

Fiegen
Maddox
Redfern

SSB-1073
Judiciary

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON MADDOX)

Succeeded By
SF/HF 106

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

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities and providing
6 effective dates.

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

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1 Section 1. Section 10.1, subsection 4, Code 2001, is
2 amended to read as follows:

3 4. "Commodity share landlord" means a natural person or a
4 general partnership as provided in chapter 486 486A in which
5 all partners are natural persons, who owns at least one
6 hundred fifty acres of agricultural land, if the owner
7 receives rent on a commodity share basis, which may be either
8 a share of the crops or livestock produced on the land.

9 Sec. 2. Section 10.1, subsection 19, paragraph b, Code
10 2001, is amended to read as follows:

11 b. A general partnership as provided in chapter 486 486A
12 in which all partners are natural persons actively engaged in
13 farming.

14 Sec. 3. Section 13B.4, subsection 1, Code 2001, is amended
15 to read as follows:

16 1. The state public defender shall coordinate the
17 provision of legal representation of all indigents under
18 arrest or charged with a crime, seeking postconviction relief,
19 against whom a contempt action is pending, in proceedings
20 under chapter 229A, in juvenile proceedings, on appeal in
21 criminal cases, on appeal in proceedings to obtain
22 postconviction relief when ordered to do so by the district
23 court in which the judgment or order was issued, and on a
24 reopening of a sentence proceeding, and may provide for the
25 representation of indigents in proceedings instituted pursuant
26 to chapter 908. The state public defender shall not engage in
27 the private practice of law.

28 Sec. 4. Section 13B.8, subsection 2, Code 2001, is amended
29 to read as follows:

30 2. The state public defender may appoint and may, for
31 cause, remove the local public defender, assistant local
32 public defenders, clerks, investigators, secretaries, or other
33 employees for-cause. Each local public defender, and any
34 assistant local public defender, must be an attorney admitted
35 to the practice of law before the Iowa supreme court.

1 Sec. 5. Section 14B.101, Code 2001, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. "Department" means the information
4 technology department.

5 Sec. 6. Section 14B.105, subsection 1, paragraph b,
6 unnumbered paragraph 1, Code 2001, is amended to read as
7 follows:

8 The members appointed by-the-governor pursuant to paragraph
9 "a", subparagraphs (3) through (7), shall serve four-year
10 staggered terms as-designated-by-the-governor and such
11 appointments to the information technology council are subject
12 to the requirements of sections 69.16, 69.16A, and 69.19. The
13 four-year terms of members appointed by the governor shall be
14 staggered as designated by the governor. Members appointed by
15 the-governor pursuant to paragraph "a", subparagraphs (3)
16 through (7), shall not serve consecutive four-year terms.
17 Members appointed by the governor are subject to senate
18 confirmation and ~~shall-be-reimbursed-for-actual-and-necessary~~
19 ~~expenses-incurred-in-performance-of-their-duties.--Such~~
20 members may also be eligible to receive compensation as
21 provided in section 7E.6. Members shall be reimbursed for
22 actual and necessary expenses incurred in performance of the
23 members' duties.

24 Sec. 7. Section 15E.195, subsection 2, unnumbered
25 paragraph 1, Code 2001, is amended to read as follows:

26 A city with a population of twenty-four thousand or more
27 which designates an enterprise zone pursuant to section
28 15E.194, subsection 2, and in which an eligible enterprise
29 zone is certified shall establish an enterprise zone
30 commission to review applications from qualified businesses
31 located within or requesting to locate within an enterprise
32 zone to receive incentives or assistance as provided in
33 section 15E.196. The commission shall consist of nine
34 members. Six of these members shall consist of one
35 representative of an international labor organization, one

1 member with economic development expertise chosen by the
2 department of economic development, one representative of the
3 city council, one member of the local community college board
4 of directors, one member of the city planning and zoning
5 commission, and one representative of the local workforce
6 development center. These six members shall select the
7 remaining three members. If the enterprise zone consists of
8 an area meeting the requirements for eligibility for an urban
9 enterprise community under Title XIII of the federal Omnibus
10 Budget Reconciliation Act of 1993, one of the remaining three
11 members shall be a representative of that community. If a
12 city contiguous to the city designating the enterprise zone is
13 included in an enterprise zone, a representative of the
14 contiguous city, chosen by the city council, shall be a member
15 of the commission. A city in which an eligible enterprise
16 zone is certified shall have only one enterprise zone
17 commission. If a city has established an enterprise zone
18 commission prior to ~~the effective date of this Act~~ July 1,
19 1998, the city may petition to the department of economic
20 development to change the structure of the existing
21 commission.

22 Sec. 8. Section 29A.17, unnumbered paragraph 1, Code 2001,
23 is amended to read as follows:

24 The military staff of the governor shall consist of the
25 adjutant general, who shall be the chief of staff; the deputy
26 adjutants general, who shall be the assistant chiefs of staff;
27 and the any aides, who shall be residents of the state, as the
28 governor may appoint or detail from the armed forces of the
29 state.

30 Sec. 9. Section 29A.66, Code 2001, is amended to read as
31 follows:

32 29A.66 APPLICABLE POWERS AND DUTIES.

33 The powers and duties of the governor, the adjutant
34 general, and the deputy adjutants general, with relation to
35 the Iowa state guard, shall be the ~~same~~ as those powers and

1 duties prescribed in this chapter for the those officers with
2 relation to the national guard.

3 Sec. 10. Section 48A.31, Code 2001, is amended to read as
4 follows:

5 48A.31 DECEASED PERSONS RECORD.

6 The state registrar of vital statistics shall transmit or
7 cause to be transmitted to the state registrar of voters, once
8 each calendar quarter, a certified list of all persons
9 seventeen and one-half years of age and older in the state
10 whose deaths have been reported to the bureau of vital records
11 and-statistics-division of the Iowa department of public
12 health since the previous list of decedents was certified to
13 the state registrar of voters. The list shall be submitted
14 according to the specifications of the state registrar of
15 voters, who shall determine whether each listed decedent was
16 registered to vote in this state. If the decedent was
17 registered in a county which uses its own data processing
18 facilities for voter registration recordkeeping, the registrar
19 shall notify the commissioner in that county who shall cancel
20 the decedent's registration. If the decedent was registered
21 in a county for which voter registration recordkeeping is
22 performed under contract by the registrar, the registrar shall
23 immediately cancel the registration and notify the
24 commissioner of the county in which the decedent was
25 registered to vote of the cancellation.

26 Sec. 11. Section 56.2, subsection 14, paragraph c, Code
27 2001, is amended by striking the paragraph.

28 Sec. 12. Section 56.14, Code 2001, subsection 2, paragraph
29 a, is amended by striking the paragraph.

30 Sec. 13. Section 97B.50A, subsection 7, paragraph b,
31 subparagraph (4), Code 2001, is amended to read as follows:

32 (4) This paragraph does not apply to a member who is at
33 least fifty-five years of age and would have completed a
34 sufficient number of years of service if the member had
35 remained in active special service employment. For purposes

1 of this subparagraph, a sufficient number of years of service
2 shall be twenty-five the applicable years of service for a
3 special service member as described in section 97B.49B or
4 twenty-two for a special service member as described in
5 section 97B.49C.

6 Sec. 14. Section 101.22, subsection 4, Code 2001, is
7 amended to read as follows:

8 4. The registration notice of the owner or operator to the
9 state fire marshal under subsections 1 through 3 shall be
10 accompanied by a an annual fee of ten dollars for each tank
11 included in the notice. All moneys collected shall be
12 retained by the department of public safety and are
13 appropriated for the use of the state fire marshal. The
14 annual renewal fee applies to all owners or operators who
15 filed a registration notice with the state fire marshal
16 pursuant to subsections 1 through 3.

17 Sec. 15. Section 123.39, subsection 1, paragraph a, Code
18 2001, is amended to read as follows:

19 a. The administrator or the local authority may suspend a
20 license or permit issued pursuant to the this chapter for a
21 period not to exceed one year, revoke the license or permit,
22 or impose a civil penalty not to exceed one thousand dollars
23 per violation. Before suspension, revocation, or imposition
24 of a civil penalty, the license or permit holder shall be
25 given written notice and an opportunity for a hearing. The
26 administrator may appoint a member of the division or may
27 request an administrative law judge from the department of
28 inspections and appeals to conduct the hearing and issue a
29 proposed decision. Upon the motion of a party to the hearing
30 or upon the administrator's own motion, the administrator may
31 review the proposed decision in accordance with chapter 17A.
32 Upon review of the proposed decision, the administrator may
33 affirm, reverse, or modify the proposed decision. A licensee
34 or permittee aggrieved by a decision of the administrator may
35 seek judicial review of the administrator's decision in

1 accordance with chapter 17A.

2 Sec. 16. Section 135.43, subsection 5, paragraph d, Code
3 2001, is amended to read as follows:

4 d. The administrator of the ~~division~~ bureau of vital
5 records of the Iowa department of public health.

6 Sec. 17. Section 135.43, subsection 7, paragraph b, Code
7 2001, is amended to read as follows:

8 b. A person in possession or control of medical,
9 investigative, assessment, or other information pertaining to
10 a child death and child abuse review shall allow the
11 inspection and reproduction of the information by the
12 department upon the request of the department, to be used only
13 in the administration and for the duties of the Iowa child
14 death review team. Except as provided for a report on a child
15 fatality by an ad hoc child fatality review committee under
16 subsection 4 ~~and~~, information and records produced under this
17 section which are confidential under section 22.7 and chapter
18 235A, and information or records received from the
19 confidential records, remain confidential under this section.
20 A person does not incur legal liability by reason of releasing
21 information to the department as required under and in
22 compliance with this section.

23 Sec. 18. Section 135.110, subsection 2, Code 2001, is
24 amended to read as follows:

25 2. In performing duties pursuant to subsection 1, the
26 review team shall review the relationship between the decedent
27 victim and the alleged or convicted perpetrator from the point
28 where the abuse allegedly began, until the domestic abuse
29 death occurred, and shall review all relevant documents
30 pertaining to the relationship between the parties, including
31 but not limited to protective orders and dissolution, custody,
32 and support agreements and related court records, in order to
33 ascertain whether a correlation exists between certain events
34 in the relationship and any escalation of abuse, and whether
35 patterns can be established regarding such events in relation

1 to domestic abuse deaths in general. The review team shall
2 consider such conclusions in making recommendations pursuant
3 to subsection 1.

4 Sec. 19. Section 137C.7, Code 2001, is amended to read as
5 follows:

6 137C.7 LICENSE REQUIRED.

7 No person shall open or operate a hotel until a license has
8 been obtained from the regulatory authority and until the
9 hotel has been inspected by the regulatory authority. A
10 ~~license-issued-by-the-department-of-agriculture-prior-to~~
11 ~~January-17-1979-shall-be-valid-until-its-expiration-date.--An~~
12 ~~inspection-conducted-by-the-department-of-agriculture-prior-to~~
13 ~~January-17-1979-shall-be-valid-for-purposes-of-this-section.~~

14 Each license shall expire one year from date of issue. A
15 license is renewable. All licenses issued under the Iowa
16 hotel sanitation code that are not renewed by the licensee on
17 or before the expiration date shall be subject to a penalty of
18 ten percent of the license fee if the license is renewed at a
19 later date. A license is not transferable.

20 Sec. 20. Section 139A.10, Code 2001, is amended to read as
21 follows:

22 139A.10 FEES FOR REMOVING.

23 The officers designated by ~~the-magistrate~~ shall receive
24 reasonable compensation for their services as determined by
25 the local board. The amount determined shall be certified and
26 paid in the same manner as other expenses incurred under this
27 chapter.

28 Sec. 21. Section 139A.30, Code 2001, is amended to read as
29 follows:

30 139A.30 CONFIDENTIAL REPORTS.

31 Reports to the department which include the identity of
32 persons infected with a sexually transmitted disease or
33 infection, and all such related information, records, and
34 reports concerning the person, shall be confidential and shall
35 not be accessible to the public. However, such reports,

1 information, and records shall be confidential only to the
2 extent necessary to prevent identification of persons named in
3 such reports, information, and records; the other parts of
4 such reports, information, and records shall be public
5 records. The preceding sentence shall prevail over any
6 inconsistent provision of this chapter subchapter.

7 Sec. 22. Section 159.10, subsection 1, Code 2001, is
8 amended to read as follows:

9 1. The state fair board, the county and district fair
10 societies, ~~the-farmers-institutes-and-short-courses~~, and the
11 farm aid associations.

12 Sec. 23. Section 161.2, subsection 4, Code 2001, is
13 amended to read as follows:

14 4. "Board" means the agrichemical remediation
15 reimbursement board created under section 161.3.

16 Sec. 24. Section 161.2, subsection 9, unnumbered paragraph
17 1, Code 2001, is amended to read as follows:

18 "Fertilizer site" means a place where containers used for
19 storing or mixing a fertilizer are located, if any of the
20 following apply:

21 Sec. 25. Section 161.2, subsection 14, Code 2001, is
22 amended by striking the subsection.

23 Sec. 26. Section 161.6, subsection 4, paragraph a, Code
24 2001, is amended to read as follows:

25 a. For a high priority site, soil and groundwater site
26 cleanup shall include active remediation site cleanup where
27 technically feasible, until such time as the groundwater
28 contamination levels are below action levels.

29 Sec. 27. Section 161.8, subsection 3, paragraph b,
30 subparagraph (1), Code 2001, is amended to read as follows:

31 (1) The responsible person performed reasonable measures
32 necessary for the immediate abatement of any prohibited
33 release contamination.

34 Sec. 28. Section 166D.7, subsection 1, paragraph a, Code
35 2001, is amended to read as follows:

1 a. The herd shall be certified when all breeding swine
2 have reacted negatively to a test. The herd must have been
3 free from infection for thirty days prior to testing. At
4 least ninety percent of swine in the herd must have been on
5 the premises as a part of the herd for at least sixty days
6 prior to testing, or swine in the herd must have been moved or
7 relocated directly from another qualified negative herd. To
8 remain certified, the herd must be retested and recertified
9 each month as provided by the department. The herd shall be
10 recertified when each-month the greater of five head of swine
11 or at least ten percent of the herd's breeding swine react
12 negatively to a test.

