Strikes the word "division" and substitutes references to the

1 sections in Code chapter 12, which correspond with the linked
2 investment program. There are no divisions in Code chapter
3 12.

4 Code sections 12.72 and 12.74. Adds the words "vision
5 Iowa" before the word "board". The term "board" is defined in
6 Code chapter 15F to mean the vision Iowa board and that board
7 is responsible for administering the vision Iowa program and
8 fund. The words "the treasurer's" are substituted for the
9 word "its" in language relating to the designation by the
10 treasurer of an individual or entity with which the revenue
11 from the vision Iowa fund is to be deposited.

12 Code section 14B.101. Changes the word "and" to "or" in
13 language describing what entities are "governmental entities"
14 for purposes of the information technology department chapter.

15 Code section 14B.109. Adds, in subsection 2, the words
16 "information technology" before the word "council" in language
17 relating to waiver of standards established by the information
18 technology council under Code section 14B.105. The term
19 "council" is not defined in Code chapter 14B. The word "with"
20 is added to language relating to contractors with which the
21 department has entered or intends to enter into agreements.
22 The words "and procedures" are added after the words
23 "procurement methods". Subsections 2 through 4 provide for
24 both procurement methods and procurement procedures.

25 Code section 14B.201. Changes the word "implementing" to
26 "implement" in language relating to the duty of the IowaAccess
27 council to encourage and implement access to government and
28 its public records.

29 Code section 16.92. Changes the word "there" to "it" in
30 language describing the apparent conditions which would cause
31 an effective release to not be filed of record in provisions
32 relating to the execution of certificates of release from
33 mortgages by the Iowa finance authority.

34 Code section 18.22. Adds the words "the same" in language
35 describing the meaning of the term "bio-based hydraulic

1 fluids, greases, and other industrial lubricants" if the
2 United States department of agriculture has adopted such a
3 term.

4 Code section 22.7. Corrects the name of the state historic
5 preservation officer within provisions relating to
6 confidentiality of public records.

7 Code section 68B.22. Corrects the verb "is" to "are" in
8 language pertaining to gifts which may be permissibly received
9 by a public official or employee.

10 Code section 50.16. Changes parenthetical references in a
11 form to "election board member's name" and "tally keeper's
12 name" to the word "name", to simplify the form. The words
13 "election board members" and "designated tally keepers" appear
14 in the opposite side of the column, parallel to the location
15 of the words being deleted.

16 Code section 68B.38. Adds the word "a" before the word
17 "lobbyist's" in language relating to reports filed by a
18 lobbyist's clients.

19 Code section 84A.4. Adds the words "of workforce
20 development" after the word "department" in language relating
21 to the awarding of workforce development grants by the
22 workforce development board and the department of workforce
23 development based on the advice of the regional advisory
24 boards.

25 Code section 88.3. Changes the word "safety" to "safe" in
26 the definition of the term "occupational safety and health
27 standard".

28 Code section 88.5. Strikes the word "therefor" in language
29 relating to the filing of applications for special variances
30 from labor standards with the commissioner of labor.

31 Code section 89.2. Adds the word "facility" after the
32 words "or child care or adult day care" in the portion of the
33 definition of "public assembly" in the boilers and unfired
34 steam pressure vessels chapter, relating to the use of certain
35 buildings or structures in which public assemblies may occur.

1 Code section 92.1. Updates the term "bootblacking" to the
2 term "shoe polishing" in provisions regulating child labor.

3 Code section 124.101. Capitalizes the genus name Cannabis
4 in the definition of the term "marijuana" in the controlled
5 substance chapter.

6 Code section 139A.2. Changes the word "affected" to
7 "infected" in the definition of the term "isolation" in the
8 communicable and infectious diseases and poisonings chapter.

9 Code section 139A.22. Moves the word "setting" to after
10 the words "outside the hospital" in language relating to
11 referrals of a health care provider, who is infected with HIV
12 or HBV, by a hospital or health care facility to an expert
13 panel for a determination of whether that provider can perform
14 exposure-prone procedures.

15 Code section 161A.15. Corrects references to the name of
16 the soil and water conservation district commissioners in the
17 soil and water conservation chapter.

18 Code section 161A.18. Corrects references to the name of
19 the soil and water conservation district commissioners in the
20 soil and water conservation chapter.

21 Code section 166D.2. Makes grammatical changes in language
22 describing the kinds of activities that are carried out in
23 certain dry lot facilities that are certified by the
24 department of agriculture and land stewardship as approved
25 premises for the care of swine that are infected with
26 pseudorabies.

27 Code section 166D.12. Moves the words "subject to
28 restricted movement" from after the words "concentration
29 point" to after the word "swine". The swine are subject to a
30 restricted movement.

31 Code section 200.7. Strikes the words "the Iowa Pesticide
32 Act" and replaces them with the words "chapter 206". The
33 pesticide Act of Iowa is contained in Code chapter 206.

34 Code section 205.5. Corrects the spelling of the word
35 "atropine" in language relating to the regulation of the sale

1 of certain poisons.

2 Code section 216.15A. Deletes or changes references to
3 Code section 216.15A in this section in the civil rights
4 commission chapter to "this section".

5 Code section 232.52. Corrects a reference to foster group
6 care to refer instead to group foster care. This is
7 consistent with other references to group foster care within
8 this section which pertains to the disposition of a child
9 found to have committed a delinquent act.

10 Code section 232.102. Corrects a reference to foster group
11 care to refer instead to group foster care in provisions
12 relating to the transfer and legal care of a child found to
13 have committed a delinquent act.

14 Code section 261.9. Corrects the name of the board of
15 nursing in language describing which schools are accredited
16 private institutions for purposes of students receiving
17 financial aid under the tuition grant program.

18 Code section 275.8. Updates references to the state
19 department of public instruction to the current name of the
20 department of education in the reorganization of school
21 districts chapter.

22 Code section 303.21. Strikes a comma and adds the word
23 "and" in this provision which relates to a petition for a
24 referendum for the establishment of a historical preservation
25 district.

26 Code section 321.502. Updates century date references, by
27 striking the figure "19" in a form used for the notification
28 of a nonresident of any civil actions and proceedings relating
29 to the use and operation of a motor vehicle by the nonresident
30 in this state.

31 Code section 357A.11. Specifies the division within Code
32 chapter 384 in which references to a city council are made
33 applicable to a rural water district operating under Code
34 chapter 357A. Code section 384.24A, which was added by 2000
35 Acts, chapter 1078, section 1, is in a different division of

- 1 Code chapter 384 than the other sections cited.
- 2 Code section 357E.9. Corrects references to the natural
3 resource commission in the recreational lake and water quality
4 districts chapter.
- 5 Code section 392.5. Updates a reference to an Iowa Acts
6 chapter in provisions relating to the establishment of
7 administrative agencies by cities by replacing the reference
8 to the general assembly number with the correct year of the
9 Acts in which that chapter appeared.
- 10 Code section 422E.2. Moves the words "of the result of the
11 election" to after the word "notice" in language requiring the
12 county auditor to send a copy of the abstract of votes from
13 the favorable election to the director of revenue and finance.
14 The abstract of votes contains the result of the election.
- 15 Code section 425.21. Changes a verb form and substitutes
16 the word "agreement" to conform with the use of the
17 disjunctive "or" in provisions relating to the application of
18 claims for credit or reimbursement to satisfy tax liability,
19 delinquencies, or other forms of indebtedness.
- 20 Code section 446.38. Changes a reference to "chapter 446"
21 to "this chapter" in this provision relating to suspended
22 taxes of old-age assistance recipients.
- 23 Code section 455A.19. Corrects references to the natural
24 resource commission in the chapter relating to the
25 jurisdiction of the department of natural resources.
- 26 Code section 455E.11. Strikes the word "of" in language
27 describing where repayment moneys received from the Iowa
28 business loan program for waste reduction and recycling
29 program are to be deposited.
- 30 Code section 515B.2. Corrects the use of the term
31 "fraternal benefit societies" to the name given those
32 societies under Code chapter 512B in the definition of
33 "insurer" in the insurance guaranty association chapter.
- 34 Code section 518.28. Adds the word "insurance" between the
35 words "county mutual" and "association" in provisions relating

1 to the failure of a county mutual insurance association to
2 file its forms of policies or contracts under Code section
3 518.27. Code chapter 518 is entitled "county mutual insurance
4 associations".

5 Code section 518A.35. Adds the word "insurance" between
6 the words "county mutual" and "association" in provisions
7 relating to the reinsurance by a state mutual insurance
8 association of certain risks written by a county mutual
9 insurance association.

10 Code section 537.3102. Adds the word "purchase" between
11 the words "consumer rental" and "agreements". Part 6 of Code
12 chapter 537 is entitled "consumer rental purchase agreements".

13 Code section 805.1. Corrects the citation to Iowa court
14 rule of criminal procedure 27. The Iowa court rules are
15 referred to as rules, not sections and subsections.

16 Code section 805.8. Corrects a reference to the section in
17 which the victim compensation fund is established. The victim
18 compensation fund language was moved to Code section 915.94 by
19 1998 Iowa Acts, chapter 1090, section 55.

20 Code sections 496B.3, 496B.6, 496B.8, 496B.11, 496B.12,
21 496B.17, 496C.3, 496C.4, 496C.9, 496C.14, 496C.19, 496C.20,
22 496C.21, 496C.22, 504A.6, and 544A.21. Adds the word and
23 figure "chapter 490" after the words "Iowa business
24 corporation Act". The Iowa business corporation Act is
25 contained in Code chapter 490.

26 2000 Iowa Acts, chapter 1029. Corrects lead-in language to
27 refer to the 1999 Code Supplement. This correction is
28 effective upon enactment and applies retroactively to March
29 31, 2000.

30 2000 Iowa Acts, chapter 1098. Corrects lead-in language to
31 refer to the 1999 Code Supplement.

32 2000 Iowa Acts, chapter 1145, sections 10, 11, 12, 17, 18,
33 and 23. Conforms the provisions to the text of the Code as it
34 appeared in Code Supplement 1999, by either amending the lead-
35 in language to the bill sections or replacing the Code 1999

1 language with the applicable Code Supplement 1999 language and
2 reinserting the amendments made in the 2000 Act into that
3 language.

4 2000 Iowa Acts, chapter 1183, section 1. Adds the word
5 "Supplement" to existing language in the amending clause of
6 that section of that Act.

7 2000 Iowa Acts, chapter 1231, section 33. Amends a
8 reference to Code section 12D.4A to Code section 12D.4. The
9 administrative fund is established in Code section 12D.4 and
10 12D.4A was repealed in 2000 Iowa Acts, chapter 1231, section
11 39.

12 2000 Iowa Acts, chapter 1231, section 39. Adds the words
13 "and Code". Although a portion of Code chapter 8A was
14 included in the 1999 Code Supplement, the remaining
15 substantive provisions of Code chapter 8A appeared in the 1999
16 Code.

17 1999 Iowa Acts, chapter 7, section 9. Adds the word and
18 figure "Code 1999" to existing language in the amending clause
19 of that section of that Act.

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-3/7/01 House

HOUSE FILE 194
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 70)

(As Amended and Passed by the House February 14, 2001)

Passed House, Date _____ Passed Senate, ^(P.809) Date 3-26-01
Vote: Ayes _____ Nays _____ Vote: Ayes 45 Nays 0
Approved April 4, 2001

A BILL FOR

1 An Act relating to nonsubstantive Code corrections and including
2 effective and retroactive applicability provisions.

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

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House Amendments _____

1 Section 1. Section 12.32, subsections 1 and 3, Code 2001,
2 are amended to read as follows:

3 1. "Eligible borrower" means any person who is in the
4 business or is entering the business of producing, processing,
5 or marketing horticultural crops or nontraditional crops in
6 this state or any person in this state who is qualified to
7 participate in one of the programs in this division section
8 and sections 12.33 through 12.43B. "Eligible borrower" does
9 not include a person who has been determined to be delinquent
10 in making child support payments or any other payments due the
11 state.