13 Sec. 29. Section 166D.10, subsection 1, paragraph c, Code
14 2001, is amended to read as follows:

15 c. A person transfers ownership of all or part of a herd,
16 if the herd remains on the same premises. However, the herd
17 must be tested by statistical sampling. If any part of the
18 herd is subsequently moved or relocated, the swine must be
19 moved or relocated in accordance with this section and
20 sections 166D.7, 166D.8, and ~~166D.9~~ 166D.10A.

21 Sec. 30. Section 166D.10B, subsection 1, unnumbered
22 paragraph 1, Code 2001, is amended to read as follows:

23 A person shall not maintain swine other than feeder swine
24 pigs or cull swine at an approved premises.

25 Sec. 31. Section 202A.1, subsection 3, Code 2001, is
26 amended to read as follows:

27 3. "Packer" means a person who is engaged in the business
28 of slaughtering livestock or receiving, purchasing, or
29 soliciting livestock for slaughter, if the meat products of
30 the slaughtered livestock which are directly or indirectly to
31 be offered for resale or for public consumption have a total
32 annual value of ten million dollars or more. As used in this
33 chapter, "packer" includes an agent of the packer engaged in
34 buying or soliciting livestock for slaughter on behalf of a
35 packer. ~~"Packer" does not include a frozen food locker plant~~

1 ~~regulated-under-chapter-172-~~

2 Sec. 32. Section 207.22, subsection 3, paragraph b, Code
3 2001, is amended to read as follows:

4 b. Acquisition of coal refuse disposal sites and all coal
5 refuse thereon will serve the purposes of title IV of Pub. L.
6 No. 95-87 or that public ownership is desirable to meet
7 emergency situations and prevent recurrences of the adverse
8 effect of past coal mining practices.

9 Sec. 33. Section 216A.102, subsection 1, Code 2001, is
10 amended to read as follows:

11 1. An energy crisis fund is created in the state treasury.
12 Moneys deposited in the fund shall be used to assist low-
13 income families who qualify for the low-income heating home
14 energy assistance program to avoid loss of essential heating.

15 Sec. 34. Section 232.141, subsection 3, paragraphs c and
16 d, Code 2001, are amended to read as follows:

17 c. Costs incurred for compensation of an attorney
18 appointed by the court to serve as counsel to any party or as
19 guardian ad litem for any child shall be made paid in
20 accordance with sections 13B.4 and 815.7.

21 d. Costs incurred under subsection 2 shall be paid by the
22 state. The county shall be required to reimburse the indigent
23 defense fund for costs incurred by the state up to the
24 county's base in subsection 2 3.

25 Sec. 35. Section 256D.1, subsection 1, paragraph b,
26 unnumbered paragraph 1, Code 2001, is amended to read as
27 follows:

28 The department of education shall identify diagnostic
29 assessment tools that can be used to assist teachers in
30 measuring reading accuracy and fluency skills, including but
31 not limited to, phonemic awareness, oral reading ability, and
32 comprehensive comprehension skills, to improve student
33 achievement in kindergarten through grade three. The
34 department, in collaboration with the area education agencies,
35 school districts, and institutions with approved practitioner

1 preparation programs, shall identify and serve as a
2 clearinghouse on intensive, research-based strategies and
3 programs for training teachers in both diagnosis and
4 appropriate instruction interventions.

5 Sec. 36. Section 272C.3, subsection 2, paragraph a, Code
6 2001, is amended to read as follows:

7 a. Revoke a license, or suspend a license either until
8 further order of the board or for a specified period, upon any
9 of the grounds specified in section 147.55, 148.6, 148B.7,
10 152.10, 153.34, 154A.24, 169.13, 455B.219, 542B.21, 542C.21,
11 543B.29, 544A.13, 544B.15, or 602.3203 or chapter 151, 155,
12 507B or 522, as applicable, or upon any other grounds
13 specifically provided for in this chapter for revocation of
14 the license of a licensee subject to the jurisdiction of that
15 board, or upon failure of the licensee to comply with a
16 decision of the board imposing licensee discipline;

17 Sec. 37. Section 272C.4, subsection 6, Code 2001, is
18 amended to read as follows:

19 6. Define by rule acts or omissions which are grounds for
20 revocation or suspension of a license under section 147.55,
21 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13, ~~455B.191~~
22 455B.219, 542B.21, 542C.21, 543B.29, 544A.13, 544B.15, or
23 602.3203 or chapter 151, 155, 507B or 522, as applicable, and
24 to define by rule acts or omissions which constitute
25 negligence, careless acts or omissions within the meaning of
26 section 272C.3, subsection 2, paragraph "b", which licensees
27 are required to report to the board pursuant to section
28 272C.9, subsection 2;

29 Sec. 38. Section 303.86, Code 2001, is amended to read as
30 follows:

31 303.86 ARTS COUNCIL.

32 The Iowa state arts council is created as an advisory
33 council, consisting of fifteen members, appointed by the
34 governor from among citizens of Iowa who are recognized for
35 their interest or experience in connection with the performing

1 and fine arts. In making appointments, due consideration
2 shall be given to the recommendations made by representative
3 civic, educational, and professional associations and groups
4 concerned with or engaged in the production or presentation of
5 the performing and fine arts.

6 The term of office of each member of the Iowa state arts
7 council is three years. The governor shall designate a
8 chairperson and a vice chairperson from the members of the
9 council to serve at the pleasure of the governor. All
10 vacancies shall be filled for the balance of any unexpired
11 term in the same manner as original appointments. The members
12 of the council shall not receive compensation for their
13 services, but shall be reimbursed for their actual and
14 necessary expenses incurred in the performance of their duties
15 as members of the council. Members may also be eligible for
16 compensation as provided in section 7E.6.

17 Sec. 39. Section 321.219, unnumbered paragraph 1, Code
18 2001, is amended to read as follows:

19 A person shall not cause or knowingly permit the person's
20 child or ward under the age of eighteen years to drive a motor
21 vehicle upon any highway when the minor is not authorized
22 under this ~~section or in violation of this~~ chapter.

23 Sec. 40. Section 321.279, subsection 1, Code 2001, is
24 amended to read as follows:

25 1. The driver of a motor vehicle commits a serious
26 misdemeanor if the driver willfully fails to bring the motor
27 vehicle to a stop or otherwise eludes or attempts to elude a
28 marked official law enforcement vehicle driven by a uniformed
29 peace officer after being given a visual and audible signal to
30 stop. The signal given by the peace officer shall be by
31 flashing red light, or by flashing red and blue lights, and
32 siren. For purposes of this section, "peace officer" means
33 those officers designated under section 801.4, subsection 11,
34 paragraphs "a", "b", "c", "g", and "h".

35 Sec. 41. Section 321.560, subsection 1, paragraph b, Code

1 2001, is amended to read as follows:

2 b. A temporary restricted permit may be issued pursuant to
3 section 321J.4, subsection 9, to a person declared to be a
4 habitual offender due to a combination of the offenses listed
5 under section 321.555, subsection 1, paragraph "b" or and "c".

6 Sec. 42. Section 321J.17, subsection 2, unnumbered
7 paragraph 2, Code 2001, is amended to read as follows:

8 The court or department may request that the community
9 college or substance abuse treatment providers licensed under
10 chapter 125 conducting the course for drinking drivers which
11 that the person is ordered to attend immediately report to the
12 court or department that the person has successfully completed
13 the course for drinking drivers. The court or department may
14 request that the treatment program which the person attends
15 periodically report on the defendant's attendance and
16 participation in the program, as well as the status of
17 treatment or rehabilitation.

18 Sec. 43. Section 322C.2, subsections 4 and 7, Code 2001,
19 are amended by striking the subsections.

20 Sec. 44. Section 331.756, subsection 5, Code 2001, is
21 amended to read as follows:

22 5. Enforce all forfeited bonds and recognizances and
23 prosecute all proceedings necessary for the recovery of debts,
24 revenues, moneys, fines, penalties, restitution of court-
25 appointed attorney fees or ordered pursuant to section 815.9,
26 including the expense of a public defender, and forfeitures
27 accruing to the state, the county or a road district in the
28 county, and all suits in the county against public service
29 corporations which are brought in the name of the state. To
30 assist in this duty, the county attorney may procure
31 professional collection services provided by persons or
32 organizations, including private attorneys, which are
33 generally considered to have knowledge and special abilities
34 which are not generally available to state or local government
35 or may designate another county official or agency to assist

1 with collection efforts.

2 If professional collection services are procured, the
3 county attorney shall file with the clerk of the district
4 court an indication of the satisfaction of each obligation to
5 the full extent of all moneys collected in satisfaction of
6 that obligation, including all fees and compensation retained
7 by the collection service incident to the collection and not
8 paid into the office of the clerk.

9 Before a county attorney designates another county official
10 or agency to assist with collection of debts, revenues,
11 moneys, fines, penalties, restitution of court-appointed
12 attorney fees or ordered pursuant to section 815.9, including
13 the expense of a public defender, and forfeitures, the board
14 of supervisors of the county must approve the designation.

15 All fines, penalties, court costs, fees, and restitution
16 for court-appointed attorney fees or ordered pursuant to
17 section 815.9, including the expenses of a public defender
18 which are delinquent as defined in section 602.8107 may be
19 collected by the county attorney or the person procured or
20 designated by the county attorney. In order to receive a
21 percentage of the amounts collected pursuant to section
22 602.8107, the county attorney must file annually with the
23 clerk of the district court on or before July 1 a notice of
24 full commitment to collect delinquent obligations and must
25 file on the first day of each month a list of the cases in
26 which the county attorney or the person procured or designated
27 by the county attorney is pursuing the collection of
28 delinquent obligations. The annual notice shall contain a
29 list of procedures which will be initiated by the county
30 attorney. Amounts collected by the county attorney or the
31 person procured or designated by the county attorney shall be
32 distributed in accordance with section 602.8107.

33 Sec. 45. Section 403.6, subsection 17, Code 2001, is
34 amended to read as follows:

35 17. Subject to applicable state or federal regulations in

1 effect at the time of the city municipal action, accept
2 contributions, grants, and other financial assistance from the
3 state or federal government to be used upon a finding of
4 public purpose for grants, loans, loan guarantees, interest
5 supplements, technical assistance, or other assistance as
6 necessary or appropriate to private persons for an urban
7 renewal project.

8 Sec. 46. Section 403.17, subsection 10, Code 2001, is
9 amended to read as follows:

10 10. "Economic development area" means an area of a
11 municipality designated by the local governing body as
12 appropriate for commercial and industrial enterprises, public
13 improvements related to housing and residential development,
14 or construction of housing and residential development for low
15 and moderate income families, including single or multifamily
16 housing. If an urban renewal plan for an urban renewal area
17 is based upon a finding that the area is an economic
18 development area and that no part contains slum or blighted
19 conditions, then the division of revenue provided in section
20 403.19 and stated in the plan shall be limited to twenty years
21 from the calendar year following the calendar year in which
22 the city municipality first certifies to the county auditor
23 the amount of any loans, advances, indebtedness, or bonds
24 which qualify for payment from the division of revenue
25 provided in section 403.19. Such designated area shall not
26 include agricultural land, including land which is part of a
27 century farm, unless the owner of the agricultural land or
28 century farm agrees to include the agricultural land or
29 century farm in the urban renewal area. For the purposes of
30 this subsection, "century farm" means a farm in which at least
31 forty acres of such farm have been held in continuous
32 ownership by the same family for one hundred years or more.

33 Sec. 47. Section 404A.3, subsection 2, unnumbered
34 paragraph 1, Code 2001, is amended to read as follows:

35 The state historic preservation office shall establish

1 selection criteria and standards for rehabilitation projects
 2 involving eligible property. The main emphasis of the
 3 standards shall be to ensure that a rehabilitation project
 4 maintains the integrity of the eligible property. To the
 5 extent applicable, the standards shall be consistent with the
 6 standards of the United States secretary of the interior for
 7 rehabilitation of eligible property that is listed on the
 8 national register of historic places or is designated as of
 9 historic significance to a district listed in the national
 10 register of historic places or shall be consistent with
 11 standards for issuance of certificates of ~~appropriation~~
 12 appropriateness under sections 303.27 through 303.32.

13 Sec. 48. Section 422.4, subsection 2, paragraph c, Code
 14 2001, is amended by striking the paragraph.

15 Sec. 49. Section 422.45, subsection 2, Code 2001, is
 16 amended to read as follows:

17 2. The gross receipts from the sales, furnishing, or
 18 service of transportation service except the rental of
 19 recreational vehicles or recreational boats, except the rental
 20 of motor vehicles subject to registration which are registered
 21 for a gross weight of thirteen tons or less for a period of
 22 sixty days or less, and except the rental of aircraft for a
 23 period of sixty days or less. This exemption does not apply
 24 to the transportation of electric energy. This exemption does
 25 not apply to the transportation of natural gas.

26 Sec. 50. Section 422.45, subsection 24, unnumbered
 27 paragraph 2, Code 2001, is amended by striking the unnumbered
 28 paragraph.

29 Sec. 51. Section 422.52, subsection 4, Code 2001, is
 30 amended to read as follows:

31 4. The tax by this division imposed upon those sales of
 32 motor vehicle fuel which are subject to tax and refund under
 33 chapter 452A shall be collected by the ~~state-treasurer~~
 34 department by way of deduction from refunds otherwise
 35 allowable under said chapter. The amount of such deductions

1 the treasurer department shall transfer from the motor vehicle
2 fuel fund to the special tax fund.

3 Sec. 52. Section 422B.1, subsection 6, paragraph b, Code
4 2001, is amended to read as follows:

5 b. Within ten days of the election at which a majority of
6 those voting on the question favors the imposition, repeal, or
7 change in the rate of a local option tax, the county auditor
8 shall give written notice of the result of the election by
9 sending a copy of the abstract of the votes from the favorable
10 election to the director of revenue and finance or, in the
11 case of a local vehicle tax, to the director of the department
12 of transportation~~, of the result of the election.~~

13 Sec. 53. Section 426B.1, subsection 2, paragraphs a and b,
14 Code 2001, are amended by striking the paragraphs.

15 Sec. 54. Section 427.2A, unnumbered paragraph 3, Code
16 2001, is amended by striking the unnumbered paragraph.

17 Sec. 55. Section 432.1, unnumbered paragraph 1, Code 2001,
18 is amended to read as follows:

19 Every insurance company or association of whatever kind or
20 character, not including fraternal beneficiary associations,
21 and nonprofit hospital and medical service corporations,
22 shall, as required by law, pay to the director of the
23 department of revenue and finance, or to a depository
24 designated by the director, as taxes, an amount equal to the
25 following, except that the premium tax applicable to county
26 mutual insurance associations shall be governed by section
27 518.18:

28 Sec. 56. Section 455B.190A, subsections 3 and 6, Code
29 2001, are amended by striking the subsections.

30 Sec. 57. Section 455B.190A, subsection 4, Code 2001, is
31 amended to read as follows:

32 4. The department shall develop~~, in consultation with the~~
33 ~~well contractors' council~~, a consumer information pamphlet
34 regarding well construction, well maintenance, well plugging,
35 and Iowa groundwater laws. The ~~department and the council~~

1 shall review and revise the consumer information pamphlet as
2 necessary. The consumer information pamphlet shall be
3 supplied to well contractors, at cost, and well contractors
4 shall supply one copy at no cost to potential customers prior
5 to initiation of well services.

6 Sec. 58. Section 455B.190A, subsection 5, unnumbered
7 paragraph 1, Code 2001, is amended to read as follows:

8 The department shall establish by rule and collect~~7~~-in
9 ~~consultation-with-the-well-contractors'-council~~ the following
10 fees to be used to implement and administer the provisions of
11 this section:

12 Sec. 59. Section 455B.601, subsection 2, paragraph b, Code
13 2001, is amended to read as follows:

14 b. A responsible person has executed a remediation
15 agreement with the remediation agrichemical reimbursement
16 board and the responsible person is remediating or has
17 remediated the site pursuant to a plan of remediation as
18 provided in chapter 161.

19 Sec. 60. Section 455E.11, subsection 2, paragraph b,
20 subparagraph (1), Code 2001, is amended to read as follows:

21 (1) Nine thousand dollars of the account is appropriated
22 to the Iowa department of public health for carrying out the
23 departmental duties under section 135.11, subsections 20 and
24 21, and section ~~139A.31~~ 139A.21.

25 Sec. 61. Section 476.66, subsections 1 and 7, Code 2001,
26 are amended to read as follows:

27 1. The utilities board shall adopt rules which shall
28 require each electric and gas public utility to establish a
29 fund whose purposes shall include the receiving of
30 contributions to assist the utility's low-income customers
31 with weatherization measures to improve energy efficiency
32 related to winter heating and summer cooling, and to
33 supplement the energy assistance received under the federal
34 low-income heating home energy assistance program for the
35 payment of winter heating electric or gas utility bills.

1 7. Existing programs to receive customer contributions
2 established by public utilities shall be construed to meet the
3 requirements of this section. Such plans shall be subject to
4 review by the utilities board. ~~If determined not to be in~~
5 ~~compliance with the provisions of this section, they shall be~~
6 ~~given until July 1989 to modify their operation so as to be in~~
7 ~~compliance.~~

8 Sec. 62. Section 486A.1102, subsection 2, Code 2001, is
9 amended to read as follows:

10 2. The agent of a foreign limited liability company
11 partnership for service of process must be an individual who
12 is a resident of this state or other person authorized to do
13 business in this state.

14 Sec. 63. Section 511.8, subsection 22, paragraph d, Code
15 2001, is amended to read as follows:

16 d. Investments in financial instruments used in hedging
17 transactions are not eligible in excess of ten percent of the
18 legal reserve, except insofar as the financial instruments are
19 collateralized by cash or United States government obligations
20 as authorized by subsection 1 deposited with a custodian bank
21 as defined in subsection 21, and held under a written
22 agreement with the custodian bank that complies with
23 subsection 21 and provides for the proceeds of the collateral,
24 subject to the terms and conditions of the applicable
25 collateral or other credit support agreement, to be remitted
26 to the legal reserve deposit of the company or association and
27 to vest in the state in accordance with section 508.18
28 whenever proceedings under ~~this~~ that section are instituted.

29 Sec. 64. Section 514.3, Code 2001, is amended to read as
30 follows:

31 514.3 APPROVAL BY COMMISSIONER.

32 The articles of incorporation, and any subsequent
33 amendments, of a corporation shall have endorsed on or annexed
34 to those articles or amendments the approval of the
35 commissioner of insurance before the same shall be filed for

1 record. A corporation shall file with the commissioner bylaws
2 and subsequent amendments to the bylaws within thirty days of
3 the adoption of the bylaws and amendments.

4 Sec. 65. Section 515.24, Code 2001, is amended to read as
5 follows:

6 515.24 TAX -- COMPUTATION.

7 For the purpose of determining the basis of any tax upon
8 the "gross amount of premiums", or "gross receipts from
9 premiums, assessments, fees, and promissory obligations", now
10 or hereafter imposed upon any fire or casualty insurance
11 company under any law of this state, such gross amount or
12 gross receipts shall consist of the gross premiums or receipts
13 for direct insurance, without including or deducting any
14 amounts received or paid for reinsurance except that any
15 company reinsuring windstorm or hail risks written by county
16 mutual insurance associations shall be required to pay a two
17 percent tax on the gross amount of reinsurance premiums
18 received upon such risks, but with such other deductions as
19 provided by law, and in addition deducting any so-called
20 dividend or return of savings or gains to policyholders;
21 provided that as to any deposits or deposit premiums received
22 by any such company, the taxable premiums shall be the portion
23 of such deposits or deposit premiums earned during the year
24 with such deductions therefrom as provided by law.

25 Sec. 66. Section 518.17, unnumbered paragraph 2, Code
26 2001, is amended to read as follows:

27 Reinsurance sufficient to protect the financial stability
28 of the state mutual insurance association is also required.
29 Reinsurance coverage obtained by a county mutual insurance
30 association shall not expose the association to losses from
31 coverages written pursuant to this chapter of more than
32 fifteen percent from surplus in any calendar year. The
33 commissioner of insurance may require additional reinsurance
34 if necessary to protect the policyholders of the association.

35 Sec. 67. Section 515F.3, subsection 6, Code 2001, is

1 amended to read as follows:

2 6. Insurance written by a county mutual insurance
3 association as provided in chapter 518A 518.

4 Sec. 68. Section 536A.12, subsection 1, Code 2001, is
5 amended to read as follows:

6 1. Each such license remains in full force and effect
7 until surrendered, revoked, or suspended, or until there is a
8 change of control on or after January 1, 1996. A licensee, on
9 or before the second day of January, shall pay to the
10 superintendent the sum of two hundred fifty dollars as an
11 annual license fee for the succeeding calendar year. When a
12 licensee changes its place of business from one location to
13 another in the same city, it shall at once give written notice
14 to the superintendent who shall attach to the license in
15 writing the superintendent's record of the change and the date
16 of the change, which is authority for the operation of the
17 business under that license at the new place of business.

18 Sec. 69. Section 536A.30, subsection 4, Code 2001, is
19 amended to read as follows:

20 4. Section 536A.12, to the extent it requires a licensee
21 to pay an annual license fee which, when combined with that
22 required in section 536A.7, is in excess of ten two hundred
23 fifty dollars.

24 Sec. 70. Section 537A.10, subsection 5, paragraph b,
25 subparagraph (2), Code 2001, is amended to read as follows:

26 (2) If pursuant to such a transfer ~~less-than~~ fifty percent
27 or less of the entire franchise would be owned by persons who
28 meet the franchisor's reasonable current qualifications, the
29 franchisor may refuse to authorize the transfer, provided that
30 enforcement of the reasonable current qualifications is not
31 arbitrary or capricious.

32 Sec. 71. Section 543D.2, Code 2001, is amended to read as
33 follows:

34 543D.2 DEFINITIONS.

35 As used in this chapter, unless the context otherwise

1 requires:

2 1. "Appraisal" or "real estate appraisal" means an
3 analysis, opinion, or conclusion relating to the nature,
4 quality, value, or utility of specified interests in, or
5 aspects of, identified real estate. An appraisal may be
6 classified by subject matter into either a valuation or an
7 analysis. A "valuation" is an estimate of the value of real
8 estate or real property. An "analysis" is a study of real
9 estate or real property other than estimating value.

10 2. "Appraisal assignment" means an engagement for which an
11 appraiser is employed or retained to act, or would be
12 perceived by third parties or the public as acting as a
13 disinterested third party in rendering an appraisal,
14 valuation, or analysis.

15 3. "Appraisal foundation" means the appraisal foundation
16 incorporated as an Illinois not-for-profit corporation on
17 November 30, 1987.

18 4. "Appraisal report" means any written communication of
19 an appraisal.

20 ~~5. "Associate real estate appraiser" means a person who~~
21 ~~may not yet fully meet the requirements for certification but~~
22 ~~who is providing significant input into the appraisal~~
23 ~~development under the direction of a certified appraiser.~~

24 6. "Board" means the real estate appraiser examining
25 board established pursuant to this chapter.

26 7. "Certified appraisal or certified appraisal report"
27 means an appraisal or appraisal report given or signed and
28 certified as an appraisal or appraisal report by an Iowa
29 certified real estate appraiser.

30 8. "Certified real estate appraiser" means a person
31 who develops and communicates real estate appraisals and who
32 holds a current, valid certificate for appraisals of types of
33 real estate which may include residential, commercial, or
34 rural real estate, as may be established under this chapter.

35 8. "Real property appraiser trainee" means a person who

1 may not yet fully meet the requirements for certification but
2 who is providing significant input into the appraisal
3 development under the direction of the certified appraiser.

4 9. "Review appraiser" means a person who is responsible
5 for the administrative approval of the appraised value of real
6 property or assures that appraisal reports conform to the
7 requirements of law and policy, or that the value of real
8 property estimated by appraisers represents adequate security,
9 fair market value, or other defined value.

10 10. "Specialized services" means a hypothetical or other
11 special valuation, or an analysis or an appraisal which does
12 not fall within the definition of an appraisal assignment.

13 Sec. 72. Section 543D.7, Code 2001, is amended to read as
14 follows:

15 543D.7 CERTIFICATION PROCESS.

16 ~~1.~~ Applications for original certification, renewal
17 certification, and examinations shall be made in-writing to
18 the board on forms approved by the board.

19 ~~2.--Until-the-board-has-adopted-final-rules-to-implement~~
20 ~~this-chapter, the-board-may-issue-interim-annual-certification~~
21 ~~to-qualified-applicants.--No-interim-annual-certifications-may~~
22 ~~be-issued-or-renewed-following-the-publication-of-final~~
23 ~~certification-rules-by-the-board.~~

24 Sec. 73. Section 543D.15, subsection 2, Code 2001, is
25 amended to read as follows:

26 2. The term "associate real estate property appraiser
27 trainee" shall only be used to refer to individuals who do not
28 yet fully meet the requirements for certification but who
29 provide significant input into the appraisal development under
30 the direction of a certified appraiser.

31 Sec. 74. Section 543D.19, subsections 1 and 2, Code 2001,
32 are amended to read as follows:

33 1. A certified real estate appraiser shall retain for
34 three years, originals or true copies of all written contracts
35 engaging the appraiser's services for real estate appraisal

1 work and all reports and supporting data assembled and
2 formulated for use by the appraiser or the associate real
3 property appraiser trainee in preparing the reports.

4 2. The three-year five-year period for retention of
5 records is applicable to each engagement of the services of a
6 certified real estate appraiser and shall commence upon the
7 date of the submission of the appraisal to the client unless,
8 within the three-year five-year period, the appraiser is
9 notified that the appraisal or report is involved in
10 litigation, in which event the three-year five-year period for
11 the retention of records shall commence upon the date of the
12 final disposition of the litigation.

13 Sec. 75. Section 554D.120, subsections 2 and 3, Code 2001,
14 are amended to read as follows:

15 2. Except as otherwise provided in section 554D.114,
16 subsection 6, on or before July 1, 2003, a state executive
17 branch agency, department, board, commission, authority, or
18 institution, in consultation and cooperation with the ~~division~~
19 ~~of information technology services-of-the~~ department of
20 ~~general-services~~, shall send and accept electronic records and
21 electronic signatures to and from other persons and otherwise
22 create, generate, communicate, store, process, use, and rely
23 upon electronic records and signatures. The department of
24 management, upon the written request of a state executive
25 branch agency, department, board, commission, authority, or
26 institution and for good cause shown, may grant a waiver from
27 the July 1, 2003, deadline established in this section to the
28 state executive branch agency, department, board, commission,
29 authority, or institution.

30 3. To the extent that a governmental agency of this state
31 uses electronic records and electronic signatures under
32 subsection 1 or 2, the office of the secretary of state and
33 the ~~division-of~~ information technology ~~services-of-the~~
34 ~~department of-general-services~~, jointly, and in consultation
35 with the office of the attorney general, giving due

1 consideration to security, may specify by rule all of the
2 following:

3 Sec. 76. Section 595.13, Code 2001, is amended to read as
4 follows:

5 595.13 CERTIFICATE -- RETURN.