12 3. "Linked investment" means a certificate of deposit
13 placed pursuant to this division section and sections 12.33
14 through 12.43B by the treasurer of state with an eligible
15 lending institution, at an interest rate not more than three
16 percent below current market rate on the condition that the
17 institution agrees to lend the value of the deposit, according
18 to the investment agreement provided in section 12.35, to an
19 eligible borrower at a rate not to exceed four percent above
20 the rate paid on the certificate of deposit. The treasurer of
21 state shall determine and make available the current market
22 rate which shall be used each month.

23 Sec. 2. Section 12.34, subsections 1 and 2, Code 2001, are
24 amended to read as follows:

25 1. The treasurer of state may invest up to the lesser of
26 one hundred eight million dollars or ten percent of the
27 balance of the state pooled money fund in certificates of
28 deposit in eligible lending institutions as provided in
29 sections 12.32 and 12.33, this division section, and sections
30 12.35 through 12.43B. The moneys invested pursuant to this
31 section shall be used as follows:

32 a. The treasurer of state may invest up to sixty-eight
33 million dollars to support programs provided in sections 12.32
34 and 12.33, this division section, and sections 12.35 through
35 12.43B other than the traditional livestock producers linked

1 investment loan program as provided in section 12.43A and the
2 value-added agricultural linked investment loan program as
3 provided in section 12.43B.

4 b. The treasurer of state shall invest the remaining
5 amount as follows:

6 (1) At least twenty million dollars shall be invested in
7 order to support the traditional livestock producers linked
8 investment loan program as provided in section 12.43A.

9 (2) At least twenty million dollars shall be invested in
10 order to support the value-added agricultural linked
11 investment loan program as provided in section 12.43B.

12 2. a. The treasurer of state shall adopt rules pursuant
13 to chapter 17A to administer sections 12.32 and 12.33, this
14 division section, and sections 12.35 through 12.43B.

15 b. The treasurer of state in cooperation with the board of
16 directors of the agricultural development authority as
17 established in section 175.3 shall adopt rules for the
18 administration of the traditional livestock producers linked
19 investment loan program as provided in section 12.43A. The
20 treasurer of state in cooperation with the agricultural
21 products advisory council established in section 15.203 shall
22 adopt rules for the administration of the value-added
23 agricultural linked investment loan program as provided in
24 section 15.204.

25 Sec. 3. Section 12.35, subsection 1, Code 2001, is amended
26 to read as follows:

27 1. An eligible lending institution that desires to receive
28 a linked investment shall enter into an agreement with the
29 treasurer of state, which shall include requirements necessary
30 for the eligible lending institution to comply with sections
31 12.32 through 12.34, this division section, and sections 12.36
32 through 12.43B.

33 Sec. 4. Section 12.36, subsection 2, Code 2001, is amended
34 to read as follows:

35 2. Upon acceptance of the linked investment loan package

1 or any portion of the package, the treasurer of state shall
2 place certificates of deposit with the eligible lending
3 institution at a rate not more than three percent below the
4 current market rate. The treasurer of state shall not place a
5 certificate of deposit with an eligible lending institution
6 pursuant to sections 12.32 through 12.35, this division
7 section, and sections 12.37 through 12.43B, unless the
8 certificate of deposit earns a rate of interest of at least
9 two percent. Interest earned on the certificate of deposit
10 and principal not renewed shall be remitted to the treasurer
11 of state at the time the certificate of deposit matures.
12 Certificates of deposit placed pursuant to sections 12.32
13 through 12.35, this division section, and sections 12.37
14 through 12.43B are not subject to a penalty for early
15 withdrawal.

16 Sec. 5. Section 12.40, subsection 2, Code 2001, is amended
17 to read as follows:

18 2. The treasurer of state shall adopt rules consistent
19 with sections 12.32 through 12.39, this division section, and
20 sections 12.41 through 12.43B to implement a rural small
21 business transfer linked investment loan program to maintain
22 and expand existing employment opportunities and the provision
23 of retail goods on a local level in small rural communities by
24 assisting in the transfer of ownership of retail-oriented
25 businesses where, in the absence of sufficient financial
26 assistance, the businesses may close.

27 Sec. 6. Section 12.43A, subsection 3, unnumbered paragraph
28 1, Code 2001, is amended to read as follows:

29 In order to qualify for a loan in accordance with an
30 investment agreement under sections 12.32 through 12.43, this
31 division section, and section 12.43B, all of the following
32 requirements must be satisfied:

33 Sec. 7. Section 12.72, subsection 1, Code 2001, is amended
34 to read as follows:

35 1. A vision Iowa fund is created and established as a

1 separate and distinct fund in the state treasury. The moneys
2 in the fund are appropriated to the vision Iowa board for
3 purposes of the vision Iowa program established in section
4 15F.302. Moneys in the fund shall not be subject to
5 appropriation for any other purpose by the general assembly,
6 but shall be used only for the purposes of the vision Iowa
7 fund. The treasurer of state shall act as custodian of the
8 fund and disburse moneys contained in the fund as directed by
9 the vision Iowa board, including automatic disbursements of
10 funds received pursuant to the terms of bond indentures and
11 documents and security provisions to trustees. The fund shall
12 be administered by the vision Iowa board which shall make
13 expenditures from the fund consistent with the purposes of the
14 vision Iowa program without further appropriation. An
15 applicant under the vision Iowa program shall not receive more
16 than seventy-five million dollars in financial assistance from
17 the fund.

18 Sec. 8. Section 12.72, subsection 2, unnumbered paragraph
19 1, Code 2001, is amended to read as follows:

20 Revenue for the vision Iowa fund shall include, but is not
21 limited to, the following, which shall be deposited with the
22 treasurer of state or ~~its~~ the treasurer's designee as provided
23 by any bond or security documents and credited to the fund:

24 Sec. 9. Section 12.74, subsection 2, Code 2001, is amended
25 to read as follows:

26 2. The state pledges to and agrees with the holders of
27 bonds or notes issued under section 12.71 that the state will
28 not limit or alter the rights and powers vested in the vision
29 Iowa board or the treasurer of state to fulfill the terms of a
30 contract made with respect to the bonds or notes, or in any
31 way impair the rights and remedies of the holders until the
32 bonds and notes, together with the interest on them including
33 interest on unpaid installments of interest, are fully met and
34 discharged.

35 Sec. 10. Section 14B.101, subsection 3, Code 2001, is

1 amended to read as follows:

2 3. "Governmental entity" means any unit of government in
3 the executive, legislative, or judicial branch of government;
4 an agency or political subdivision; any unit of another state
5 government, including its political subdivisions; and or any
6 unit of the United States government.

7 Sec. 11. Section 14B.109, subsection 2, paragraph a, Code
8 2001, is amended to read as follows:

9 a. Standards established by the information technology
10 council, unless waived pursuant to section 14B.105, shall
11 apply to all information technology procurements for
12 participating agencies.

13 Sec. 12. Section 14B.109, subsection 3, Code 2001, is
14 amended to read as follows:

15 3. The information technology department, by rule, may
16 implement a prequalification procedure for contractors with
17 which the department has entered or intends to enter into
18 agreements regarding the procurement of information
19 technology.

20 Sec. 13. Section 14B.109, subsection 5, Code 2001, is
21 amended to read as follows:

22 5. The department shall adopt rules pursuant to chapter
23 17A to implement the procurement methods and procedures
24 provided for in subsections 2 through 4.

25 Sec. 14. Section 14B.201, subsection 2, paragraph b, Code
26 2001, is amended to read as follows:

27 b. The advisory council shall also advise the information
28 technology council and the director with respect to the
29 operation of IowAccess and encourage and ~~implementing~~
30 implement access to government and its public records by the
31 citizens of this state.

32 Sec. 15. Section 16.92, subsection 7, paragraph b, Code
33 2001, is amended to read as follows:

34 b. For purposes of this subsection, an effective release
35 has not been filed of record if there it appears that a

1 mortgagee in the record chain of title to the mortgage has
2 not, either on the mortgagee's own behalf or by the
3 mortgagee's duly appointed servicer or attorney in fact as
4 established of record by a filed servicing agreement or power
5 of attorney, filed of record either an assignment of the
6 mortgage to another mortgagee in the record chain of title to
7 the mortgage or a release of the mortgagee's interest in the
8 mortgage. For the purposes of this subsection and subsection
9 2, paragraph "c", "mortgage servicer" includes a mortgagee for
10 which an effective release has not been filed of record as
11 provided in this paragraph.

12 Sec. 16. Section 18.22, subsection 4, paragraph c,
13 subparagraph (1), Code 2001, is amended to read as follows:

14 (1) "Bio-based hydraulic fluids, greases, and other
15 industrial lubricants" means the same as defined by the United
16 States department of agriculture, if the department has
17 adopted such a definition. If the United States department of
18 agriculture has not adopted a definition, "bio-based hydraulic
19 fluids, greases, and other industrial lubricants" means
20 hydraulic fluids, greases, and other lubricants containing a
21 minimum of fifty-one percent soybean oil.

22 Sec. 17. Section 22.7, subsection 20, Code 2001, is
23 amended to read as follows:

24 20. Information concerning the nature and location of any
25 archaeological resource or site if, in the opinion of the
26 state archaeologist, disclosure of the information will result
27 in unreasonable risk of damage to or loss of the resource or
28 site where the resource is located. This subsection shall not
29 be construed to interfere with the responsibilities of the
30 federal government or the state ~~historical~~ historic
31 preservation officer pertaining to access, disclosure, and use
32 of archaeological site records.

33 Sec. 18. Section 50.16, Code 2001, is amended by striking
34 the words "Election board member's name" and the words "Tally
35 keeper's name" and inserting the following: "Name".

1 Sec. 19. Section 68B.22, subsection 4, paragraph p, Code
2 2001, is amended to read as follows:

3 p. Gifts other than food, beverages, travel, and lodging
4 received by a public official or public employee which are
5 received from a person who is a citizen of a country other
6 than the United States and ~~is~~ are given during a ceremonial
7 presentation or as a result of a custom of the other country
8 and is of personal value only to the donee.

9 Sec. 20. Section 68B.38, subsection 1, Code 2001, is
10 amended to read as follows:

11 1. On or before January 31 and July 31 of each year, a
12 lobbyist's client shall file with the general assembly or
13 board a report that contains information on all salaries,
14 fees, and retainers paid by the lobbyist's client to the
15 lobbyist for lobbying purposes during the preceding six
16 calendar months. Reports by a lobbyist's clients shall be
17 filed with the same entity with which the lobbyist filed the
18 lobbyist's registration.

19 Sec. 21. Section 84A.1A, subsection 4, Code 2001, is
20 amended to read as follows:

21 4. Members of the board, the director, and other employees
22 of the department of workforce development shall be allowed
23 their actual and necessary expenses incurred in the
24 performance of their duties. All expenses shall be paid from
25 appropriations for those purposes and the department is
26 subject to the budget requirements of chapter 8. Each member
27 of the board may also be eligible to receive compensation as
28 provided in section 7E.6.

29 Sec. 22. Section 84A.1B, subsections 5 through 8, Code
30 2001, are amended to read as follows:

31 5. Approve the budget of the department of workforce
32 development related to workforce development as prepared by
33 the director.

34 6. Establish guidelines, procedures, and policies for the
35 awarding of grants for workforce development services by the

1 department of workforce development.

2 7. Review grants or contracts awarded by the department of
3 workforce development, with respect to the department's
4 adherence to the guidelines and procedures and the impact on
5 the five-year strategic plan for workforce development.