6 After the marriage has been solemnized, the officiating
7 minister or magistrate shall attest to the marriage on the
8 blank provided for that purpose and return the certificate of
9 marriage within fifteen days to the county registrar who
10 issued the marriage license ~~upon-the-blank-provided-for-that~~
11 ~~purpose.~~

12 Sec. 77. Section 692A.7, subsection 1, Code 2001, is
13 amended to read as follows:

14 1. A person required to register under this chapter who
15 knowingly violates any requirements specified under sections
16 692A.2 through 692A.4 commits an aggravated misdemeanor for a
17 first offense and a class "D" felony for a second or
18 subsequent offense. However, a person required to register
19 under this chapter who knowingly violates any of the
20 requirements specified under sections 692A.2 through 692A.4
21 and who commits a criminal offense against a minor, sexual
22 exploitation, an other relevant offense, or a sexually violent
23 offense is guilty of a class "C" felony. Any fine imposed for
24 a second or subsequent violation shall not be suspended. The
25 court shall not defer judgment or sentence for any violation
26 of any requirements specified under sections 692A.2 through
27 692A.4. A knowing violation of by a person who is on
28 probation, parole, work release, or any other form of release
29 ~~to-comply-with~~ of any requirements specified under sections
30 692A.2 through 692A.4 shall result in the automatic revocation
31 of the person's probation, parole, or work release.

32 Sec. 78. Section 692A.13, subsection 3, paragraph c,
33 subparagraph (1), Code 2001, is amended to read as follows:

34 (1) Persons who commit a criminal offense against a minor,
35 an aggravated offense, sexual exploitation, a sexually violent

1 offense, or an other relevant offense on or after the
2 effective-date-of-this-Act July 1, 1999, and who have been
3 assessed to be "moderate-risk" or "high-risk".

4 Sec. 79. Section 714.16, subsection 2, paragraph n,
5 subparagraph (1), unnumbered paragraph 1, Code 2001, is
6 amended to read as follows:

7 It is an unlawful practice for a person to misrepresent the
8 geographic location of a supplier or of a service or product
9 by listing a fictitious business name or an assumed business
10 name in a local telephone directory or directory assistance
11 database if all of the following apply:

12 Sec. 80. Section 805.8, subsection 2, paragraph ah, Code
13 2001, is amended to read as follows:

14 ah. If, in connection with a motor vehicle accident, a
15 person is charged and found guilty of a violation of section
16 321.20B, subsection 1, the scheduled fine is five hundred
17 dollars, otherwise the scheduled fine for a violation of
18 section 321.20B, subsection 1, is two hundred fifty dollars.
19 Notwithstanding section 805.12, fines collected pursuant to
20 this paragraph shall be submitted to the state court
21 administrator and distributed fifty percent to the victim
22 compensation fund established in section ~~912.14~~ 915.94,
23 twenty-five percent to the county in which such fine is
24 imposed, and twenty-five percent to the general fund of the
25 state.

26 Sec. 81. Section 910.1, subsection 4, Code 2001, is
27 amended to read as follows:

28 4. "Restitution" means payment of pecuniary damages to a
29 victim in an amount and in the manner provided by the
30 offender's plan of restitution. "Restitution" also includes
31 fines, penalties, and surcharges, the contribution of funds to
32 a local anticrime organization which provided assistance to
33 law enforcement in an offender's case, the payment of crime
34 victim compensation program reimbursements, payment of
35 restitution to public agencies pursuant to section 321J.2,

1 subsection 9, paragraph "b", court costs including
2 correctional fees approved pursuant to section 356.7, court-
3 appointed-attorney's attorney fees, or ordered pursuant to
4 section 815.9, including the expense of a public defender, and
5 the performance of a public service by an offender in an
6 amount set by the court when the offender cannot reasonably
7 pay all or part of the court costs including correctional fees
8 approved pursuant to section 356.7, court-appointed attorney's
9 attorney fees, or ordered pursuant to section 815.9, including
10 the expense of a public defender.

11 Sec. 82. Section 910.2, Code 2001, is amended to read as
12 follows:

13 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE ORDERED BY
14 SENTENCING COURT.

15 In all criminal cases in which there is a plea of guilty,
16 verdict of guilty, or special verdict upon which a judgment of
17 conviction is rendered, the sentencing court shall order that
18 restitution be made by each offender to the victims of the
19 offender's criminal activities, to the clerk of court for
20 fines, penalties, surcharges, and, to the extent that the
21 offender is reasonably able to pay, for crime victim
22 assistance reimbursement, restitution to public agencies
23 pursuant to section 321J.2, subsection 9, paragraph "b", court
24 costs including correctional fees approved pursuant to section
25 356.7, court-appointed attorney's attorney fees ordered
26 pursuant to section 815.9, including the expense of a public
27 defender, when applicable, or contribution to a local
28 anticrime organization. However, victims shall be paid in
29 full before fines, penalties, and surcharges, crime victim
30 compensation program reimbursement, public agencies, court
31 costs including correctional fees approved pursuant to section
32 356.7, court-appointed attorney's attorney fees, ordered
33 pursuant to section 815.9, including the expenses of a public
34 defender, or contributions to a local anticrime organization
35 are paid. In structuring a plan of restitution, the court

1 shall provide for payments in the following order of priority:
 2 victim, fines, penalties, and surcharges, crime victim
 3 compensation program reimbursement, public agencies, court
 4 costs including correctional fees approved pursuant to section
 5 356.7, court-appointed attorney's attorney fees, or ordered
 6 pursuant to section 815.9, including the expense of a public
 7 defender, and contribution to a local anticrime organization.

8 When the offender is not reasonably able to pay all or a
 9 part of the crime victim compensation program reimbursement,
 10 public agency restitution, court costs including correctional
 11 fees approved pursuant to section 356.7, court-appointed
 12 attorney's attorney fees, ordered pursuant to section 815.9,
 13 including the expense of a public defender, or contribution to
 14 a local anticrime organization, the court may require the
 15 offender in lieu of that portion of the crime victim
 16 compensation program reimbursement, public agency restitution,
 17 court costs including correctional fees approved pursuant to
 18 section 356.7, court-appointed attorney's attorney fees,
 19 ordered pursuant to section 815.9, including the expense of a
 20 public defender, or contribution to a local anticrime
 21 organization for which the offender is not reasonably able to
 22 pay, to perform a needed public service for a governmental
 23 agency or for a private nonprofit agency which provides a
 24 service to the youth, elderly, or poor of the community. When
 25 community service is ordered, the court shall set a specific
 26 number of hours of service to be performed by the offender
 27 which, for payment of court-appointed attorney's attorney fees
 28 or ordered pursuant to section 815.9, including the expenses
 29 of a public defender, shall be approximately equivalent in
 30 value to those costs. The judicial district department of
 31 correctional services shall provide for the assignment of the
 32 offender to a public agency or private nonprofit agency to
 33 perform the required service.

34 Sec. 83. Section 910.3, Code 2001, is amended to read as
 35 follows:

1 910.3 DETERMINATION OF AMOUNT OF RESTITUTION.

2 The county attorney shall prepare a statement of pecuniary
3 damages to victims of the defendant and, if applicable, any
4 award by the crime victim compensation program and expenses
5 incurred by public agencies pursuant to section 321J.2,
6 subsection 9, paragraph "b", and shall provide the statement
7 to the presentence investigator or submit the statement to the
8 court at the time of sentencing. The clerk of court shall
9 prepare a statement of court-appointed attorney's attorney
10 fees, ordered pursuant to section 815.9, including the expense
11 of a public defender, and court costs including correctional
12 fees claimed by a sheriff pursuant to section 356.7, which
13 shall be provided to the presentence investigator or submitted
14 to the court at the time of sentencing. If these statements
15 are provided to the presentence investigator, they shall
16 become a part of the presentence report. If pecuniary damage
17 amounts are not available at the time of sentencing, the
18 county attorney shall provide a statement of pecuniary damages
19 incurred up to that time to the clerk of court. The statement
20 shall be provided no later than thirty days after sentencing.
21 If a defendant believes no person suffered pecuniary damages,
22 the defendant shall so state. If the defendant has any mental
23 or physical impairment which would limit or prohibit the
24 performance of a public service, the defendant shall so state.
25 The court may order a mental or physical examination, or both,
26 of the defendant to determine a proper course of action. At
27 the time of sentencing or at a later date to be determined by
28 the court, the court shall set out the amount of restitution
29 including the amount of public service to be performed as
30 restitution and the persons to whom restitution must be paid.
31 If the full amount of restitution cannot be determined at the
32 time of sentencing, the court shall issue a temporary order
33 determining a reasonable amount for restitution identified up
34 to that time. At a later date as determined by the court, the
35 court shall issue a permanent, supplemental order, setting the

1 full amount of restitution. The court shall enter further
2 supplemental orders, if necessary. These court orders shall
3 be known as the plan of restitution.

4 Sec. 84. Section 910.9, unnumbered paragraph 3, Code 2001,
5 is amended to read as follows:

6 Fines, penalties, and surcharges, crime victim compensation
7 program reimbursement, public agency restitution, court costs
8 including correctional fees claimed by a sheriff pursuant to
9 section 356.7, court-appointed attorney's attorney fees, and
10 ordered pursuant to section 815.9, including the expenses for
11 public defenders, shall not be withheld by the clerk of court
12 until all victims have been paid in full. Payments to victims
13 shall be made by the clerk of court at least quarterly.
14 Payments by a clerk of court shall be made no later than the
15 last business day of the quarter, but may be made more often
16 at the discretion of the clerk of court. The clerk of court
17 receiving final payment from an offender shall notify all
18 victims that full restitution has been made. Each office or
19 individual charged with supervising an offender who is
20 required to perform community service as full or partial
21 restitution shall keep records to assure compliance with the
22 portions of the plan of restitution and restitution plan of
23 payment relating to community service and, when the offender
24 has complied fully with the community service requirement,
25 notify the sentencing court.

26 Sec. 85. Sections 444.25A, 444.25B, 444.26, and 444.27,
27 Code 2001, are repealed.

28 Sec. 86. 2000 Iowa Acts, chapter 1148, section 1, is
29 amended to read as follows:

30 SECTION 1. COUNTY SYSTEM FOR DATA STORAGE AND RETRIEVAL.

31 1. Chapters 6B, ~~10A~~ 11, 12B, ~~24~~ 35B, 43, 50, 62, 64, 65,
32 66, 69, 96, 99, ~~124E-144~~ 147, ~~161A~~ 177A, 230, 257B, ~~306~~
33 ~~309~~ 311, 317, ~~321A~~ 347B, 353, ~~354~~ 357, 357C, ~~357D-357E~~
34 ~~357F-357G~~ 358, ~~358E~~ 359, 359A, 380, 384, ~~386~~ 420, 422
35 ~~424-425~~ 426A, 428, 433, 434, ~~435~~ 436, ~~437-437A~~ 438, 440,

1 441, 443, 444, 448, 449, 455I, 468, 556F, 557C, 558, 561, 595,
2 614, and 658, and 717B, Code 1999 and Code Supplement 1999,
3 are amended by adding the following new definition:

4 NEW DEFINITION. As used in this chapter, unless the
5 context otherwise requires, "list", "book", "record", or
6 "schedule" kept by a county auditor, assessor, treasurer,
7 recorder, sheriff, or other county officer means the county
8 system as defined in section 445.1.

9 2. The Code editor is directed to ~~add the definition~~
10 ~~prescribed in subsection 1 to the definition sections of,~~ for
11 each chapter listed ~~or, if a definition section does not~~
12 exist, to create a definition section including the definition
13 prescribed in subsection 1 for the chapter in the Code of
14 Iowa, 2001.

15 Sec. 87. 2000 Iowa Acts, chapter 1148, is amended by
16 adding the following new sections:

17 SECTION 1A. COUNTY SYSTEM FOR DATA STORAGE AND RETRIEVAL.

18 1. Sections 10A.101, 24.2, 124C.1, 144.1, 161A.3, 306.2,
19 309.1, 321A.1, 354.2, 357D.1, 357E.1, 357F.1, 357G.1, 358C.1,
20 386.1, 422.3, 424.2, 437.1, 437A.3, and 455I.1, Code 1999 and
21 Code Supplement 1999, are amended by adding the following new
22 definition:

23 NEW DEFINITION. "Book", "list", "schedule", or "record"
24 kept by a county auditor, assessor, treasurer, recorder,
25 sheriff, or other county officer means the county system as
26 defined in section 445.1.

27 2. The Code editor is directed to add the definition
28 prescribed in subsection 1 to the definitions in each section
29 listed for the Code of Iowa, 2001.

30 SECTION 1B. COUNTY SYSTEM FOR DATA STORAGE AND RETRIEVAL.

31 1. Sections 425.11, 435.1, and 717B.1, Code 1999 and Code
32 Supplement 1999, are amended by adding the following new
33 definition:

34 NEW DEFINITION. Unless the context otherwise requires,
35 "book", "list", "schedule", or "record" kept by a county

1 auditor, assessor, treasurer, recorder, sheriff, or other
2 county officer means the county system as defined in section
3 445.1.

4 2. The Code editor is directed to add the definition
5 prescribed in subsection 1 to the definitions in each section
6 listed for the Code of Iowa, 2001.

7 Sec. 88. 2000 Iowa Acts, chapter 1213, section 1, is
8 amended to read as follows:

9 SECTION 1. Section 15.333, subsection 1, Code Supplement
10 1999, is amended to read as follows:

11 1. An eligible business may claim a corporate tax credit
12 up to a maximum of ten percent of the new investment which is
13 directly related to new jobs created by the location or
14 expansion of an eligible business under the program. Any
15 credit in excess of the tax liability for the tax year may be
16 credited to the tax liability for the following seven years or
17 until depleted, whichever occurs earlier. Subject to prior
18 approval by the department of economic development in
19 consultation with the department of revenue and finance, an
20 eligible business whose project primarily involves the
21 production of value-added agricultural products may elect to
22 receive a refund of all or a portion of an unused tax credit.
23 The refund may be used against a tax liability imposed under
24 chapter 422, division II, III, or V. If the business is a
25 partnership, subchapter S corporation, limited liability
26 company, or estate or trust electing to have the income taxed
27 directly to the individual, an individual may claim the tax
28 credit allowed. The amount claimed by the individual shall be
29 based upon the pro rata share of the individual's earnings of
30 the partnership, subchapter S corporation, limited liability
31 company, or estate or trust. For purposes of this section,
32 "new investment directly related to new jobs created by the
33 location or expansion of an eligible business under the
34 program" means the cost of machinery and equipment, as defined
35 in section 427A.1, subsection 1, paragraphs "e" and "j",

1 purchased for use in the operation of the eligible business,
2 the purchase price of which has been depreciated in accordance
3 with generally accepted accounting principles, and the cost of
4 improvements made to real property which is used in the
5 operation of the eligible business and which receives a
6 partial property tax exemption for the actual value added
7 under section 15.332.