6 8. Make recommendations concerning the use of federal
7 funds received by the department of workforce development with
8 respect to the five-year and twenty-year workforce development
9 plans.

10 Sec. 23. Section 84A.4, subsections 2 and 3, Code 2001,
11 are amended to read as follows:

12 2. Each regional advisory board shall identify workforce
13 development needs in its region, assist the workforce
14 development board and the department of workforce development
15 in the awarding of grants or contracts administered by the
16 department of workforce development in that region and in
17 monitoring the performance of the grants and contracts
18 awarded, make annual reports as required by section 84A.1B,
19 and make recommendations to the workforce development board
20 and department of workforce development concerning workforce
21 development.

22 3. Section 84A.1A, subsections 2, 3, and 5, apply to the
23 members of a regional advisory board except that the board
24 shall meet if a majority of the members of the board, and not
25 five, file a written request with the chairperson for a
26 meeting. Members of a regional advisory board shall be
27 allowed their actual and necessary expenses incurred in the
28 performance of their duties. All expenses shall be paid from
29 appropriations for those purposes and the department of
30 workforce development is subject to the budget requirements of
31 chapter 8.

32 Sec. 24. Section 88.3, subsection 8, Code 2001, is amended
33 to read as follows:

34 8. "Occupational safety and health standard" means a
35 standard which requires conditions or the adoption or use of

1 one or more practices, means, methods, operations, or
2 processes, reasonably necessary or appropriate to provide
3 ~~safety~~ safe or healthful employment and places of employment.

4 Sec. 25. Section 88.5, subsection 7, Code 2001, is amended
5 to read as follows:

6 7. SPECIAL VARIANCE. Where there are conflicts with
7 standards, rules or regulations promulgated by any federal
8 agency other than the United States department of labor,
9 special variances from standards, rules or regulations
10 promulgated under this chapter may be granted to avoid such
11 regulatory conflicts. Such variances shall take into
12 consideration the safety of the employees involved.
13 Notwithstanding any other provision of this chapter, and with
14 respect to this paragraph, any employer seeking relief under
15 this provision must file an application ~~therefor~~ with the
16 commissioner and the commissioner shall forthwith hold a
17 hearing at which employees or other interested persons,
18 including representatives of the federal regulatory agencies
19 involved, may appear and upon the showing that such a conflict
20 indeed exists the commissioner may issue a special variance
21 until the conflict is resolved.

22 Sec. 26. Section 89.2, subsection 5, paragraph a, Code
23 2001, is amended as follows:

24 a. A building or structure primarily used as a theater,
25 motion picture theater, museum, arena, exhibition hall,
26 school, college, dormitory, bowling alley, physical fitness
27 center, family entertainment center, lodge hall, union hall,
28 pool hall, casino, place of worship, funeral home, institution
29 of health and custodial care, hospital, or child care or adult
30 day care facility.

31 Sec. 27. Section 92.1, subsection 1, Code 2001, is amended
32 to read as follows:

33 1. No person under ten years of age shall be employed or
34 permitted to work with or without compensation at any time
35 within this state in street occupations of peddling,

1 bootblacking shoe polishing, the distribution or sale of
2 newspapers, magazines, periodicals or circulars, nor in any
3 other occupations in any street or public place. The labor
4 commissioner shall, when ordered by a judge of the juvenile
5 court, issue a work permit as provided in this chapter to a
6 person under ten years of age.

7 Sec. 28. Section 124.101, subsection 17, Code 2001, is
8 amended to read as follows:

9 17. "Marijuana" means all parts of the plants of the genus
10 cannabis Cannabis, whether growing or not; the seeds thereof;
11 the resin extracted from any part of the plant; and every
12 compound, manufacture, salt, derivative, mixture or
13 preparation of the plant, its seeds or resin, including
14 tetrahydrocannabinols. It does not include the mature stalks
15 of the plant, fiber produced from the stalks, oil or cake made
16 from the seeds of the plant, any other compound, manufacture,
17 salt, derivative, mixture, or preparation of the mature stalks
18 (except the resin extracted therefrom), fiber, oil or cake or
19 the sterilized seed of the plant which is incapable of
20 germination.

21 Sec. 29. Section 139A.2, subsection 14, Code 2001, is
22 amended to read as follows:

23 14. "Isolation" means the separation of persons or animals
24 presumably or actually affected infected with a communicable
25 disease or who are disease carriers for the usual period of
26 communicability of that disease in such places, marked by
27 placards if necessary, and under such conditions as will
28 prevent the direct or indirect conveyance of the infectious
29 agent or contagion to susceptible persons.

30 Sec. 30. Section 139A.22, subsection 3, Code 2001, is
31 amended to read as follows:

32 3. The department shall establish an expert review panel
33 to determine on a case-by-case basis under what circumstances,
34 if any, a health care provider determined to be infected with
35 HIV or HBV practicing outside the hospital setting or referred

1 to the panel by a hospital or health care facility setting may
2 perform exposure-prone procedures. If a health care provider
3 determined to be infected with HIV or HBV does not comply with
4 the determination of the expert review panel, the panel shall
5 report the noncompliance to the examining board with
6 jurisdiction over the health care provider. A determination
7 of an expert review panel pursuant to this section is a final
8 agency action appealable pursuant to section 17A.19.

9 Sec. 31. Section 147.80, subsection 13, Code 2001, is
10 amended to read as follows:

11 13. License to practice nursing issued upon the basis of
12 an examination given by the board of nurse-examiners nursing,
13 license to practice nursing based on an endorsement from
14 another state, territory or foreign country, renewal of a
15 license to practice nursing.

16 Sec. 32. Section 161A.15, Code 2001, is amended to read as
17 follows:

18 161A.15 NOTICE AND HEARING.

19 Within thirty days after a petition has been filed with the
20 soil and water conservation district commissioners, they shall
21 fix a date, hour, and place for a hearing and direct the
22 secretary to cause notice to be given to the owners of each
23 tract of land, or lot, within the proposed subdistrict as
24 shown by the transfer books of the auditor's office, and to
25 each lienholder, or encumbrancer, of any such lands as shown
26 by the county records, and to all other persons whom it may
27 concern, and without naming individuals all actual occupants
28 of land in the proposed subdistrict, of the pendency and
29 purpose of the petition and that all objections to
30 establishment of the subdistrict for any reason must be made
31 in writing and filed with the secretary of the soil and water
32 conservation district at, or before, the time set for hearing.
33 The soil and water conservation district commissioners shall
34 consider and determine whether the operation of the
35 subdistrict within the defined boundaries as proposed is

1 desirable, practicable, feasible, and of necessity in the
2 interest of health, safety, and public welfare. All
3 interested parties may attend the hearing and be heard. The
4 soil and water conservation district commissioners may for
5 good cause adjourn the hearing to a day certain which shall be
6 announced at the time of adjournment and made a matter of
7 record. If the soil and water conservation district
8 commissioners determine that the petition meets the
9 requirements set forth in this section and in section 161A.5,
10 they shall declare that the subdistrict is duly organized and
11 shall record such action in their official minutes together
12 with an appropriate official name or designation for the
13 subdistrict.

14 Sec. 33. Section 161A.18, Code 2001, is amended to read as
15 follows:

16 161A.18 AUTHENTICATION.

17 Following the entry in the official minutes of the soil and
18 water conservation district commissioners of the creation of
19 the subdistrict, the commissioners shall certify this fact on
20 a separate form, authentic copies of which shall be recorded
21 with the county recorder of each county in which any portion
22 of the subdistrict lies, and with the division of soil
23 conservation.

24 Sec. 34. Section 166D.2, subsection 2, Code 2001, is
25 amended to read as follows:

26 2. "Approved premises" means a dry lot facility located in
27 an area with confirmed cases of pseudorabies infection, which
28 is certified by the department to receive, and feed, and move
29 or relocate infected swine as provided in section 166D.10B.

30 Sec. 35. Section 166D.12, subsection 2, paragraph c, Code
31 2001, is amended to read as follows:

32 c. A person shall not move swine subject to restricted
33 movement to or from a fixed concentration point subject-to
34 restricted-movement or receive swine subject to restricted
35 movement at a fixed concentration point, unless the swine is

1 moved and received in compliance with section 166D.10A.

2 Sec. 36. Section 200.7, Code 2001, is amended to read as
3 follows:

4 200.7 FERTILIZER-PESTICIDE MIXTURE.

5 Only those persons licensed under section 200.4 shall be
6 permitted to add pesticides to commercial fertilizers. These
7 persons shall at all times produce a uniform mixture of
8 fertilizer and pesticide and shall register and label their
9 product in compliance with both ~~the Iowa Pesticide Act~~ chapter
10 206 and this chapter.

11 Sec. 37. Section 205.5, Code 2001, is amended to read as
12 follows:

13 205.5 REGULATIONS AS TO SALES OF CERTAIN POISONS.

14 It shall be unlawful for any person except a licensed
15 pharmacist to sell at retail any of the poisons enumerated in
16 this section: Ammoniated mercury, mercury bichloride, red
17 mercuric iodide, and other poisonous salts and compounds of
18 mercury; salts and compounds of arsenic; salts of antimony;
19 salts of barium except the sulphate; salts of thallium;
20 hydrocyanic acid and its salts; chromic, glacial acetic, and
21 picric acids; chloral hydrate, croton oil, creosol,
22 chloroform, dinitrophenol, ether, oil of bitter almonds,
23 phenol, phosphorus and sodium fluoride; aconitine, arecoline,
24 ~~atrophine~~ atropine, brucine, homatropine, hyoscyamine,
25 nicotine, strychnine, and the salts of these alkaloids;
26 aconite, belladonna, cantharides, digitalis, nux vomica,
27 veratrum, and the preparations of these poisonous drugs.

28 Sec. 38. Section 216.15A, subsection 13, Code 2001, is
29 amended to read as follows:

30 13. If a provision of this section ~~216.15A~~ applies under
31 the terms of ~~section 216.15A~~, subsection 12, and the provision
32 of this section ~~216.15A~~ conflicts with a provision of section
33 216.15, then the provision contained within this section
34 ~~216.15A~~ shall prevail. Similarly, if a provision of section
35 216.16A or 216.17A conflicts with a provision of section

1 216.16 or 216.17, then the provision contained in section
2 216.16A or 216.17A shall prevail.

3 Sec. 39. Section 232.52, subsection 7, Code 2001, is
4 amended to read as follows:

5 7. If the court orders the transfer of the custody of the
6 child to the department of human services or to another agency
7 for placement in ~~foster~~ group foster care, the department or
8 agency shall make every reasonable effort to place the child
9 within the state, in the least restrictive, most family-like,
10 and most appropriate setting available and in close proximity
11 to the parents' home, consistent with the child's best
12 interests and special needs, and shall consider the
13 placement's proximity to the school in which the child is
14 enrolled at the time of placement.

15 Sec. 40. Section 232.102, subsection 7, Code 2001, is
16 amended to read as follows:

17 7. In any order transferring custody to the department or
18 an agency, or in orders pursuant to a custody order, the court
19 shall specify the nature and category of disposition which
20 will serve the best interests of the child, and shall
21 prescribe the means by which the placement shall be monitored
22 by the court. If the court orders the transfer of the custody
23 of the child to the department of human services or other
24 agency for placement, the department or agency shall submit a
25 case permanency plan to the court and shall make every
26 reasonable effort to return the child to the child's home as
27 quickly as possible consistent with the best interest of the
28 child. When the child is not returned to the child's home and
29 if the child has been previously placed in a licensed foster
30 care facility, the department or agency shall consider placing
31 the child in the same licensed foster care facility. If the
32 court orders the transfer of custody to a parent who does not
33 have physical care of the child, other relative, or other
34 suitable person, the court may direct the department or other
35 agency to provide services to the child's parent, guardian, or

1 custodian in order to enable them to resume custody of the
2 child. If the court orders the transfer of custody to the
3 department of human services or to another agency for
4 placement in ~~foster~~ group foster care, the department or
5 agency shall make every reasonable effort to place the child
6 within Iowa, in the least restrictive, most family-like, and
7 most appropriate setting available, and in close proximity to
8 the parents' home, consistent with the child's best interests
9 and special needs, and shall consider the placement's
10 proximity to the school in which the child is enrolled at the
11 time of placement.

12 Sec. 41. Section 252F.7, Code 2001, is amended to read as
13 follows:

14 252F.7 REPORT TO VITAL STATISTICS RECORDS.

15 Upon the filing of an order with the district court
16 pursuant to this chapter, the clerk of the district court
17 shall report the information from the order to the bureau of
18 vital ~~statistics~~ records in the manner provided in section
19 600B.36.

20 Sec. 42. Section 261.9, subsection 1, paragraph c, Code
21 2001, is amended to read as follows:

22 c. Is a school of nursing accredited by the national
23 league for nursing and approved by the board of ~~nurse~~
24 ~~examiners~~ nursing, including such a school operated,
25 controlled, and administered by a county public hospital.

26 Sec. 43. Section 275.8, subsection 1, Code 2001, is
27 amended to read as follows:

28 1. Preparation of a written joint plan in which contiguous
29 territory in two or more area education agencies is considered
30 as a part of a potential school district in the area education
31 agency on behalf of which such plan is filed with the ~~state~~
32 department of ~~public-instruction~~ education by the area
33 education agency board.

34 Sec. 44. Section 275.8, subsection 3, unnumbered
35 paragraphs 1 and 2, Code 2001, are amended to read as follows:

1 Filing said plan with the state department of public
2 instruction education.

3 For purposes of subsection 1 hereof, joint planning shall
4 be evidenced by filing the following items with the state
5 department of public-instruction education:

6 Sec. 45. Section 303.21, unnumbered paragraph 2, Code
7 2001, is amended to read as follows:

8 The petition shall contain a description of the property
9 suggested for inclusion in the district, and the reasons
10 justifying the creation of the district.

11 Sec. 46. Section 321.502, Code 2001, is amended to read as
12 follows:

13 321.502 NOTIFICATION TO NONRESIDENT -- FORM.

14 The notification, provided for in section 321.501, shall be
15 in substantially the following form, to wit:

16 To (Here insert the name of each defendant and the
17 defendant's residence or last known place of abode as
18 definitely as known.)

19 You will take notice that an original notice of suit
20 against you, a copy of which is hereto attached, was duly
21 served upon you at Des Moines, Iowa, by filing a copy of said
22 notice on the day of, 19....., with the director of
23 transportation of the state of Iowa.

24 Dated at, Iowa, this ... day of, 19.....
25

26 Plaintiff.

27 By.....

28 Attorney for plaintiff.

29 Sec. 47. Section 357A.11, subsection 9, Code 2001, is
30 amended to read as follows:

31 9. Finance all or part of the cost of the construction or
32 purchase of a project necessary to carry out the purposes for
33 which the district is incorporated or to refinance all or part
34 of the original cost of that project, including, but not
35 limited to, obligations originated by the district as a

1 nonprofit corporation under chapter 504A and assumed by the
2 district reorganized under this chapter. Financing or
3 refinancing carried out under this subsection shall be in
4 accordance with the terms and procedures set forth in the
5 applicable provisions of sections 384.24A, 384.83 through
6 384.88, 384.92, and 384.93. References in these sections to a
7 city shall be applicable to a rural water district operating
8 under this chapter, and references in ~~that~~ division V of
9 chapter 384 to a city council shall be applicable to the board
10 of directors of a rural water district. This subsection shall
11 not create a lien against the property of a person who is not
12 a rural water subscriber.

13 Sec. 48. Section 357E.9, unnumbered paragraph 2, Code
14 2001, is amended to read as follows:

15 If the state owns at least four hundred acres of land
16 contiguous to a lake within the district, the natural
17 ~~resources~~ resource commission shall appoint two members of the
18 board of trustees in addition to the three members provided in
19 this section. The additional two members must be citizens of
20 the state, not less than eighteen years of age, and property
21 owners within the district. The two additional members have
22 voting and other authority equal to the other members of the
23 board and hold office at the pleasure of the natural ~~resources~~
24 resource commission.

25 Sec. 49. Section 392.5, unnumbered paragraph 2, Code 2001,
26 is amended to read as follows:

27 In order for the board to function in the same manner, the
28 council shall retain all applicable ordinances, and shall
29 adopt as ordinances all applicable state statutes repealed by
30 ~~646A~~ 1972 Iowa Acts, chapter 1088.

31 Sec. 50. Section 422E.2, subsection 4, paragraph b,
32 unnumbered paragraph 1, Code 2001, is amended to read as
33 follows:

34 Within ten days of the election at which a majority of
35 those voting on the question favors the imposition, repeal, or

1 change in the rate of the tax, the county auditor shall give
2 written notice of the result of the election by sending a copy
3 of the abstract of the votes from the favorable election to
4 the director of revenue and finance ~~of-the-result-of-the~~
5 ~~election~~. Election costs shall be apportioned among school
6 districts within the county on a pro rata basis in proportion
7 to the number of registered voters in each school district and
8 the total number of registered voters in all of the school
9 districts within the county.

10 Sec. 51. Section 425.21, Code 2001, is amended to read as
11 follows:

12 425.21 SATISFACTION OF OUTSTANDING TAX LIABILITIES.

13 The amount of any claim for credit or reimbursement payable
14 under this division may be applied by the department of
15 revenue and finance against any tax liability, delinquent
16 accounts, charges, loans, fees, or other indebtedness due the
17 state or state agency that ~~have~~ has a formal ~~agreements~~
18 agreement with the department for central debt collection,
19 outstanding on the books of the department against the
20 claimant, or against a spouse who was a member of the
21 claimant's household in the base year.

22 Sec. 52. Section 446.38, Code 2001, is amended to read as
23 follows:

24 446.38 SUSPENDED TAXES OF OLD-AGE ASSISTANCE RECIPIENTS.

25 In cases where taxes were suspended one year or more upon
26 the parcel of a deceased old-age assistance recipient and no
27 estate was opened within ninety days after the death of the
28 recipient and the surviving spouse of the recipient is not
29 occupying the parcel, the county may apply to the probate
30 court to have the parcel conveyed to it for satisfaction of
31 the suspended taxes. The probate court shall prescribe the
32 manner and notices to be given. The probate court shall order
33 the parcel conveyed to the county for satisfaction of the
34 suspended taxes if an estate is not opened within a time
35 specified by the court. The probate court shall make and

1 enter all appropriate orders to effect this conveyance to the
2 county if an estate is not opened within the time specified.
3 The parcel, at the election of the county treasurer, may be
4 offered at tax sale in accordance with this chapter 446 in
5 lieu of the county making application to the probate court.

6 Sec. 53. Section 455A.19, subsection 1, paragraph a,
7 unnumbered paragraph 1, Code 2001, is amended to read as
8 follows:

9 Twenty-eight percent shall be allocated to the open spaces
10 account. At least ten percent of the allocations to the
11 account shall be made available to match private funds for
12 open space projects on the cost-share basis of not less than
13 twenty-five percent private funds pursuant to the rules
14 adopted by the natural ~~resources~~ resource commission. Five
15 percent of the funds allocated to the open spaces account
16 shall be used to fund the protected waters program. This
17 account shall be used by the department to implement the
18 statewide open space acquisition, protection, and development
19 programs.

20 Sec. 54. Section 455E.11, subsection 2, paragraph a,
21 subparagraph (2), subparagraph subdivision (f), Code 2001, is
22 amended to read as follows:

23 (f) Eight and one-half percent to the department to
24 provide additional toxic cleanup days or other efforts of the
25 department to support permanent household hazardous material
26 collection systems and special events for household hazardous
27 material collection, and for the natural resource geographic
28 information system required under section 455E.8, subsection
29 6. Departmental rules adopted for implementation of toxic
30 cleanup days shall provide sufficient flexibility to respond
31 to the household hazardous material collection needs of both
32 small and large communities. Repayment of moneys from the
33 Iowa business loan program for waste reduction and recycling
34 pursuant to section 455B.310, subsection 2, paragraph "b",
35 Code 1993, and discontinued pursuant to 1993 Iowa Acts,

1 chapter 176, section 45, shall be placed into this account to
2 support household hazardous materials programs of the
3 department.

4 Sec. 55. Section 515B.2, subsection 5, Code 2001, is
5 amended to read as follows:

6 5. "Insurer" means an insurer licensed to transact
7 insurance business in this state under either chapter 515 or
8 chapter 520, either at the time the policy was issued or when
9 the insured event occurred. It does not include county or
10 state mutual insurance associations licensed under chapter 518
11 or chapter 518A, or fraternal beneficiary benefit societies,
12 orders, or associations licensed under chapter 512B, or
13 corporations operating nonprofit service plans under chapter
14 514, or life insurance companies or life, accident, or health
15 associations licensed under chapter 508, or those professions
16 under chapter 519.

17 Sec. 56. Section 518.28, Code 2001, is amended to read as
18 follows:

19 518.28 FAILURE TO FILE COPY.

20 Upon the failure of a county mutual insurance association
21 to file a copy of its forms of policies or contracts pursuant
22 to section 518.27, the commissioner of insurance may suspend
23 its authority to transact business within the state until such
24 forms of policies or contracts have been filed and approved.

25 Sec. 57. Section 518A.35, Code 2001, is amended to read as
26 follows:

27 518A.35 ANNUAL TAX.

28 A state mutual insurance association doing business under
29 this chapter shall on or before the first day of March, each
30 year, pay to the director of the department of revenue and
31 finance, or a depository designated by the director, a sum
32 equivalent to two percent of the gross receipts from premiums
33 and fees for business done within the state, including all
34 insurance upon property situated in the state without
35 including or deducting any amounts received or paid for

1 reinsurance. However, a company reinsuring windstorm or hail
2 risks written by county mutual insurance associations is
3 required to pay a two percent tax on the gross amount of
4 reinsurance premiums received upon such risks, but after
5 deducting the amount returned upon canceled policies and
6 rejected applications covering property situated within the
7 state, and dividends returned to policyholders on property
8 situated within the state.

9 Sec. 58. Section 537.3102, Code 2001, is amended to read
10 as follows:

11 537.3102 SCOPE.

12 Part 2 applies to disclosure with respect to consumer
13 credit transactions, other than consumer rental purchase
14 agreements, and the provision in section 537.3201 applies to a
15 sale of an interest in land or a loan secured by an interest
16 in land, without regard to the rate of finance charge, if the
17 sale or loan is otherwise a consumer credit sale or consumer
18 loan. Parts 3 and 4 apply, respectively, to disclosure,
19 limitations on agreements and practices, and limitations on
20 consumer's liability with respect to certain consumer credit
21 transactions. Part 5 applies to home solicitation sales.
22 Part 6 applies to consumer rental purchase agreements.

23 Sec. 59. Section 714.19, subsection 2, Code 2001, is
24 amended to read as follows:

25 2. Schools of nursing accredited by the board of nurse
26 examiners nursing or an equivalent public board of another
27 state or foreign country.

28 Sec. 60. Section 805.1, subsection 4, Code 2001, is
29 amended to read as follows:

30 4. The issuance of a citation in lieu of arrest or in lieu
31 of continued custody does not affect the officer's authority
32 to conduct an otherwise lawful search. The issuance of a
33 citation in lieu of arrest shall be deemed an arrest for the
34 purpose of the speedy indictment requirements of R.Cr.P.
35 ~~section 277-subsection-27-paragraph-"a"(2)(a)~~, Ia. Ct. Rules,

1 3rd ed.