8 1A. An eligible business whose project primarily involves
9 the production of value-added agricultural products, that
10 elects to receive a refund of all or a portion of an unused
11 tax credit, shall apply to the department of economic
12 development for tax credit certificates. An eligible business
13 whose project primarily involves the production of value-added
14 agricultural products shall not claim a tax credit under this
15 section unless a tax credit certificate issued by the
16 department of economic development is attached to the
17 taxpayer's tax return for the tax year during for which the
18 tax credit is claimed. A tax credit certificate shall not be
19 valid until the tax year following the date of the project
20 completion. A tax credit certificate shall contain the
21 taxpayer's name, address, tax identification number, the date
22 of project completion, the amount of the tax credit, other
23 information required by the department of revenue and finance.
24 The department of economic development shall not issue tax
25 credit certificates which total more than four million dollars
26 during a fiscal year. If the department receives applications
27 for tax credit certificates in excess of four million dollars,
28 the applicants shall receive certificates for a prorated
29 amount. The tax credit certificates shall not be transferred.

30 Sec. 89. 2000 Iowa Acts, chapter 1228, section 37, is
31 amended to read as follows:

32 SEC. 37. 1991 Iowa Acts, chapter 169, section 9, as
33 amended by 1996 Iowa Acts, chapter 1071, section 1, is
34 repealed.

35 On or before December 15, 2000, the prevention of

1 disabilities policy council shall submit a report to the
2 governor and the general assembly providing findings and
3 recommendations regarding the activities and duties of the
4 commission council and the need for its continuation.

5 Sec. 90. EFFECTIVE DATES.

6 1. Section 6, being deemed of immediate importance, takes
7 effect upon enactment and applies retroactively to April 25,
8 2000.

9 2. Section 49, being deemed of immediate importance, takes
10 effect upon enactment and applies retroactively to May 20,
11 1999.

12 3. Section 79, being deemed of immediate importance, takes
13 effect upon enactment and applies retroactively to July 1,
14 2000.

15 4. Section 88 takes effect July 1, 2001.

16 5. Section 89, being deemed of immediate importance, takes
17 effect upon enactment and applies retroactively to May 17,
18 2000.

19 EXPLANATION

20 This bill makes corrections to the Code of Iowa to reflect
21 current practices, to insert omissions, to delete
22 redundancies, inaccuracies, and temporary language, and to
23 resolve inconsistencies and conflicts, to update ongoing
24 provisions, and to remove ambiguities.

25 Code section 10.1. Replaces references to Code chapter 486
26 with references to Code chapter 486A. Code chapter 486 was
27 repealed, and superseded by Code chapter 486A, effective
28 January 1, 2001, as a result of the passage of 1998 Acts,
29 chapter 1201.

30 Code section 13B.4. Adds the words "in juvenile
31 proceedings" to language describing the kinds of action in
32 which the state public defender coordinates the legal
33 representation of indigents. Iowa Code sections 232.141,
34 815.9, and 815.10 provide for the appointment of the state
35 public defender's designee in juvenile matters.

1 Code section 13B.8. Corrects language relating to the
2 appointment and removal of local public defenders and local
3 public defender office staff by clarifying that the removals,
4 and not also the appointments, are for cause.

5 Code section 14B.101. Adds a definition of the term
6 "department" to the chapter relating to the information
7 technology department. Although the chapter contains many
8 references to the term "department", the term was never
9 defined.

10 Code section 14B.105. Corrects language relating to the
11 appointment of the members to the information technology
12 council. Not all of the members, or potential members, listed
13 in Code section 14B.105, subsection 1, paragraph "a",
14 subparagraphs (3) through (7), are appointed by the governor.

15 Code section 15E.195. Replaces "the effective date of this
16 Act" with July 1, 1998. The language that is codified at
17 subsection 2 of this Code section was enacted in section 12 of
18 1998 Acts, chapter 1175, which was effective July 1, 1998,
19 under Code section 3.7, subsection 1.

20 Code section 29A.17. Corrects language relating to the
21 adjutants general and the appointment of aides in the military
22 staff of the governor. Updates to the language of this
23 section made in 2000 Acts, chapter 1020, changed the
24 application of the residency requirement and power of the
25 governor to appoint additional staff.

26 Code section 29A.66. Changes the word "the" to "those" to
27 clarify that it is the powers and duties of the governor, the
28 adjutant general, and the deputy adjutants general that are to
29 be the same for the national guard as the powers and duties
30 are for the Iowa state guard. 2000 Acts, chapter 1020,
31 changed the word "such" to the present word "the".

32 Code section 48A.31. Corrects a reference to the bureau of
33 vital records in a provision relating to the transmission by
34 the state registrar of vital statistics to the state registrar
35 of voters of a list of all persons 17 1/2 years of age and

1 older whose deaths have been reported to the bureau.

2 Code section 56.2. Strikes language in the definition of
3 the term "express advocacy" which was held unconstitutional by
4 the federal 8th Circuit Court in Iowa Right to Life v. Kay
5 Williams et al., Case No. 98-4078.

6 Code section 56.14. Strikes a prohibition relating to the
7 placement of political yard signs which was held
8 unconstitutional in Whitton v. City of Gladstone, 54 F.3d 1400
9 (8th Cir., 1995).

10 Code section 97B.50A. Changes the word "twenty-five" to
11 "the applicable years of service" in language relating to
12 eligibility of special service members for disability benefits
13 under the Iowa public employees' retirement system. Language
14 in Code section 97B.49B, which had previously set the years of
15 service level at 25 years, was amended in 2000 Acts, chapter
16 1077, and the years of service language was changed to depend
17 on when the service member retired.

18 Code section 101.22. Strikes the word "a" and adds the
19 words "an annual" before the words "fee of ten dollars" to
20 coincide with language in the last sentence of the subsection
21 that refers to the "annual renewal fee".

22 Code section 123.39. Changes the words "the chapter" to
23 "this chapter" in language relating to the suspension,
24 revocation, or imposition of a civil penalty against certain
25 licensees under the alcoholic beverages chapter.

26 Code section 135.43. Changes a reference to the division
27 of vital records to the bureau of vital records in language
28 relating to persons on the child death review team. This
29 corrects the name of that bureau and conforms the language to
30 a very similar provision in Code section 135.109. Corrects
31 language in provisions relating to the confidentiality of
32 records and information produced for the child death review
33 team. Nearly identical language is contained in a similar
34 kind of provision, section 135.111, which pertains to the
35 disclosure of confidential records and information to the

1 domestic abuse death review team.

2 Code section 135.110. Adds the words "or convicted" to
3 language relating to the investigations of the relationships
4 between decedent victims and the perpetrators in domestic
5 abuse death cases. "Domestic abuse death" is defined under
6 Code section 135.108 as including deaths caused by either
7 alleged or convicted perpetrators.

8 Code section 137C.7. Strikes obsolete language that
9 related to hotel licenses that were issued and inspections
10 that were conducted by the department of agriculture and land
11 stewardship prior to January 1, 1979. The licenses expire one
12 year from the date of issue and those licensing and inspection
13 functions are now performed by the department of inspections
14 and appeals.

15 Code section 139A.10. Strikes the words "by the
16 magistrate" from language relating to compensation of officers
17 designated to forcibly remove and isolate or quarantine a
18 person infected with a dangerous communicable disease. This
19 provision was previously contained in former Code section
20 139.13 and referred, prior to 1967, to a procedure that was at
21 that time contained in Code chapter 137. In 1967 Acts,
22 chapter 163, section 26, the procedure for applying to the
23 magistrate for the appointment of these officers was
24 eliminated. The procedure is now handled through the local
25 board of health.

26 Code section 139A.30. Changes the word "chapter" to
27 "subchapter" in language relating to the confidentiality of
28 reports which include the identity of persons infected with a
29 sexually transmitted disease or infection. The language from
30 this section previously was contained in former Code section
31 140.3. The provision applied to the contents of that chapter,
32 which is now contained in subchapter II of Code chapter 139A.

33 Code section 159.10. Strikes language relating to the
34 farmers institutes which were abolished in 1998, with the
35 passage of 1998 Acts, chapter 1031.

1 Code section 161.2. Adds the words "are located" to
 2 language contained in subsection 9, defining what constitutes
 3 a fertilizer site in the agrichemical remediation chapter.
 4 This is consistent with the manner in which another definition
 5 of "pesticide site" is constructed. Subsection 14 is
 6 stricken. That term is not defined in Code section 455B.602.
 7 Corrects the use of the name of the agrichemical remediation
 8 board in the definition of the term "board" in the
 9 agrichemical remediation chapter. This conforms the name to
 10 the name as given in Code section 161.3, which is referenced
 11 in the definition of the term "board".

12 Code section 161.6. Strikes the word "remediation" and
 13 inserts the words "site cleanup" in language relating to the
 14 classification and prioritization of contaminated agrichemical
 15 sites. The term "active site cleanup" is defined for purposes
 16 of that chapter, whereas "active remediation" is not defined.

17 Code section 161.8. Strikes the words "prohibited
 18 release", which is not defined in Code section 455B.602, and
 19 replaces it with the word "contamination". The latter term is
 20 used throughout these provisions, is defined, and appears to
 21 accomplish the same purpose as the stricken language.

22 Code section 166D.7. Moves the words "each month" from
 23 language relating to standards which must be met for the
 24 recertification to occur to language describing what must be
 25 done for a swine herd to be certified as free from
 26 pseudorabies infection.

27 Code section 166D.10. Corrects an incorrect citation to
 28 Code section 166D.9 to reflect the correct citation of Code
 29 section 166D.10A in a provision in the pseudorabies chapter
 30 which describes the inspection and other requirements which
 31 apply to the movement of swine.

32 Code section 166D.10B. Changes the word "swine" to "pigs"
 33 in the term "feeder swine". This section relates to what
 34 swine can be maintained at approved premises and refers in the
 35 balance of the section to "feeder pigs" and "cull swine" as

1 the kinds of swine that may be maintained at that location.

2 Code section 202A.1. Strikes, from the definition of the
3 term "packer" in the chapter relating to livestock marketing
4 practices, a sentence excluding frozen food locker plants from
5 that definition. Code chapter 172 was stricken from the Code
6 by 2000 Acts, chapter 1100, section 2.

7 Code section 207.22. Adds a federal public law number
8 cite, to Pub. L. No. 95-87, to the reference to title IV in
9 the chapter pertaining to coal mining. Title IV is also
10 referenced in Code section 207.21, in conjunction with this
11 public law number, and those references indicate that this
12 public law contains that particular title.

13 Code sections 216A.102 and 476.66. Corrects the name in
14 two references to the low-income home energy assistance
15 program, which is a federal energy assistance program
16 referenced in Code sections 216A.101, 216A.103, 476.20, and
17 476.51. Obsolete language relating to bringing existing
18 utilities compliance with the customer contribution fund
19 requirements is also deleted in subsection 7 of Code section
20 476.66.

21 Code section 232.141. Changes the word "made" to "paid"
22 and corrects an internal reference in language describing the
23 compensation of court-appointed attorneys in juvenile matters.
24 The first change is consistent with other language within the
25 subsection. The language which provides for the calculation
26 of the county's base cost is found in paragraph "b" of
27 subsection 3 in this section.

28 Code section 256D.1. Changes the word "comprehensive" to
29 "comprehension" in language describing the types of accuracy
30 and fluency skills for which the department of education is to
31 identify diagnostic assessment tools as part of the Iowa early
32 intervention block grant program. This change is consistent
33 with other language found in Code section 256D.2.

34 Code section 272C.3. Adds a reference to Code section
35 455B.219 to correspond to the correction made in Code section

1 272C.4 in this Act.

2 Code section 272C.4. Changes a citation to Code section
3 455B.191 to a citation to Code section 455B.219. Code section
4 272C.1, subsection 6, paragraph "x", refers to the director of
5 the department of natural resources in certifying water
6 treatment operators under Code sections 455B.211 through
7 455B.224.

8 Code section 303.86. Conforms the name of the Iowa state
9 arts council, by striking the word "state", to that name as it
10 is found in Code sections 303.1 and 303.8.

11 Code section 321.219. Strikes the words "section or in
12 violation of this" from this provision which prohibits persons
13 from allowing unauthorized minors to drive. The section does
14 not authorize minors to drive.

15 Code section 321.279. Adds the words "or by flashing red
16 and blue lights" to the provision which describes the warning
17 signal which when given by a peace officer and not obeyed
18 constitutes the offense of eluding a law enforcement vehicle.
19 Peace officer vehicles were permitted to be equipped with blue
20 lights in addition to red lights by 2000 Acts, chapter 1045,
21 sections 2 and 3.

22 Code section 321.560. Changes the word "or" to "and" in
23 language which describes the combination of offenses for which
24 a temporary restricted permit may be issued to a person
25 declared to be a habitual offender of the motor vehicle laws.

26 Code section 321J.17. Adds language regarding licensed
27 substance abuse treatment providers to language relating to
28 drinking driver courses that are provided by community
29 colleges. In 2000 Acts, chapter 1138, licensed substance
30 abuse treatment providers were also authorized to provide
31 these courses.

32 Code section 322C.2. Strikes the definitions of the terms
33 "distributor's representative" and "manufacturer's
34 representative" from the chapter relating to travel trailer
35 dealers, manufacturers, and distributors. Those terms are no

1 longer used in this chapter as the result of the passage of
2 2000 Acts, chapters 1016 and 1154.

3 Code sections 331.756, 910.1, 910.2, 910.3, and 910.9.
4 Conforms references to court-appointed attorney fees and the
5 expenses of a public defender to the changes that were made in
6 2000 Acts, chapter 1115, section 9, in the same type of
7 language in Code section 910.2.