2 Sec. 61. Section 805.8, subsection 2, paragraph ah, Code
3 2001, is amended to read as follows:

4 ah. If, in connection with a motor vehicle accident, a
5 person is charged and found guilty of a violation of section
6 321.20B, subsection 1, the scheduled fine is five hundred
7 dollars, otherwise the scheduled fine for a violation of
8 section 321.20B, subsection 1, is two hundred fifty dollars.
9 Notwithstanding section 805.12, fines collected pursuant to
10 this paragraph shall be submitted to the state court
11 administrator and distributed fifty percent to the victim
12 compensation fund established in section ~~912.14~~ 915.94,
13 twenty-five percent to the county in which such fine is
14 imposed, and twenty-five percent to the general fund of the
15 state.

16 Sec. 62. Sections 496B.11, 496B.12, 496C.3, 496C.14,
17 496C.20, 496C.22, and 544A.21, Code 2001, are amended by
18 adding after the words "Iowa business corporation Act", the
19 following: ", chapter 490,".

20 Sec. 63. Section 496B.3, Code 2001, is amended by adding
21 after the words "Iowa business corporation Act," the
22 following: "chapter 490,".

23 Sec. 64. Sections 496B.6, 496B.8, 496B.17, 496C.4, 496C.9,
24 496C.19, 496C.21, and 504A.6, Code 2001, are amended by adding
25 after the words "Iowa business corporation Act", the
26 following: ", chapter 490".

27 Sec. 65. 2000 Iowa Acts, chapter 1029, section 1, is
28 amended by striking the amending phrase to the section and
29 inserting in lieu thereof the following: "Section 249A.4,
30 subsection 8, unnumbered paragraph 1, Code Supplement 1999, is
31 amended to read as follows:".

32 Sec. 66. 2000 Iowa Acts, chapter 1098, section 1, is
33 amended by striking the amending phrase to the section and
34 inserting in lieu thereof the following: "Section 256.7, Code
35 Supplement 1999, is amended by adding the following new

1 subsection:".

2 Sec. 67. 2000 Iowa Acts, chapter 1145, sections 10, 12,
3 18, and 23, are amended by striking the word and figure "Code
4 1999" in the amending phrase to the section and inserting in
5 lieu thereof the following: "Code Supplement 1999".

6 Sec. 68. 2000 Iowa Acts, chapter 1145, section 11, is
7 amended by striking the section and inserting in lieu thereof
8 the following:

9 SEC. 11. Section 600.8, subsections 4, 7, 8, 9, and 12,
10 Code Supplement 1999, are amended to read as follows:

11 4. A postplacement investigation and the report of the
12 investigation shall be completed and filed with the juvenile
13 court or court prior to the holding of the adoption hearing
14 prescribed in section 600.12. Upon the filing of an adoption
15 petition pursuant to section 600.5, the juvenile court or
16 court shall immediately appoint the department, an agency, or
17 an investigator to conduct and complete the postplacement
18 report. Any person~~7--including-a-juvenile-court7~~ who has
19 gained relevant background information concerning a minor
20 person subject to an adoption petition shall, upon request,
21 fully cooperate with the conducting of the postplacement
22 investigation by disclosing any relevant information
23 requested, whether contained in sealed records or not.

24 7. Any investigation or report required under this section
25 shall not apply when the person to be adopted is an adult or
26 when the prospective adoption petitioner or adoption
27 petitioner is a stepparent of the person to be adopted.
28 However, in the case of a stepparent adoption, the juvenile
29 court or court, upon the request of an interested person or on
30 its own motion stating the reasons therefor of record, may
31 order an investigation or report pursuant to this section.

32 8. Any person designated to make an investigation and
33 report under this section may request an agency or state
34 agency, within or outside this state, to conduct a portion of
35 the investigation or the report, as may be appropriate, and to

1 file a supplemental report of such investigation or report
2 with the juvenile court or court. In the case of the adoption
3 of a minor person by a person domiciled or residing in any
4 other jurisdiction of the United States, any investigation or
5 report required under this section which has been conducted
6 pursuant to the standards of that other jurisdiction shall be
7 recognized in this state.

8 9. The department may investigate, on its own initiative
9 or on order of the juvenile court or court, any placement made
10 or adoption petition filed under this chapter or chapter 600A
11 and may report its resulting recommendation to the juvenile
12 court or court.

13 12. Any investigation and report required under subsection
14 1 of this section may be waived by the juvenile court or court
15 if the adoption petitioner is related within the fourth degree
16 of consanguinity to the person to be adopted.

17 Sec. 69. 2000 Iowa Acts, chapter 1145, section 17, is
18 amended by striking the section and inserting in lieu thereof
19 the following:

20 SEC. 17. Section 600.13, subsections 1, 2, 3, and 5, Code
21 Supplement 1999, are amended to read as follows:

22 1. At the conclusion of the adoption hearing, the juvenile
23 court or court shall:

24 a. Issue a final adoption decree;

25 b. Issue an interlocutory adoption decree; or,

26 c. Dismiss the adoption petition if the requirements of
27 this Act have not been met or if dismissal of the adoption
28 petition is in the best interest of the person whose adoption
29 has been petitioned. Upon dismissal, the juvenile court or
30 court shall determine who is to be guardian or custodian of a
31 minor child, including the adoption petitioner if it is in the
32 best interest of the minor person whose adoption has been
33 petitioned.

34 2. An interlocutory adoption decree automatically becomes
35 a final adoption decree at a date specified by the juvenile

1 court or court in the interlocutory adoption decree, which
2 date shall not be less than one hundred eighty days nor more
3 than three hundred sixty days from the date the interlocutory
4 decree is issued. However, an interlocutory adoption decree
5 may be vacated prior to the date specified for it to become
6 final. Also, the juvenile court or court may provide in the
7 interlocutory adoption decree for further observation,
8 investigation, and report of the conditions of and the
9 relationships between the adoption petitioner and the person
10 petitioned to be adopted.

11 3. If an interlocutory adoption decree is vacated under
12 subsection 2, it shall be void from the date of issuance and
13 the rights, duties, and liabilities of all persons affected by
14 it shall, unless they have become vested, be governed
15 accordingly. Upon vacation of an interlocutory adoption
16 decree, the juvenile court or court shall proceed under the
17 provisions of subsection 1, paragraph "c".

18 5. An interlocutory or a final adoption decree shall be
19 entered with the clerk of court. Such decree shall set forth
20 any facts of the adoption petition which have been proven to
21 the satisfaction of the juvenile court or court and any other
22 facts considered to be relevant by the juvenile court or court
23 and shall grant the adoption petition. If so designated in
24 the adoption decree, the name of the adopted person shall be
25 changed by issuance of that decree. The clerk of the court
26 shall, within thirty days of issuance, deliver one certified
27 copy of any adoption decree to the petitioner, one copy of any
28 adoption decree to the department and any agency or person
29 making an independent placement who placed a minor person for
30 adoption, and one certification of adoption as prescribed in
31 section 144.19 to the state registrar of vital statistics.
32 Upon receipt of the certification, the state registrar shall
33 prepare a new birth certificate pursuant to section 144.23 and
34 deliver to the parents named in the decree and any adult
35 person adopted by the decree a copy of the new birth

1 certificate. The parents shall pay the fee prescribed in
2 section 144.46. If the person adopted was born outside the
3 state, the state registrar shall forward the certification of
4 adoption to the appropriate agency in the state or foreign
5 nation of birth. A copy of any interlocutory adoption decree
6 vacation shall be delivered and another birth certificate
7 shall be prepared in the same manner as a certification of
8 adoption is delivered and the birth certificate was originally
9 prepared.

10 Sec. 70. 2000 Iowa Acts, chapter 1183, section 1, is
11 amended by striking the amending phrase to the section and
12 inserting in lieu thereof the following: "Section 169.5, Code
13 Supplement 1999, is amended by adding the following new
14 subsection:".

15 Sec. 71. 2000 Iowa Acts, chapter 1231, section 33,
16 unnumbered paragraph 3, is amended to read as follows:

17 Of the moneys remaining on June 30, 2000, in the
18 administrative fund established in section ~~12D.4A~~ 12D.4,
19 \$150,000 shall not revert to the general fund of the state but
20 shall be carried forward to the fiscal year beginning July 1,
21 2000, and may be expended for establishing an automated
22 distribution system for educational savings plan benefits.

23 Sec. 72. 2000 Iowa Acts, chapter 1231, section 39, is
24 amended to read as follows:

25 SEC. 39. Chapter 8A and section 12D.4A, Code and Code
26 Supplement 1999, are repealed.

27 Sec. 73. 1999 Iowa Acts, chapter 7, section 9, is amended
28 by striking the amending phrase to the section and inserting
29 in lieu thereof the following: "Section 321.34, subsection
30 12, Code 1999, is amended by adding the following new
31 paragraph:".

32 Sec. 74. EFFECTIVE DATES.

33 1. Sections 66, 67, 68, 69, 71, and 72, being deemed of
34 immediate importance, take effect upon enactment and apply
35 retroactively to July 1, 2000.

1 2. Section 65 of this Act, being deemed of immediate
2 importance, takes effect upon enactment and applies
3 retroactively to March 31, 2000.

4 3. Section 70 takes effect July 1, 2001.

5 4. Section 73, being deemed of immediate importance, takes
6 effect upon enactment and applies retroactively to July 1,
7 1999.

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HOUSE FILE 194

AN ACT

RELATING TO NONSUBSTANTIVE CODE CORRECTIONS AND INCLUDING
EFFECTIVE AND RETROACTIVE APPLICABILITY PROVISIONS.

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

Section 1. Section 12.32, subsections 1 and 3, Code 2001, are amended to read as follows:

1. "Eligible borrower" means any person who is in the business or is entering the business of producing, processing, or marketing horticultural crops or nontraditional crops in this state or any person in this state who is qualified to participate in one of the programs in this division section and sections 12.33 through 12.43B. "Eligible borrower" does not include a person who has been determined to be delinquent in making child support payments or any other payments due the state.

3. "Linked investment" means a certificate of deposit placed pursuant to this division section and sections 12.33 through 12.43B by the treasurer of state with an eligible lending institution, at an interest rate not more than three percent below current market rate on the condition that the institution agrees to lend the value of the deposit, according to the investment agreement provided in section 12.35, to an eligible borrower at a rate not to exceed four percent above the rate paid on the certificate of deposit. The treasurer of state shall determine and make available the current market rate which shall be used each month.

Sec. 2. Section 12.34, subsections 1 and 2, Code 2001, are amended to read as follows:

1. The treasurer of state may invest up to the lesser of one hundred eight million dollars or ten percent of the balance of the state pooled money fund in certificates of deposit in eligible lending institutions as provided in sections 12.32 and 12.33, this division section, and sections 12.35 through 12.43B. The moneys invested pursuant to this section shall be used as follows:

a. The treasurer of state may invest up to sixty-eight million dollars to support programs provided in sections 12.32 and 12.33, this division section, and sections 12.35 through 12.43B other than the traditional livestock producers linked investment loan program as provided in section 12.43A and the value-added agricultural linked investment loan program as provided in section 12.43B.

b. The treasurer of state shall invest the remaining amount as follows:

(1) At least twenty million dollars shall be invested in order to support the traditional livestock producers linked investment loan program as provided in section 12.43A.

(2) At least twenty million dollars shall be invested in order to support the value-added agricultural linked investment loan program as provided in section 12.43B.

2. a. The treasurer of state shall adopt rules pursuant to chapter 17A to administer sections 12.32 and 12.33, this division section, and sections 12.35 through 12.43B.

b. The treasurer of state in cooperation with the board of directors of the agricultural development authority as established in section 175.3 shall adopt rules for the administration of the traditional livestock producers linked investment loan program as provided in section 12.43A. The treasurer of state in cooperation with the agricultural products advisory council established in section 15.203 shall adopt rules for the administration of the value-added agricultural linked investment loan program as provided in section 15.204.

Sec. 3. Section 12.35, subsection 1, Code 2001, is amended to read as follows:

1. An eligible lending institution that desires to receive a linked investment shall enter into an agreement with the treasurer of state, which shall include requirements necessary for the eligible lending institution to comply with sections 12.32 through 12.34, this division section, and sections 12.36 through 12.43B.

Sec. 4. Section 12.36, subsection 2, Code 2001, is amended to read as follows:

2. Upon acceptance of the linked investment loan package or any portion of the package, the treasurer of state shall place certificates of deposit with the eligible lending institution at a rate not more than three percent below the current market rate. The treasurer of state shall not place a certificate of deposit with an eligible lending institution pursuant to sections 12.32 through 12.35, this division section, and sections 12.37 through 12.43B, unless the certificate of deposit earns a rate of interest of at least two percent. Interest earned on the certificate of deposit and principal not renewed shall be remitted to the treasurer of state at the time the certificate of deposit matures. Certificates of deposit placed pursuant to sections 12.32 through 12.35, this division section, and sections 12.37 through 12.43B are not subject to a penalty for early withdrawal.

Sec. 5. Section 12.40, subsection 2, Code 2001, is amended to read as follows:

2. The treasurer of state shall adopt rules consistent with sections 12.32 through 12.39, this division section, and sections 12.41 through 12.43B to implement a rural small business transfer linked investment loan program to maintain and expand existing employment opportunities and the provision of retail goods on a local level in small rural communities by assisting in the transfer of ownership of retail-oriented businesses where, in the absence of sufficient financial assistance, the businesses may close.

Sec. 6. Section 12.43A, subsection 3, unnumbered paragraph 1, Code 2001, is amended to read as follows:

In order to qualify for a loan in accordance with an investment agreement under sections 12.32 through 12.43, this division section, and section 12.43B, all of the following requirements must be satisfied:

Sec. 7. Section 12.72, subsection 1, Code 2001, is amended to read as follows:

1. A vision Iowa fund is created and established as a separate and distinct fund in the state treasury. The moneys in the fund are appropriated to the vision Iowa board for purposes of the vision Iowa program established in section 15F.302. Moneys in the fund shall not be subject to appropriation for any other purpose by the general assembly, but shall be used only for the purposes of the vision Iowa fund. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund as directed by the vision Iowa board, including automatic disbursements of funds received pursuant to the terms of bond indentures and documents and security provisions to trustees. The fund shall be administered by the vision Iowa board which shall make expenditures from the fund consistent with the purposes of the vision Iowa program without further appropriation. An applicant under the vision Iowa program shall not receive more than seventy-five million dollars in financial assistance from the fund.

Sec. 8. Section 12.72, subsection 2, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Revenue for the vision Iowa fund shall include, but is not limited to, the following, which shall be deposited with the treasurer of state or its the treasurer's designee as provided by any bond or security documents and credited to the fund:

Sec. 9. Section 12.74, subsection 2, Code 2001, is amended to read as follows:

2. The state pledges to and agrees with the holders of bonds or notes issued under section 12.71 that the state will not limit or alter the rights and powers vested in the vision Iowa board or the treasurer of state to fulfill the terms of a contract made with respect to the bonds or notes, or in any .

way impair the rights and remedies of the holders until the bonds and notes, together with the interest on them including interest on unpaid installments of interest, are fully met and discharged.

Sec. 10. Section 14B.101, subsection 3, Code 2001, is amended to read as follows:

3. "Governmental entity" means any unit of government in the executive, legislative, or judicial branch of government; an agency or political subdivision; any unit of another state government, including its political subdivisions; and or any unit of the United States government.

Sec. 11. Section 14B.109, subsection 2, paragraph a, Code 2001, is amended to read as follows:

a. Standards established by the information technology council, unless waived pursuant to section 14B.105, shall apply to all information technology procurements for participating agencies.

Sec. 12. Section 14B.109, subsection 3, Code 2001, is amended to read as follows:

3. The information technology department, by rule, may implement a prequalification procedure for contractors with which the department has entered or intends to enter into agreements regarding the procurement of information technology.

Sec. 13. Section 14B.109, subsection 5, Code 2001, is amended to read as follows:

5. The department shall adopt rules pursuant to chapter 17A to implement the procurement methods and procedures provided for in subsections 2 through 4.

Sec. 14. Section 14B.201, subsection 2, paragraph b, Code 2001, is amended to read as follows:

b. The advisory council shall also advise the information technology council and the director with respect to the operation of IowAccess and encourage and implement access to government and its public records by the citizens of this state.

Sec. 15. Section 16.92, subsection 7, paragraph b, Code 2001, is amended to read as follows:

b. For purposes of this subsection, an effective release has not been filed of record if there it appears that a mortgagee in the record chain of title to the mortgage has not, either on the mortgagee's own behalf or by the mortgagee's duly appointed servicer or attorney in fact as established of record by a filed servicing agreement or power of attorney, filed of record either an assignment of the mortgage to another mortgagee in the record chain of title to the mortgage or a release of the mortgagee's interest in the mortgage. For the purposes of this subsection and subsection 2, paragraph "c", "mortgage servicer" includes a mortgagee for which an effective release has not been filed of record as provided in this paragraph.

Sec. 16. Section 18.22, subsection 4, paragraph c, subparagraph (1), Code 2001, is amended to read as follows:

(1) "Bio-based hydraulic fluids, greases, and other industrial lubricants" means the same as defined by the United States department of agriculture, if the department has adopted such a definition. If the United States department of agriculture has not adopted a definition, "bio-based hydraulic fluids, greases, and other industrial lubricants" means hydraulic fluids, greases, and other lubricants containing a minimum of fifty-one percent soybean oil.

Sec. 17. Section 22.7, subsection 20, Code 2001, is amended to read as follows:

20. Information concerning the nature and location of any archaeological resource or site if, in the opinion of the state archaeologist, disclosure of the information will result in unreasonable risk of damage to or loss of the resource or site where the resource is located. This subsection shall not be construed to interfere with the responsibilities of the federal government or the state historical historic preservation officer pertaining to access, disclosure, and use of archaeological site records.

Sec. 18. Section 50.16, Code 2001, is amended by striking the words "Election board member's name" and the words "Tally keeper's name" and inserting the following: "Name".

Sec. 19. Section 68B.22, subsection 4, paragraph p, Code 2001, is amended to read as follows:

p. Gifts other than food, beverages, travel, and lodging received by a public official or public employee which are received from a person who is a citizen of a country other than the United States and ~~is~~ are given during a ceremonial presentation or as a result of a custom of the other country and is of personal value only to the donee.

Sec. 20. Section 68B.38, subsection 1, Code 2001, is amended to read as follows:

1. On or before January 31 and July 31 of each year, a lobbyist's client shall file with the general assembly or board a report that contains information on all salaries, fees, and retainers paid by the lobbyist's client to the lobbyist for lobbying purposes during the preceding six calendar months. Reports by a lobbyist's clients shall be filed with the same entity with which the lobbyist filed the lobbyist's registration.

Sec. 21. Section 84A.1A, subsection 4, Code 2001, is amended to read as follows:

4. Members of the board, the director, and other employees of the department of workforce development shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses shall be paid from appropriations for those purposes and the department is subject to the budget requirements of chapter 8. Each member of the board may also be eligible to receive compensation as provided in section 7E.6.

Sec. 22. Section 84A.1B, subsections 5 through 8, Code 2001, are amended to read as follows:

5. Approve the budget of the department of workforce development related to workforce development as prepared by the director.

6. Establish guidelines, procedures, and policies for the awarding of grants for workforce development services by the department of workforce development.

7. Review grants or contracts awarded by the department of workforce development, with respect to the department's adherence to the guidelines and procedures and the impact on the five-year strategic plan for workforce development.

8. Make recommendations concerning the use of federal funds received by the department of workforce development with respect to the five-year and twenty-year workforce development plans.

Sec. 23. Section 84A.4, subsections 2 and 3, Code 2001, are amended to read as follows:

2. Each regional advisory board shall identify workforce development needs in its region, assist the workforce development board and the department of workforce development in the awarding of grants or contracts administered by the department of workforce development in that region and in monitoring the performance of the grants and contracts awarded, make annual reports as required by section 84A.1B, and make recommendations to the workforce development board and department of workforce development concerning workforce development.

3. Section 84A.1A, subsections 2, 3, and 5, apply to the members of a regional advisory board except that the board shall meet if a majority of the members of the board, and not five, file a written request with the chairperson for a meeting. Members of a regional advisory board shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses shall be paid from appropriations for those purposes and the department of workforce development is subject to the budget requirements of chapter 8.

Sec. 24. Section 88.3, subsection 8, Code 2001, is amended to read as follows:

8. "Occupational safety and health standard" means a standard which requires conditions or the adoption or use of:

one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safety safe or healthful employment and places of employment.

Sec. 25. Section 88.5, subsection 7, Code 2001, is amended to read as follows:

7. SPECIAL VARIANCE. Where there are conflicts with standards, rules or regulations promulgated by any federal agency other than the United States department of labor, special variances from standards, rules or regulations promulgated under this chapter may be granted to avoid such regulatory conflicts. Such variances shall take into consideration the safety of the employees involved. Notwithstanding any other provision of this chapter, and with respect to this paragraph, any employer seeking relief under this provision must file an application therefor with the commissioner and the commissioner shall forthwith hold a hearing at which employees or other interested persons, including representatives of the federal regulatory agencies involved, may appear and upon the showing that such a conflict indeed exists the commissioner may issue a special variance until the conflict is resolved.

Sec. 26. Section 89.2, subsection 5, paragraph a, Code 2001, is amended as follows:

a. A building or structure primarily used as a theater, motion picture theater, museum, arena, exhibition hall, school, college, dormitory, bowling alley, physical fitness center, family entertainment center, lodge hall, union hall, pool hall, casino, place of worship, funeral home, institution of health and custodial care, hospital, or child care or adult day care facility.

Sec. 27. Section 92.1, subsection 1, Code 2001, is amended to read as follows:

1. No person under ten years of age shall be employed or permitted to work with or without compensation at any time within this state in street occupations of peddling, bootblacking shoe polishing, the distribution or sale of newspapers, magazines, periodicals or circulars, nor in any

other occupations in any street or public place. The labor commissioner shall, when ordered by a judge of the juvenile court, issue a work permit as provided in this chapter to a person under ten years of age.

Sec. 28. Section 124.101, subsection 17, Code 2001, is amended to read as follows:

17. "Marijuana" means all parts of the plants of the genus cannabis Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin, including tetrahydrocannabinols. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.

Sec. 29. Section 139A.2, subsection 14, Code 2001, is amended to read as follows:

14. "Isolation" means the separation of persons or animals presumably or actually affected infected with a communicable disease or who are disease carriers for the usual period of communicability of that disease in such places, marked by placards if necessary, and under such conditions as will prevent the direct or indirect conveyance of the infectious agent or contagion to susceptible persons.

Sec. 30. Section 139A.22, subsection 3, Code 2001, is amended to read as follows:

3. The department shall establish an expert review panel to determine on a case-by-case basis under what circumstances, if any, a health care provider determined to be infected with HIV or HBV practicing outside the hospital setting or referred to the panel by a hospital or health care facility setting may perform exposure-prone procedures. If a health care provider determined to be infected with HIV or HBV does not comply with the determination of the expert review panel, the panel shall

report the noncompliance to the examining board with jurisdiction over the health care provider. A determination of an expert review panel pursuant to this section is a final agency action appealable pursuant to section 17A.19.