8 Code sections 403.6 and 403.17. Strikes the word "city" in
9 the urban renewal chapter. In Code section 403.6, it is
10 replaced with the word "municipal". In Code section 403.17,
11 it is replaced with the word "municipality". Code chapter 403
12 was made applicable to counties in 1991, with the passage of
13 1991 Acts, chapter 214.

14 Code section 404A.3. Changes the term "certificate of
15 appropriation" to "certificate of appropriateness" in the
16 provision which describes the standards which are to be
17 followed in the establishment of criteria and standards by the
18 state historic preservation office for rehabilitation
19 projects. A procedure for issuance of certificates of
20 appropriateness for historical preservation districts may be
21 found in Code sections 303.27 through 303.30.

22 Code section 422.4. Deletes an obsolete provision in the
23 income, sales, services, and franchise chapter that relates to
24 the calculation of the standard deduction factor for the 1989
25 calendar year.

26 Code section 422.45. Adds a sentence to subsection 2,
27 relating to inapplicability of the exemption for gross
28 receipts from the sale, furnishing, or service of
29 transportation to the transportation of electric energy. This
30 sentence was added to this subsection with the passage of 1999
31 Acts, chapter 151, section 15, but was inadvertently stricken
32 when the language contained in 1999 Acts, chapter 151, section
33 16, which had a delayed effective date of April 1, 2000, was
34 implemented. Obsolete applicability language referring to
35 payments made on or after July 1, 1984, which is contained in

1 subsection 24, paragraph "b", unnumbered paragraph 2, is
2 stricken.

3 Code section 422.52. Replaces the words "state treasurer"
4 and "treasurer" with the word "department". The department of
5 revenue and finance now performs this collection of and
6 transfer of revenue from the tax on sales of motor vehicle
7 fuel.

8 Code section 422B.1. Moves the phrase "of the result of
9 the election" to after the words "written notice". The
10 "abstract of votes" language was added in 1999 with the
11 passage of 1999 Acts, chapter 156. The abstract of votes is
12 the result of the election.

13 Code section 426B.1. Deletes obsolete language relating to
14 appropriations made for property tax relief for the fiscal
15 years beginning July 1, 1995, and July 1, 1996.

16 Code section 427.2A. Strikes obsolete language relating to
17 certain taxes paid during the period beginning July 1, 1992,
18 and ending June 30, 1997.

19 Code section 432.1. Adds the word "insurance" between the
20 words "county mutual" and "associations" so that the term
21 refers to county mutual insurance associations. Code chapter
22 518, a section of which is referenced in this paragraph,
23 relates to the regulation of county mutual insurance
24 associations.

25 Code sections 444.25A, 444.25B, 444.26, and 444.27.
26 Repeals obsolete provisions that relate to property tax
27 limitations for the 1996 and 1997 fiscal years.

28 Code section 455B.190A. Strikes references to the well
29 contractor's council, which has been disbanded.

30 Code section 455B.601. Corrects a reference to the
31 agricultural reimbursement board.

32 Code section 486A.1102. Changes a reference to the agent
33 of a foreign limited liability company to a reference to the
34 agent of a foreign limited liability partnership contained in
35 the uniform partnership Act.

1 Code section 511.8. The word "that" is substituted for the
2 word "this" in language relating to financial instruments used
3 in hedging transactions by certain insurers. This change is
4 consistent with language contained in paragraphs "c" and "e"
5 of the same subsection.

6 Code section 514.3. Adds the words "those articles and
7 amendments" after the words "endorsed on or annexed to" in
8 language relating to how the approval of the commissioner is
9 to be attached to articles of incorporation and any amendments
10 which are filed with the commissioner of insurance.

11 Code section 515.24. Adds the word "insurance" between the
12 words "county mutual" and "associations" in provisions
13 relating to the payment of tax on the gross amount of
14 reinsurance premiums received for the reinsurance of windstorm
15 or hail risks written by county mutual insurance associations.

16 Code section 515F.3. Changes a reference to Code chapter
17 518A to Code chapter 518. The provisions relating to the
18 regulation of county mutual insurance associations are found
19 in Code chapter 518.

20 Code section 518.17. Adds the word "insurance" between the
21 words "state mutual" and "association". State mutual
22 insurance associations are regulated under chapter 518A.

23 Code sections 536A.12 and 536A.30. Conforms references to
24 the annual license fee to the correct amount of \$250. The
25 license fee relating to the making of industrial loans was
26 changed in 1989, with the passage of 1989 Acts, chapter 234.

27 Code section 537A.10. Changes the words "less than fifty
28 percent" to "fifty percent or less" to cover transfer of
29 franchise situations in which ownership in the business was
30 exactly 50 percent. This is consistent with language found in
31 paragraph "g" of subsection 5 of this section.

32 Code section 543D.2. Updates the definition of the term
33 "associate appraiser" to the term "real property appraiser
34 trainee" in the chapter pertaining to real estate appraisals
35 and appraisers.

1 Code section 543D.7. Deletes the words "in writing" from
 2 the first subsection and deletes the second subsection.
 3 Applications have to be submitted on forms approved by the
 4 real estate appraiser board. Subsection 2 referred to the
 5 issuance of interim annual certificates until final rules to
 6 implement the chapter were adopted. The chapter was enacted
 7 in 1989 and final rules are in place.

8 Code section 543D.15. Changes the term "associate
 9 appraiser" to "real estate property appraiser trainee" to
 10 conform to the definition change made in Code section 543D.2.

11 Code section 543D.19. Changes the term "associate
 12 appraiser" to "real estate property appraiser trainee" to
 13 conform to the definition change made in Code section 543D.2.
 14 Also changes the length of time for retention of records from
 15 three to five years to conform to federal requirements which
 16 apply to all real estate appraisers in Iowa.

17 Code section 554D.120. Strikes references to the division
 18 of information technology services of the department of
 19 general services in the uniform electronic transactions Act
 20 and replaces them with references to the information
 21 technology department. The information technology department
 22 assumed the duties of the information technology services
 23 division of the department of general services with the
 24 passage of 2000 Acts, chapter 1141.

25 Code section 595.13. Corrects and conforms language
 26 relating to the attestation of marriage and return of the
 27 certificate by the officiating minister or magistrate to
 28 language contained in Code section 144.36.

29 Code section 692A.7. Corrects language relating to the
 30 consequences for violations of certain sex offender registry
 31 requirements by persons on probation, parole, or other form of
 32 release.

33 Code section 692A.13. Substitutes the words "July 1, 1999"
 34 for "the effective date of this Act" in language relating to
 35 electronic access to sex offender registry information.

1 Language relating to electronic access to this information
2 first appeared in this section as a result of the passage of
3 1998 Acts, chapter 1168, but was stricken and rewritten in
4 1999 Acts, chapter 112. Language relating to information
5 received prior to July 1, 1999, was added in subparagraph (2)
6 of subsection 3, paragraph "c".

7 Code section 714.16. Changes the word "or" to "of" in
8 language relating to misrepresentation of a business name by a
9 supplier of a service or product in a local telephone
10 directory or directory assistance database. This change is
11 consistent with the language of the balance of the provision
12 and is consistent with background materials used in
13 preparation of the original legislation.

14 Code section 805.8. Corrects a reference to the Code
15 section in which the victim compensation fund is established
16 to the correct reference of Code section 915.94. The victim
17 compensation fund language was moved to that section with the
18 passage of 1998 Acts, chapter 1090.

19 2000 Iowa Acts, chapter 1148. Redrafts a portion of this
20 Act to omit redundant language in the new definition that was
21 added to the listed Code definition sections.

22 2000 Iowa Acts, chapter 1213. Corrects language relating
23 to the receipt of refunds of unused investment tax credits by
24 eligible businesses for use against certain defined tax
25 liabilities.

26 2000 Iowa Acts, chapter 1228. Corrects a reference to the
27 prevention of disabilities policy council in language relating
28 to submission of a report by that council concerning council
29 activities and duties.

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FILED FEB 5 '01

SENATE FILE 106
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1073)

Passed Senate, Date ^(P.461) 2/28/01 Passed House, Date _____
Vote: Ayes 49 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities and providing
6 effective dates.

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

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SF 106

1 Section 1. Section 10.1, subsection 4, Code 2001, is
2 amended to read as follows:

3 4. "Commodity share landlord" means a natural person or a
4 general partnership as provided in chapter ~~486~~ 486A in which
5 all partners are natural persons, who owns at least one
6 hundred fifty acres of agricultural land, if the owner
7 receives rent on a commodity share basis, which may be either
8 a share of the crops or livestock produced on the land.

9 Sec. 2. Section 10.1, subsection 19, paragraph b, Code
10 2001, is amended to read as follows:

11 b. A general partnership as provided in chapter ~~486~~ 486A
12 in which all partners are natural persons actively engaged in
13 farming.

14 Sec. 3. Section 13B.4, subsection 1, Code 2001, is amended
15 to read as follows:

16 1. The state public defender shall coordinate the
17 provision of legal representation of all indigents under
18 arrest or charged with a crime, seeking postconviction relief,
19 against whom a contempt action is pending, in proceedings
20 under chapter 229A, in juvenile proceedings, on appeal in
21 criminal cases, on appeal in proceedings to obtain
22 postconviction relief when ordered to do so by the district
23 court in which the judgment or order was issued, and on a
24 reopening of a sentence proceeding, and may provide for the
25 representation of indigents in proceedings instituted pursuant
26 to chapter 908. The state public defender shall not engage in
27 the private practice of law.

28 Sec. 4. Section 13B.8, subsection 2, Code 2001, is amended
29 to read as follows:

30 2. The state public defender may appoint and may, for
31 cause, remove the local public defender, assistant local
32 public defenders, clerks, investigators, secretaries, or other
33 employees ~~for-cause~~. Each local public defender, and any
34 assistant local public defender, must be an attorney admitted
35 to the practice of law before the Iowa supreme court.

1 Sec. 5. Section 14B.101, Code 2001, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. "Department" means the information
4 technology department.

5 Sec. 6. Section 14B.105, subsection 1, paragraph b,
6 unnumbered paragraph 1, Code 2001, is amended to read as
7 follows:

8 The members appointed ~~by-the-governor~~ pursuant to paragraph
9 "a", subparagraphs (3) through (7), shall serve four-year
10 staggered terms ~~as-designated-by-the-governor~~ and such
11 appointments to the information technology council are subject
12 to the requirements of sections 69.16, 69.16A, and 69.19. The
13 four-year terms of members appointed by the governor shall be
14 staggered as designated by the governor. Members appointed by
15 ~~the-governor~~ pursuant to paragraph "a", subparagraphs (3)
16 through (7), shall not serve consecutive four-year terms.
17 Members appointed by the governor are subject to senate
18 confirmation and ~~shall-be-reimbursed-for-actual-and-necessary~~
19 ~~expenses-incurred-in-performance-of-their-duties.--Such~~
20 ~~members~~ may also be eligible to receive compensation as
21 provided in section 7E.6. Members shall be reimbursed for
22 actual and necessary expenses incurred in performance of the
23 members' duties.

24 Sec. 7. Section 15E.195, subsection 2, unnumbered
25 paragraph 1, Code 2001, is amended to read as follows:

26 A city with a population of twenty-four thousand or more
27 which designates an enterprise zone pursuant to section
28 15E.194, subsection 2, and in which an eligible enterprise
29 zone is certified shall establish an enterprise zone
30 commission to review applications from qualified businesses
31 located within or requesting to locate within an enterprise
32 zone to receive incentives or assistance as provided in
33 section 15E.196. The commission shall consist of nine
34 members. Six of these members shall consist of one
35 representative of an international labor organization, one

1 member with economic development expertise chosen by the
2 department of economic development, one representative of the
3 city council, one member of the local community college board
4 of directors, one member of the city planning and zoning
5 commission, and one representative of the local workforce
6 development center. These six members shall select the
7 remaining three members. If the enterprise zone consists of
8 an area meeting the requirements for eligibility for an urban
9 enterprise community under Title XIII of the federal Omnibus
10 Budget Reconciliation Act of 1993, one of the remaining three
11 members shall be a representative of that community. If a
12 city contiguous to the city designating the enterprise zone is
13 included in an enterprise zone, a representative of the
14 contiguous city, chosen by the city council, shall be a member
15 of the commission. A city in which an eligible enterprise
16 zone is certified shall have only one enterprise zone
17 commission. If a city has established an enterprise zone
18 commission prior to ~~the effective date of this Act~~ July 1,
19 1998, the city may petition to the department of economic
20 development to change the structure of the existing
21 commission.

22 Sec. 8. Section 29A.17, unnumbered paragraph 1, Code 2001,
23 is amended to read as follows:

24 The military staff of the governor shall consist of the
25 adjutant general, who shall be the chief of staff; the deputy
26 adjutants general, who shall be the assistant chiefs of staff;
27 and ~~the~~ any aides, who shall be residents of the state, as the
28 governor may appoint or detail from the armed forces of the
29 state.

30 Sec. 9. Section 29A.66, Code 2001, is amended to read as
31 follows:

32 29A.66 APPLICABLE POWERS AND DUTIES.

33 The powers and duties of the governor, the adjutant
34 general, and the deputy adjutants general, with relation to
35 the Iowa state guard, shall be the same as those powers and

1 duties prescribed in this chapter for the those officers with
2 relation to the national guard.

3 Sec. 10. Section 48A.31, Code 2001, is amended to read as
4 follows:

5 48A.31 DECEASED PERSONS RECORD.

6 The state registrar of vital statistics shall transmit or
7 cause to be transmitted to the state registrar of voters, once
8 each calendar quarter, a certified list of all persons
9 seventeen and one-half years of age and older in the state
10 whose deaths have been reported to the bureau of vital records
11 ~~and-statistics-division~~ of the Iowa department of public
12 health since the previous list of decedents was certified to
13 the state registrar of voters. The list shall be submitted
14 according to the specifications of the state registrar of
15 voters, who shall determine whether each listed decedent was
16 registered to vote in this state. If the decedent was
17 registered in a county which uses its own data processing
18 facilities for voter registration recordkeeping, the registrar
19 shall notify the commissioner in that county who shall cancel
20 the decedent's registration. If the decedent was registered
21 in a county for which voter registration recordkeeping is
22 performed under contract by the registrar, the registrar shall
23 immediately cancel the registration and notify the
24 commissioner of the county in which the decedent was
25 registered to vote of the cancellation.