Sec. 31. Section 147.80, subsection 13, Code 2001, is amended to read as follows:

13. License to practice nursing issued upon the basis of an examination given by the board of nurse-examiners nursing, license to practice nursing based on an endorsement from another state, territory or foreign country, renewal of a license to practice nursing.

Sec. 32. Section 161A.15, Code 2001, is amended to read as follows:

161A.15 NOTICE AND HEARING.

Within thirty days after a petition has been filed with the soil and water conservation district commissioners, they shall fix a date, hour, and place for a hearing and direct the secretary to cause notice to be given to the owners of each tract of land, or lot, within the proposed subdistrict as shown by the transfer books of the auditor's office, and to each lienholder, or encumbrancer, of any such lands as shown by the county records, and to all other persons whom it may concern, and without naming individuals all actual occupants of land in the proposed subdistrict, of the pendency and purpose of the petition and that all objections to establishment of the subdistrict for any reason must be made in writing and filed with the secretary of the soil and water conservation district at, or before, the time set for hearing. The soil and water conservation district commissioners shall consider and determine whether the operation of the subdistrict within the defined boundaries as proposed is desirable, practicable, feasible, and of necessity in the interest of health, safety, and public welfare. All interested parties may attend the hearing and be heard. The soil and water conservation district commissioners may for good cause adjourn the hearing to a day certain which shall be announced at the time of adjournment and made a matter of

record. If the soil and water conservation district commissioners determine that the petition meets the requirements set forth in this section and in section 161A.5, they shall declare that the subdistrict is duly organized and shall record such action in their official minutes together with an appropriate official name or designation for the subdistrict.

Sec. 33. Section 161A.18, Code 2001, is amended to read as follows:

161A.18 AUTHENTICATION.

Following the entry in the official minutes of the soil and water conservation district commissioners of the creation of the subdistrict, the commissioners shall certify this fact on a separate form, authentic copies of which shall be recorded with the county recorder of each county in which any portion of the subdistrict lies, and with the division of soil conservation.

Sec. 34. Section 166D.2, subsection 2, Code 2001, is amended to read as follows:

2. "Approved premises" means a dry lot facility located in an area with confirmed cases of pseudorabies infection, which is certified by the department to receive, and feed, and move or relocate infected swine as provided in section 166D.10B.

Sec. 35. Section 166D.12, subsection 2, paragraph c, Code 2001, is amended to read as follows:

c. A person shall not move swine subject to restricted movement to or from a fixed concentration point ~~subject-to restricted-movement~~ or receive swine subject to restricted movement at a fixed concentration point, unless the swine is moved and received in compliance with section 166D.10A.

Sec. 36. Section 200.7, Code 2001, is amended to read as follows:

200.7 FERTILIZER-PESTICIDE MIXTURE.

Only those persons licensed under section 200.4 shall be permitted to add pesticides to commercial fertilizers. These persons shall at all times produce a uniform mixture of fertilizer and pesticide and shall register and label their

product in compliance with both the ~~Iowa Pesticide Act~~ chapter 206 and this chapter.

Sec. 37. Section 205.5, Code 2001, is amended to read as follows:

205.5 REGULATIONS AS TO SALES OF CERTAIN POISONS.

It shall be unlawful for any person except a licensed pharmacist to sell at retail any of the poisons enumerated in this section: Ammoniated mercury, mercury bichloride, red mercuric iodide, and other poisonous salts and compounds of mercury; salts and compounds of arsenic; salts of antimony; salts of barium except the sulphate; salts of thallium; hydrocyanic acid and its salts; chromic, glacial acetic, and picric acids; chloral hydrate, croton oil, creosol, chloroform, dinitrophenol, ether, oil of bitter almonds, phenol, phosphorus and sodium fluoride; aconitine, arecoline, atrophine atropine, brucine, homatropine, hyoscyamine, nicotine, strychnine, and the salts of these alkaloids; aconite, belladonna, cantharides, digitalis, nux vomica, veratrum, and the preparations of these poisonous drugs.

Sec. 38. Section 216.15A, subsection 13, Code 2001, is amended to read as follows:

13. If a provision of this section 216.15A applies under the terms of ~~section 216.15A~~, subsection 12, and the provision of this section 216.15A conflicts with a provision of section 216.15, then the provision contained within this section 216.15A shall prevail. Similarly, if a provision of section 216.16A or 216.17A conflicts with a provision of section 216.16 or 216.17, then the provision contained in section 216.16A or 216.17A shall prevail.

Sec. 39. Section 232.52, subsection 7, Code 2001, is amended to read as follows:

7. If the court orders the transfer of the custody of the child to the department of human services or to another agency for placement in foster group foster care, the department or agency shall make every reasonable effort to place the child within the state, in the least restrictive, most family-like, and most appropriate setting available and in close proximity

to the parents' home, consistent with the child's best interests and special needs, and shall consider the placement's proximity to the school in which the child is enrolled at the time of placement.

Sec. 40. Section 232.102, subsection 7, Code 2001, is amended to read as follows:

7. In any order transferring custody to the department or an agency, or in orders pursuant to a custody order, the court shall specify the nature and category of disposition which will serve the best interests of the child, and shall prescribe the means by which the placement shall be monitored by the court. If the court orders the transfer of the custody of the child to the department of human services or other agency for placement, the department or agency shall submit a case permanency plan to the court and shall make every reasonable effort to return the child to the child's home as quickly as possible consistent with the best interest of the child. When the child is not returned to the child's home and if the child has been previously placed in a licensed foster care facility, the department or agency shall consider placing the child in the same licensed foster care facility. If the court orders the transfer of custody to a parent who does not have physical care of the child, other relative, or other suitable person, the court may direct the department or other agency to provide services to the child's parent, guardian, or custodian in order to enable them to resume custody of the child. If the court orders the transfer of custody to the department of human services or to another agency for placement in foster group foster care, the department or agency shall make every reasonable effort to place the child within Iowa, in the least restrictive, most family-like, and most appropriate setting available, and in close proximity to the parents' home, consistent with the child's best interests and special needs, and shall consider the placement's proximity to the school in which the child is enrolled at the time of placement.

Sec. 41. Section 252F.7, Code 2001, is amended to read as follows:

252F.7 REPORT TO VITAL STATISTICS RECORDS.

Upon the filing of an order with the district court pursuant to this chapter, the clerk of the district court shall report the information from the order to the bureau of vital statistics records in the manner provided in section 600B.36.

Sec. 42. Section 261.9, subsection 1, paragraph c, Code 2001, is amended to read as follows:

c. Is a school of nursing accredited by the national league for nursing and approved by the board of nurse examiners nursing, including such a school operated, controlled, and administered by a county public hospital.

Sec. 43. Section 275.8, subsection 1, Code 2001, is amended to read as follows:

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

Sec. 44. Section 275.8, subsection 3, unnumbered paragraphs 1 and 2, Code 2001, are amended to read as follows:

Filing said plan with the state department of public instruction education.

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

Sec. 45. Section 303.21, unnumbered paragraph 2, Code 2001, is amended to read as follows:

The petition shall contain a description of the property suggested for inclusion in the district, and the reasons justifying the creation of the district.

Sec. 46. Section 321.502, Code 2001, is amended to read as follows:

321.502 NOTIFICATION TO NONRESIDENT -- FORM.

The notification, provided for in section 321.501, shall be in substantially the following form, to wit:

To (Here insert the name of each defendant and the defendant's residence or last known place of abode as definitely as known.)

You will take notice that an original notice of suit against you, a copy of which is hereto attached, was duly served upon you at Des Moines, Iowa, by filing a copy of said notice on the day of, 19....., with the director of transportation of the state of Iowa.

Dated at, Iowa, this ... day of, 19.....

.....

Plaintiff.

By.....

Attorney for plaintiff.

Sec. 47. Section 357A.11, subsection 9, Code 2001, is amended to read as follows:

9. Finance all or part of the cost of the construction or purchase of a project necessary to carry out the purposes for which the district is incorporated or to refinance all or part of the original cost of that project, including, but not limited to, obligations originated by the district as a nonprofit corporation under chapter 504A and assumed by the district reorganized under this chapter. Financing or refinancing carried out under this subsection shall be in accordance with the terms and procedures set forth in the applicable provisions of sections 384.24A, 384.83 through 384.88, 384.92, and 384.93. References in these sections to a city shall be applicable to a rural water district operating under this chapter, and references in that division V of chapter 384 to a city council shall be applicable to the board of directors of a rural water district. This subsection shall not create a lien against the property of a person who is not a rural water subscriber.

Sec. 48. Section 357E.9, unnumbered paragraph 2, Code 2001, is amended to read as follows:

If the state owns at least four hundred acres of land contiguous to a lake within the district, the natural resources resource commission shall appoint two members of the board of trustees in addition to the three members provided in this section. The additional two members must be citizens of the state, not less than eighteen years of age, and property owners within the district. The two additional members have voting and other authority equal to the other members of the board and hold office at the pleasure of the natural resources resource commission.

Sec. 49. Section 392.5, unnumbered paragraph 2, Code 2001, is amended to read as follows:

In order for the board to function in the same manner, the council shall retain all applicable ordinances, and shall adopt as ordinances all applicable state statutes repealed by 646A 1972 Iowa Acts, chapter 1088.

Sec. 50. Section 422E.2, subsection 4, paragraph b, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Within ten days of the election at which a majority of those voting on the question favors the imposition, repeal, or change in the rate of the tax, the county auditor shall give written notice of the result of the election by sending a copy of the abstract of the votes from the favorable election to the director of revenue and finance ~~of the result of the election~~. Election costs shall be apportioned among school districts within the county on a pro rata basis in proportion to the number of registered voters in each school district and the total number of registered voters in all of the school districts within the county.

Sec. 51. Section 425.21, Code 2001, is amended to read as follows:

425.21 SATISFACTION OF OUTSTANDING TAX LIABILITIES.

The amount of any claim for credit or reimbursement payable under this division may be applied by the department of revenue and finance against any tax liability, delinquent accounts, charges, loans, fees, or other indebtedness due the

state or state agency that have has a formal agreements agreement with the department for central debt collection, outstanding on the books of the department against the claimant, or against a spouse who was a member of the claimant's household in the base year.

Sec. 52. Section 446.38, Code 2001, is amended to read as follows:

446.38 SUSPENDED TAXES OF OLD-AGE ASSISTANCE RECIPIENTS.

In cases where taxes were suspended one year or more upon the parcel of a deceased old-age assistance recipient and no estate was opened within ninety days after the death of the recipient and the surviving spouse of the recipient is not occupying the parcel, the county may apply to the probate court to have the parcel conveyed to it for satisfaction of the suspended taxes. The probate court shall prescribe the manner and notices to be given. The probate court shall order the parcel conveyed to the county for satisfaction of the suspended taxes if an estate is not opened within a time specified by the court. The probate court shall make and enter all appropriate orders to effect this conveyance to the county if an estate is not opened within the time specified. The parcel, at the election of the county treasurer, may be offered at tax sale in accordance with this chapter 446 in lieu of the county making application to the probate court.

Sec. 53. Section 455A.19, subsection 1, paragraph a, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Twenty-eight percent shall be allocated to the open spaces account. At least ten percent of the allocations to the account shall be made available to match private funds for open space projects on the cost-share basis of not less than twenty-five percent private funds pursuant to the rules adopted by the natural resources resource commission. Five percent of the funds allocated to the open spaces account shall be used to fund the protected waters program. This account shall be used by the department to implement the statewide open space acquisition, protection, and development programs.