26 Sec. 11. Section 56.2, subsection 14, paragraph c, Code
27 2001, is amended by striking the paragraph.

28 Sec. 12. Section 56.14, Code 2001, subsection 2, paragraph
29 a, is amended by striking the paragraph.

30 Sec. 13. Section 97B.50A, subsection 7, paragraph b,
31 subparagraph (4), Code 2001, is amended to read as follows:

32 (4) This paragraph does not apply to a member who is at
33 least fifty-five years of age and would have completed a
34 sufficient number of years of service if the member had
35 remained in active special service employment. For purposes

1 of this subparagraph, a sufficient number of years of service
2 shall be ~~twenty-five~~ the applicable years of service for a
3 special service member as described in section 97B.49B or
4 twenty-two for a special service member as described in
5 section 97B.49C.

6 Sec. 14. Section 101.22, subsection 4, Code 2001, is
7 amended to read as follows:

8 4. The registration notice of the owner or operator to the
9 state fire marshal under subsections 1 through 3 shall be
10 accompanied by ~~a~~ an annual fee of ten dollars for each tank
11 included in the notice. All moneys collected shall be
12 retained by the department of public safety and are
13 appropriated for the use of the state fire marshal. The
14 annual renewal fee applies to all owners or operators who
15 filed a registration notice with the state fire marshal
16 pursuant to subsections 1 through 3.

17 Sec. 15. Section 123.39, subsection 1, paragraph a, Code
18 2001, is amended to read as follows:

19 a. The administrator or the local authority may suspend a
20 license or permit issued pursuant to ~~the~~ this chapter for a
21 period not to exceed one year, revoke the license or permit,
22 or impose a civil penalty not to exceed one thousand dollars
23 per violation. Before suspension, revocation, or imposition
24 of a civil penalty, the license or permit holder shall be
25 given written notice and an opportunity for a hearing. The
26 administrator may appoint a member of the division or may
27 request an administrative law judge from the department of
28 inspections and appeals to conduct the hearing and issue a
29 proposed decision. Upon the motion of a party to the hearing
30 or upon the administrator's own motion, the administrator may
31 review the proposed decision in accordance with chapter 17A.
32 Upon review of the proposed decision, the administrator may
33 affirm, reverse, or modify the proposed decision. A licensee
34 or permittee aggrieved by a decision of the administrator may
35 seek judicial review of the administrator's decision in

1 accordance with chapter 17A.

2 Sec. 16. Section 135.43, subsection 5, paragraph d, Code
3 2001, is amended to read as follows:

4 d. The administrator of the ~~division~~ bureau of vital
5 records of the Iowa department of public health.

6 Sec. 17. Section 135.43, subsection 7, paragraph b, Code
7 2001, is amended to read as follows:

8 b. A person in possession or control of medical,
9 investigative, assessment, or other information pertaining to
10 a child death and child abuse review shall allow the
11 inspection and reproduction of the information by the
12 department upon the request of the department, to be used only
13 in the administration and for the duties of the Iowa child
14 death review team. Except as provided for a report on a child
15 fatality by an ad hoc child fatality review committee under
16 subsection 4 and, information and records produced under this
17 section which are confidential under section 22.7 and chapter
18 235A, and information or records received from the
19 confidential records, remain confidential under this section.
20 A person does not incur legal liability by reason of releasing
21 information to the department as required under and in
22 compliance with this section.

23 Sec. 18. Section 135.110, subsection 2, Code 2001, is
24 amended to read as follows:

25 2. In performing duties pursuant to subsection 1, the
26 review team shall review the relationship between the decedent
27 victim and the alleged or convicted perpetrator from the point
28 where the abuse allegedly began, until the domestic abuse
29 death occurred, and shall review all relevant documents
30 pertaining to the relationship between the parties, including
31 but not limited to protective orders and dissolution, custody,
32 and support agreements and related court records, in order to
33 ascertain whether a correlation exists between certain events
34 in the relationship and any escalation of abuse, and whether
35 patterns can be established regarding such events in relation

1 to domestic abuse deaths in general. The review team shall
2 consider such conclusions in making recommendations pursuant
3 to subsection 1.

4 Sec. 19. Section 137C.7, Code 2001, is amended to read as
5 follows:

6 137C.7 LICENSE REQUIRED.

7 No person shall open or operate a hotel until a license has
8 been obtained from the regulatory authority and until the
9 hotel has been inspected by the regulatory authority. A
10 ~~license issued by the department of agriculture prior to~~
11 ~~January 17, 1979 shall be valid until its expiration date. An~~
12 ~~inspection conducted by the department of agriculture prior to~~
13 ~~January 17, 1979 shall be valid for purposes of this section.~~
14 Each license shall expire one year from date of issue. A
15 license is renewable. All licenses issued under the Iowa
16 hotel sanitation code that are not renewed by the licensee on
17 or before the expiration date shall be subject to a penalty of
18 ten percent of the license fee if the license is renewed at a
19 later date. A license is not transferable.

20 Sec. 20. Section 139A.10, Code 2001, is amended to read as
21 follows:

22 139A.10 FEES FOR REMOVING.

23 The officers designated ~~by the magistrate~~ shall receive
24 reasonable compensation for their services as determined by
25 the local board. The amount determined shall be certified and
26 paid in the same manner as other expenses incurred under this
27 chapter.

28 Sec. 21. Section 139A.30, Code 2001, is amended to read as
29 follows:

30 139A.30 CONFIDENTIAL REPORTS.

31 Reports to the department which include the identity of
32 persons infected with a sexually transmitted disease or
33 infection, and all such related information, records, and
34 reports concerning the person, shall be confidential and shall
35 not be accessible to the public. However, such reports,

1 information, and records shall be confidential only to the
2 extent necessary to prevent identification of persons named in
3 such reports, information, and records; the other parts of
4 such reports, information, and records shall be public
5 records. The preceding sentence shall prevail over any
6 inconsistent provision of this ~~chapter~~ subchapter.

7 Sec. 22. Section 159.10, subsection 1, Code 2001, is
8 amended to read as follows:

9 1. The state fair board, the county and district fair
10 societies, ~~the-farmers-institutes-and-short-courses~~, and the
11 farm aid associations.

12 Sec. 23. Section 161.2, subsection 4, Code 2001, is
13 amended to read as follows:

14 4. "Board" means the agrichemical remediation
15 reimbursement board created under section 161.3.

16 Sec. 24. Section 161.2, subsection 9, unnumbered paragraph
17 1, Code 2001, is amended to read as follows:

18 "Fertilizer site" means a place where containers used for
19 storing or mixing a fertilizer are located, if any of the
20 following apply:

21 Sec. 25. Section 161.2, subsection 14, Code 2001, is
22 amended by striking the subsection.

23 Sec. 26. Section 161.6, subsection 4, paragraph a, Code
24 2001, is amended to read as follows:

25 a. For a high priority site, soil and groundwater site
26 cleanup shall include active remediation site cleanup where
27 technically feasible, until such time as the groundwater
28 contamination levels are below action levels.

29 Sec. 27. Section 161.8, subsection 3, paragraph b,
30 subparagraph (1), Code 2001, is amended to read as follows:

31 (1) The responsible person performed reasonable measures
32 necessary for the immediate abatement of any ~~prohibited~~
33 release contamination.

34 Sec. 28. Section 166D.7, subsection 1, paragraph a, Code
35 2001, is amended to read as follows:

1 a. The herd shall be certified when all breeding swine
2 have reacted negatively to a test. The herd must have been
3 free from infection for thirty days prior to testing. At
4 least ninety percent of swine in the herd must have been on
5 the premises as a part of the herd for at least sixty days
6 prior to testing, or swine in the herd must have been moved or
7 relocated directly from another qualified negative herd. To
8 remain certified, the herd must be retested and recertified
9 each month as provided by the department. The herd shall be
10 recertified when ~~each-month~~ the greater of five head of swine
11 or at least ten percent of the herd's breeding swine react
12 negatively to a test.

13 Sec. 29. Section 166D.10, subsection 1, paragraph c, Code
14 2001, is amended to read as follows:

15 c. A person transfers ownership of all or part of a herd,
16 if the herd remains on the same premises. However, the herd
17 must be tested by statistical sampling. If any part of the
18 herd is subsequently moved or relocated, the swine must be
19 moved or relocated in accordance with this section and
20 sections 166D.7, 166D.8, and ~~166D.9~~ 166D.10A.

21 Sec. 30. Section 166D.10B, subsection 1, unnumbered
22 paragraph 1, Code 2001, is amended to read as follows:

23 A person shall not maintain swine other than feeder swine
24 pigs or cull swine at an approved premises.

25 Sec. 31. Section 202A.1, subsection 3, Code 2001, is
26 amended to read as follows:

27 3. "Packer" means a person who is engaged in the business
28 of slaughtering livestock or receiving, purchasing, or
29 soliciting livestock for slaughter, if the meat products of
30 the slaughtered livestock which are directly or indirectly to
31 be offered for resale or for public consumption have a total
32 annual value of ten million dollars or more. As used in this
33 chapter, "packer" includes an agent of the packer engaged in
34 buying or soliciting livestock for slaughter on behalf of a
35 packer. ~~"Packer" does not include a frozen food locker plant~~

1 ~~regulated under chapter 172.~~

2 Sec. 32. Section 207.22, subsection 3, paragraph b, Code
3 2001, is amended to read as follows:

4 b. Acquisition of coal refuse disposal sites and all coal
5 refuse thereon will serve the purposes of title IV of Pub. L.
6 No. 95-87 or that public ownership is desirable to meet
7 emergency situations and prevent recurrences of the adverse
8 effect of past coal mining practices.

9 Sec. 33. Section 216A.102, subsection 1, Code 2001, is
10 amended to read as follows:

11 1. An energy crisis fund is created in the state treasury.
12 Moneys deposited in the fund shall be used to assist low-
13 income families who qualify for the low-income heating home
14 energy assistance program to avoid loss of essential heating.

15 Sec. 34. Section 232.141, subsection 3, paragraphs c and
16 d, Code 2001, are amended to read as follows:

17 c. Costs incurred for compensation of an attorney
18 appointed by the court to serve as counsel to any party or as
19 guardian ad litem for any child shall be made paid in
20 accordance with sections 13B.4 and 815.7.

21 d. Costs incurred under subsection 2 shall be paid by the
22 state. The county shall be required to reimburse the indigent
23 defense fund for costs incurred by the state up to the
24 county's base in subsection 2 3.

25 Sec. 35. Section 256D.1, subsection 1, paragraph b,
26 unnumbered paragraph 1, Code 2001, is amended to read as
27 follows:

28 The department of education shall identify diagnostic
29 assessment tools that can be used to assist teachers in
30 measuring reading accuracy and fluency skills, including but
31 not limited to, phonemic awareness, oral reading ability, and
32 comprehensive comprehension skills, to improve student
33 achievement in kindergarten through grade three. The
34 department, in collaboration with the area education agencies,
35 school districts, and institutions with approved practitioner

1 preparation programs, shall identify and serve as a
2 clearinghouse on intensive, research-based strategies and
3 programs for training teachers in both diagnosis and
4 appropriate instruction interventions.

5 Sec. 36. Section 272C.3, subsection 2, paragraph a, Code
6 2001, is amended to read as follows:

7 a. Revoke a license, or suspend a license either until
8 further order of the board or for a specified period, upon any
9 of the grounds specified in section 147.55, 148.6, 148B.7,
10 152.10, 153.34, 154A.24, 169.13, 455B.219, 542B.21, 542C.21,
11 543B.29, 544A.13, 544B.15, or 602.3203 or chapter 151, 155,
12 507B or 522, as applicable, or upon any other grounds
13 specifically provided for in this chapter for revocation of
14 the license of a licensee subject to the jurisdiction of that
15 board, or upon failure of the licensee to comply with a
16 decision of the board imposing licensee discipline;

17 Sec. 37. Section 272C.4, subsection 6, Code 2001, is
18 amended to read as follows:

19 6. Define by rule acts or omissions which are grounds for
20 revocation or suspension of a license under section 147.55,
21 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13, ~~455B.191~~
22 455B.219, 542B.21, 542C.21, 543B.29, 544A.13, 544B.15, or
23 602.3203 or chapter 151, 155, 507B or 522, as applicable, and
24 to define by rule acts or omissions which constitute
25 negligence, careless acts or omissions within the meaning of
26 section 272C.3, subsection 2, paragraph "b", which licensees
27 are required to report to the board pursuant to section
28 272C.9, subsection 2;

29 Sec. 38. Section 303.86, Code 2001, is amended to read as
30 follows:

31 303.86 ARTS COUNCIL.

32 The Iowa state arts council is created as an advisory
33 council, consisting of fifteen members, appointed by the
34 governor from among citizens of Iowa who are recognized for
35 their interest or experience in connection with the performing

1 and fine arts. In making appointments, due consideration
2 shall be given to the recommendations made by representative
3 civic, educational, and professional associations and groups
4 concerned with or engaged in the production or presentation of
5 the performing and fine arts.

6 The term of office of each member of the Iowa state arts
7 council is three years. The governor shall designate a
8 chairperson and a vice chairperson from the members of the
9 council to serve at the pleasure of the governor. All
10 vacancies shall be filled for the balance of any unexpired
11 term in the same manner as original appointments. The members
12 of the council shall not receive compensation for their
13 services, but shall be reimbursed for their actual and
14 necessary expenses incurred in the performance of their duties
15 as members of the council. Members may also be eligible for
16 compensation as provided in section 7E.6.

17 Sec. 39. Section 321.219, unnumbered paragraph 1, Code
18 2001, is amended to read as follows:

19 A person shall not cause or knowingly permit the person's
20 child or ward under the age of eighteen years to drive a motor
21 vehicle upon any highway when the minor is not authorized
22 under this ~~section-or-in-violation-of-this~~ chapter.