Sec. 54. Section 455E.11, subsection 2, paragraph a, subparagraph (2), subparagraph subdivision (f), Code 2001, is amended to read as follows:

(f) Eight and one-half percent to the department to provide additional toxic cleanup days or other efforts of the department to support permanent household hazardous material collection systems and special events for household hazardous material collection, and for the natural resource geographic information system required under section 455E.8, subsection 6. Departmental rules adopted for implementation of toxic cleanup days shall provide sufficient flexibility to respond to the household hazardous material collection needs of both small and large communities. Repayment of moneys from the Iowa business loan program for waste reduction and recycling pursuant to section 455B.310, subsection 2, paragraph "b", Code 1993, and discontinued pursuant to 1993 Iowa Acts, chapter 176, section 45, shall be placed into this account to support household hazardous materials programs of the department.

Sec. 55. Section 515B.2, subsection 5, Code 2001, is amended to read as follows:

5. "Insurer" means an insurer licensed to transact insurance business in this state under either chapter 515 or chapter 520, either at the time the policy was issued or when the insured event occurred. It does not include county or state mutual insurance associations licensed under chapter 518 or chapter 518A, or fraternal beneficiary benefit societies, orders, or associations licensed under chapter 512B, or corporations operating nonprofit service plans under chapter 514, or life insurance companies or life, accident, or health associations licensed under chapter 508, or those professions under chapter 519.

Sec. 56. Section 518.28, Code 2001, is amended to read as follows:

518.28 FAILURE TO FILE COPY.

Upon the failure of a county mutual insurance association to file a copy of its forms of policies or contracts pursuant

to section 518.27, the commissioner of insurance may suspend its authority to transact business within the state until such forms of policies or contracts have been filed and approved.

Sec. 57. Section 518A.35, Code 2001, is amended to read as follows:

518A.35 ANNUAL TAX.

A state mutual insurance association doing business under this chapter shall on or before the first day of March, each year, pay to the director of the department of revenue and finance, or a depository designated by the director, a sum equivalent to two percent of the gross receipts from premiums and fees for business done within the state, including all insurance upon property situated in the state without including or deducting any amounts received or paid for reinsurance. However, a company reinsuring windstorm or hail risks written by county mutual insurance associations is required to pay a two percent tax on the gross amount of reinsurance premiums received upon such risks, but after deducting the amount returned upon canceled policies and rejected applications covering property situated within the state, and dividends returned to policyholders on property situated within the state.

Sec. 58. Section 537.3102, Code 2001, is amended to read as follows:

537.3102 SCOPE.

Part 2 applies to disclosure with respect to consumer credit transactions, other than consumer rental purchase agreements, and the provision in section 537.3201 applies to a sale of an interest in land or a loan secured by an interest in land, without regard to the rate of finance charge, if the sale or loan is otherwise a consumer credit sale or consumer loan. Parts 3 and 4 apply, respectively, to disclosure, limitations on agreements and practices, and limitations on consumer's liability with respect to certain consumer credit transactions. Part 5 applies to home solicitation sales. Part 6 applies to consumer rental purchase agreements.

Sec. 59. Section 714.19, subsection 2, Code 2001, is amended to read as follows:

2. Schools of nursing accredited by the board of nurse examiners nursing or an equivalent public board of another state or foreign country.

Sec. 60. Section 805.1, subsection 4, Code 2001, is amended to read as follows:

4. The issuance of a citation in lieu of arrest or in lieu of continued custody does not affect the officer's authority to conduct an otherwise lawful search. The issuance of a citation in lieu of arrest shall be deemed an arrest for the purpose of the speedy indictment requirements of R.Cr.P. ~~section 277-subsection-27-paragraph-a~~(2)(a), Ia. Ct. Rules, 3rd ed.

Sec. 61. Section 805.8, subsection 2, paragraph ah, Code 2001, is amended to read as follows:

ah. If, in connection with a motor vehicle accident, a person is charged and found guilty of a violation of section 321.20B, subsection 1, the scheduled fine is five hundred dollars, otherwise the scheduled fine for a violation of section 321.20B, subsection 1, is two hundred fifty dollars. Notwithstanding section 805.12, fines collected pursuant to this paragraph shall be submitted to the state court administrator and distributed fifty percent to the victim compensation fund established in section ~~912.14~~ 915.94, twenty-five percent to the county in which such fine is imposed, and twenty-five percent to the general fund of the state.

Sec. 62. Sections 496B.11, 496B.12, 496C.3, 496C.14, 496C.20, 496C.22, and 544A.21, Code 2001, are amended by adding after the words "Iowa business corporation Act", the following: ", chapter 490,".

Sec. 63. Section 496B.3, Code 2001, is amended by adding after the words "Iowa business corporation Act," the following: "chapter 490,".

Sec. 64. Sections 496B.6, 496B.8, 496B.17, 496C.4, 496C.9, 496C.19, 496C.21, and 504A.6, Code 2001, are amended by adding

after the words "Iowa business corporation Act", the following: ", chapter 490".

Sec. 65. 2000 Iowa Acts, chapter 1029, section 1, is amended by striking the amending phrase to the section and inserting in lieu thereof the following: "Section 249A.4, subsection 8, unnumbered paragraph 1, Code Supplement 1999, is amended to read as follows:".

Sec. 66. 2000 Iowa Acts, chapter 1098, section 1, is amended by striking the amending phrase to the section and inserting in lieu thereof the following: "Section 256.7, Code Supplement 1999, is amended by adding the following new subsection:".

Sec. 67. 2000 Iowa Acts, chapter 1145, sections 10, 12, 18, and 23, are amended by striking the word and figure "Code 1999" in the amending phrase to the section and inserting in lieu thereof the following: "Code Supplement 1999".

Sec. 68. 2000 Iowa Acts, chapter 1145, section 11, is amended by striking the section and inserting in lieu thereof the following:

SEC. 11. Section 600.8, subsections 4, 7, 8, 9, and 12, Code Supplement 1999, are amended to read as follows:

4. A postplacement investigation and the report of the investigation shall be completed and filed with the juvenile court or court prior to the holding of the adoption hearing prescribed in section 600.12. Upon the filing of an adoption petition pursuant to section 600.5, the juvenile court or court shall immediately appoint the department, an agency, or an investigator to conduct and complete the postplacement report. Any ~~person-including-a-juvenile-court,~~ who has gained relevant background information concerning a minor person subject to an adoption petition shall, upon request, fully cooperate with the conducting of the postplacement investigation by disclosing any relevant information requested, whether contained in sealed records or not.

7. Any investigation or report required under this section shall not apply when the person to be adopted is an adult or when the prospective adoption petitioner or adoption

petitioner is a stepparent of the person to be adopted. However, in the case of a stepparent adoption, the juvenile court or court, upon the request of an interested person or on its own motion stating the reasons therefor of record, may order an investigation or report pursuant to this section.

8. Any person designated to make an investigation and report under this section may request an agency or state agency, within or outside this state, to conduct a portion of the investigation or the report, as may be appropriate, and to file a supplemental report of such investigation or report with the juvenile court or court. In the case of the adoption of a minor person by a person domiciled or residing in any other jurisdiction of the United States, any investigation or report required under this section which has been conducted pursuant to the standards of that other jurisdiction shall be recognized in this state.

9. The department may investigate, on its own initiative or on order of the juvenile court or court, any placement made or adoption petition filed under this chapter or chapter 600A and may report its resulting recommendation to the juvenile court or court.

12. Any investigation and report required under subsection 1 of this section may be waived by the juvenile court or court if the adoption petitioner is related within the fourth degree of consanguinity to the person to be adopted.

Sec. 69. 2000 Iowa Acts, chapter 1145, section 17, is amended by striking the section and inserting in lieu thereof the following:

SEC. 17. Section 600.13, subsections 1, 2, 3, and 5, Code Supplement 1999, are amended to read as follows:

1. At the conclusion of the adoption hearing, the juvenile court or court shall:

- a. Issue a final adoption decree;
- b. Issue an interlocutory adoption decree; or,
- c. Dismiss the adoption petition if the requirements of this Act have not been met or if dismissal of the adoption petition is in the best interest of the person whose adoption

has been petitioned. Upon dismissal, the juvenile court or court shall determine who is to be guardian or custodian of a minor child, including the adoption petitioner if it is in the best interest of the minor person whose adoption has been petitioned.

2. An interlocutory adoption decree automatically becomes a final adoption decree at a date specified by the juvenile court or court in the interlocutory adoption decree, which date shall not be less than one hundred eighty days nor more than three hundred sixty days from the date the interlocutory decree is issued. However, an interlocutory adoption decree may be vacated prior to the date specified for it to become final. Also, the juvenile court or court may provide in the interlocutory adoption decree for further observation, investigation, and report of the conditions of and the relationships between the adoption petitioner and the person petitioned to be adopted.

3. If an interlocutory adoption decree is vacated under subsection 2, it shall be void from the date of issuance and the rights, duties, and liabilities of all persons affected by it shall, unless they have become vested, be governed accordingly. Upon vacation of an interlocutory adoption decree, the juvenile court or court shall proceed under the provisions of subsection 1, paragraph "c".

5. An interlocutory or a final adoption decree shall be entered with the clerk of court. Such decree shall set forth any facts of the adoption petition which have been proven to the satisfaction of the juvenile court or court and any other facts considered to be relevant by the juvenile court or court and shall grant the adoption petition. If so designated in the adoption decree, the name of the adopted person shall be changed by issuance of that decree. The clerk of the court shall, within thirty days of issuance, deliver one certified copy of any adoption decree to the petitioner, one copy of any adoption decree to the department and any agency or person making an independent placement who placed a minor person for adoption, and one certification of adoption as prescribed in:

section 144.19 to the state registrar of vital statistics. Upon receipt of the certification, the state registrar shall prepare a new birth certificate pursuant to section 144.23 and deliver to the parents named in the decree and any adult person adopted by the decree a copy of the new birth certificate. The parents shall pay the fee prescribed in section 144.46. If the person adopted was born outside the state, the state registrar shall forward the certification of adoption to the appropriate agency in the state or foreign nation of birth. A copy of any interlocutory adoption decree vacation shall be delivered and another birth certificate shall be prepared in the same manner as a certification of adoption is delivered and the birth certificate was originally prepared.

Sec. 70. 2000 Iowa Acts, chapter 1183, section 1, is amended by striking the amending phrase to the section and inserting in lieu thereof the following: "Section 169.5, Code Supplement 1999, is amended by adding the following new subsection:".

Sec. 71. 2000 Iowa Acts, chapter 1231, section 33, unnumbered paragraph 3, is amended to read as follows:

Of the moneys remaining on June 30, 2000, in the administrative fund established in section ~~12B.4A~~ 12D.4, \$150,000 shall not revert to the general fund of the state but shall be carried forward to the fiscal year beginning July 1, 2000, and may be expended for establishing an automated distribution system for educational savings plan benefits.

Sec. 72. 2000 Iowa Acts, chapter 1231, section 39, is amended to read as follows:

SEC. 39. Chapter 8A and section 12D.4A, Code and Code Supplement 1999, are repealed.

Sec. 73. 1999 Iowa Acts, chapter 7, section 9, is amended by striking the amending phrase to the section and inserting in lieu thereof the following: "Section 321.34, subsection 12, Code 1999, is amended by adding the following new paragraph:".

Sec. 74. EFFECTIVE DATES.

1. Sections 66, 67, 68, 69, 71, and 72, being deemed of immediate importance, take effect upon enactment and apply retroactively to July 1, 2000.

2. Section 65 of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to March 31, 2000.

3. Section 70 takes effect July 1, 2001.

4. Section 73, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 1999.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 194, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved *April 4*, 2001

THOMAS J. VILSACK
Governor