23 Sec. 40. Section 321.279, subsection 1, Code 2001, is
24 amended to read as follows:

25 1. The driver of a motor vehicle commits a serious
26 misdemeanor if the driver willfully fails to bring the motor
27 vehicle to a stop or otherwise eludes or attempts to elude a
28 marked official law enforcement vehicle driven by a uniformed
29 peace officer after being given a visual and audible signal to
30 stop. The signal given by the peace officer shall be by
31 flashing red light, or by flashing red and blue lights, and
32 siren. For purposes of this section, "peace officer" means
33 those officers designated under section 801.4, subsection 11,
34 paragraphs "a", "b", "c", "g", and "h".

35 Sec. 41. Section 321.560, subsection 1, paragraph b, Code

1 2001, is amended to read as follows:

2 b. A temporary restricted permit may be issued pursuant to
3 section 321J.4, subsection 9, to a person declared to be a
4 habitual offender due to a combination of the offenses listed
5 under section 321.555, subsection 1, paragraph "b" ~~or~~ and "c".

6 Sec. 42. Section 321J.17, subsection 2, unnumbered
7 paragraph 2, Code 2001, is amended to read as follows:

8 The court or department may request that the community
9 college or substance abuse treatment providers licensed under
10 chapter 125 conducting the course for drinking drivers ~~which~~
11 that the person is ordered to attend immediately report to the
12 court or department that the person has successfully completed
13 the course for drinking drivers. The court or department may
14 request that the treatment program which the person attends
15 periodically report on the defendant's attendance and
16 participation in the program, as well as the status of
17 treatment or rehabilitation.

18 Sec. 43. Section 322C.2, subsections 4 and 7, Code 2001,
19 are amended by striking the subsections.

20 Sec. 44. Section 331.756, subsection 5, Code 2001, is
21 amended to read as follows:

22 5. Enforce all forfeited bonds and recognizances and
23 prosecute all proceedings necessary for the recovery of debts,
24 revenues, moneys, fines, penalties, restitution of court-
25 appointed attorney fees ~~or~~ ordered pursuant to section 815.9,
26 including the expense of a public defender, and forfeitures
27 accruing to the state, the county or a road district in the
28 county, and all suits in the county against public service
29 corporations which are brought in the name of the state. To
30 assist in this duty, the county attorney may procure
31 professional collection services provided by persons or
32 organizations, including private attorneys, which are
33 generally considered to have knowledge and special abilities
34 which are not generally available to state or local government
35 or may designate another county official or agency to assist

1 with collection efforts.

2 If professional collection services are procured, the
3 county attorney shall file with the clerk of the district
4 court an indication of the satisfaction of each obligation to
5 the full extent of all moneys collected in satisfaction of
6 that obligation, including all fees and compensation retained
7 by the collection service incident to the collection and not
8 paid into the office of the clerk.

9 Before a county attorney designates another county official
10 or agency to assist with collection of debts, revenues,
11 moneys, fines, penalties, restitution of court-appointed
12 attorney fees or ordered pursuant to section 815.9, including
13 the expense of a public defender, and forfeitures, the board
14 of supervisors of the county must approve the designation.

15 All fines, penalties, court costs, fees, and restitution
16 for court-appointed attorney fees or ordered pursuant to
17 section 815.9, including the expenses of a public defender
18 which are delinquent as defined in section 602.8107 may be
19 collected by the county attorney or the person procured or
20 designated by the county attorney. In order to receive a
21 percentage of the amounts collected pursuant to section
22 602.8107, the county attorney must file annually with the
23 clerk of the district court on or before July 1 a notice of
24 full commitment to collect delinquent obligations and must
25 file on the first day of each month a list of the cases in
26 which the county attorney or the person procured or designated
27 by the county attorney is pursuing the collection of
28 delinquent obligations. The annual notice shall contain a
29 list of procedures which will be initiated by the county
30 attorney. Amounts collected by the county attorney or the
31 person procured or designated by the county attorney shall be
32 distributed in accordance with section 602.8107.

33 Sec. 45. Section 403.6, subsection 17, Code 2001, is
34 amended to read as follows:

35 17. Subject to applicable state or federal regulations in

1 effect at the time of the city municipal action, accept
2 contributions, grants, and other financial assistance from the
3 state or federal government to be used upon a finding of
4 public purpose for grants, loans, loan guarantees, interest
5 supplements, technical assistance, or other assistance as
6 necessary or appropriate to private persons for an urban
7 renewal project.

8 Sec. 46. Section 403.17, subsection 10, Code 2001, is
9 amended to read as follows:

10 10. "Economic development area" means an area of a
11 municipality designated by the local governing body as
12 appropriate for commercial and industrial enterprises, public
13 improvements related to housing and residential development,
14 or construction of housing and residential development for low
15 and moderate income families, including single or multifamily
16 housing. If an urban renewal plan for an urban renewal area
17 is based upon a finding that the area is an economic
18 development area and that no part contains slum or blighted
19 conditions, then the division of revenue provided in section
20 403.19 and stated in the plan shall be limited to twenty years
21 from the calendar year following the calendar year in which
22 the city municipality first certifies to the county auditor
23 the amount of any loans, advances, indebtedness, or bonds
24 which qualify for payment from the division of revenue
25 provided in section 403.19. Such designated area shall not
26 include agricultural land, including land which is part of a
27 century farm, unless the owner of the agricultural land or
28 century farm agrees to include the agricultural land or
29 century farm in the urban renewal area. For the purposes of
30 this subsection, "century farm" means a farm in which at least
31 forty acres of such farm have been held in continuous
32 ownership by the same family for one hundred years or more.

33 Sec. 47. Section 404A.3, subsection 2, unnumbered
34 paragraph 1, Code 2001, is amended to read as follows:

35 The state historic preservation office shall establish

1 selection criteria and standards for rehabilitation projects
2 involving eligible property. The main emphasis of the
3 standards shall be to ensure that a rehabilitation project
4 maintains the integrity of the eligible property. To the
5 extent applicable, the standards shall be consistent with the
6 standards of the United States secretary of the interior for
7 rehabilitation of eligible property that is listed on the
8 national register of historic places or is designated as of
9 historic significance to a district listed in the national
10 register of historic places or shall be consistent with
11 standards for issuance of certificates of ~~appropriation~~
12 appropriateness under sections 303.27 through 303.32.

13 Sec. 48. Section 422.4, subsection 2, paragraph c, Code
14 2001, is amended by striking the paragraph.

15 Sec. 49. Section 422.45, subsection 2, Code 2001, is
16 amended to read as follows:

17 2. The gross receipts from the sales, furnishing, or
18 service of transportation service except the rental of
19 recreational vehicles or recreational boats, except the rental
20 of motor vehicles subject to registration which are registered
21 for a gross weight of thirteen tons or less for a period of
22 sixty days or less, and except the rental of aircraft for a
23 period of sixty days or less. This exemption does not apply
24 to the transportation of electric energy. This exemption does
25 not apply to the transportation of natural gas.

26 Sec. 50. Section 422.45, subsection 24, unnumbered
27 paragraph 2, Code 2001, is amended by striking the unnumbered
28 paragraph.

29 Sec. 51. Section 422.52, subsection 4, Code 2001, is
30 amended to read as follows:

31 4. The tax by this division imposed upon those sales of
32 motor vehicle fuel which are subject to tax and refund under
33 chapter 452A shall be collected by the ~~state-treasurer~~
34 department by way of deduction from refunds otherwise
35 allowable under said chapter. The amount of such deductions

1 the ~~treasurer department~~ shall transfer from the motor vehicle
2 fuel fund to the special tax fund.

3 Sec. 52. Section 422B.1, subsection 6, paragraph b, Code
4 2001, is amended to read as follows:

5 b. Within ten days of the election at which a majority of
6 those voting on the question favors the imposition, repeal, or
7 change in the rate of a local option tax, the county auditor
8 shall give written notice of the result of the election by
9 sending a copy of the abstract of the votes from the favorable
10 election to the director of revenue and finance or, in the
11 case of a local vehicle tax, to the director of the department
12 of transportation, ~~of the result of the election.~~

13 Sec. 53. Section 426B.1, subsection 2, paragraphs a and b,
14 Code 2001, are amended by striking the paragraphs.

15 Sec. 54. Section 427.2A, unnumbered paragraph 3, Code
16 2001, is amended by striking the unnumbered paragraph.

17 Sec. 55. Section 432.1, unnumbered paragraph 1, Code 2001,
18 is amended to read as follows:

19 Every insurance company or association of whatever kind or
20 character, not including fraternal beneficiary associations,
21 and nonprofit hospital and medical service corporations,
22 shall, as required by law, pay to the director of the
23 department of revenue and finance, or to a depository
24 designated by the director, as taxes, an amount equal to the
25 following, except that the premium tax applicable to county
26 mutual insurance associations shall be governed by section
27 518.18:

28 Sec. 56. Section 455B.190A, subsections 3 and 6, Code
29 2001, are amended by striking the subsections.

30 Sec. 57. Section 455B.190A, subsection 4, Code 2001, is
31 amended to read as follows:

32 4. The department shall develop, ~~in consultation with the~~
33 ~~well contractors' council~~, a consumer information pamphlet
34 regarding well construction, well maintenance, well plugging,
35 and Iowa groundwater laws. The department ~~and the council~~

1 shall review and revise the consumer information pamphlet as
2 necessary. The consumer information pamphlet shall be
3 supplied to well contractors, at cost, and well contractors
4 shall supply one copy at no cost to potential customers prior
5 to initiation of well services.

6 Sec. 58. Section 455B.190A, subsection 5, unnumbered
7 paragraph 1, Code 2001, is amended to read as follows:

8 The department shall establish by rule and collect, ~~in~~
9 ~~consultation with the well contractors' council,~~ the following
10 fees to be used to implement and administer the provisions of
11 this section:

12 Sec. 59. Section 455B.601, subsection 2, paragraph b, Code
13 2001, is amended to read as follows:

14 b. A responsible person has executed a remediation
15 agreement with the ~~remediation~~ agricultural reimbursement
16 board and the responsible person is remediating or has
17 remediated the site pursuant to a plan of remediation as
18 provided in chapter 161.

19 Sec. 60. Section 455E.11, subsection 2, paragraph b,
20 subparagraph (1), Code 2001, is amended to read as follows:

21 (1) Nine thousand dollars of the account is appropriated
22 to the Iowa department of public health for carrying out the
23 departmental duties under section 135.11, subsections 20 and
24 21, and section ~~139A.31~~ 139A.21.

25 Sec. 61. Section 476.66, subsections 1 and 7, Code 2001,
26 are amended to read as follows:

27 1. The utilities board shall adopt rules which shall
28 require each electric and gas public utility to establish a
29 fund whose purposes shall include the receiving of
30 contributions to assist the utility's low-income customers
31 with weatherization measures to improve energy efficiency
32 related to winter heating and summer cooling, and to
33 supplement the energy assistance received under the federal
34 low-income heating home energy assistance program for the
35 payment of winter heating electric or gas utility bills.

1 7. Existing programs to receive customer contributions
2 established by public utilities shall be construed to meet the
3 requirements of this section. Such plans shall be subject to
4 review by the utilities board. ~~If determined not to be in~~
5 ~~compliance with the provisions of this section, they shall be~~
6 ~~given until July 1989 to modify their operation so as to be in~~
7 ~~compliance.~~

8 Sec. 62. Section 486A.1102, subsection 2, Code 2001, is
9 amended to read as follows:

10 2. The agent of a foreign limited liability company
11 partnership for service of process must be an individual who
12 is a resident of this state or other person authorized to do
13 business in this state.

14 Sec. 63. Section 511.8, subsection 22, paragraph d, Code
15 2001, is amended to read as follows:

16 d. Investments in financial instruments used in hedging
17 transactions are not eligible in excess of ten percent of the
18 legal reserve, except insofar as the financial instruments are
19 collateralized by cash or United States government obligations
20 as authorized by subsection 1 deposited with a custodian bank
21 as defined in subsection 21, and held under a written
22 agreement with the custodian bank that complies with
23 subsection 21 and provides for the proceeds of the collateral,
24 subject to the terms and conditions of the applicable
25 collateral or other credit support agreement, to be remitted
26 to the legal reserve deposit of the company or association and
27 to vest in the state in accordance with section 508.18
28 whenever proceedings under this that section are instituted.

29 Sec. 64. Section 514.3, Code 2001, is amended to read as
30 follows:

31 514.3 APPROVAL BY COMMISSIONER.

32 The articles of incorporation, and any subsequent
33 amendments, of a corporation shall have endorsed on or annexed
34 to those articles or amendments the approval of the
35 commissioner of insurance before the same shall be filed for

1 record. A corporation shall file with the commissioner bylaws
2 and subsequent amendments to the bylaws within thirty days of
3 the adoption of the bylaws and amendments.

4 Sec. 65. Section 515.24, Code 2001, is amended to read as
5 follows:

6 515.24 TAX -- COMPUTATION.

7 For the purpose of determining the basis of any tax upon
8 the "gross amount of premiums", or "gross receipts from
9 premiums, assessments, fees, and promissory obligations", now
10 or hereafter imposed upon any fire or casualty insurance
11 company under any law of this state, such gross amount or
12 gross receipts shall consist of the gross premiums or receipts
13 for direct insurance, without including or deducting any
14 amounts received or paid for reinsurance except that any
15 company reinsuring windstorm or hail risks written by county
16 mutual insurance associations shall be required to pay a two
17 percent tax on the gross amount of reinsurance premiums
18 received upon such risks, but with such other deductions as
19 provided by law, and in addition deducting any so-called
20 dividend or return of savings or gains to policyholders;
21 provided that as to any deposits or deposit premiums received
22 by any such company, the taxable premiums shall be the portion
23 of such deposits or deposit premiums earned during the year
24 with such deductions therefrom as provided by law.

25 Sec. 66. Section 518.17, unnumbered paragraph 2, Code
26 2001, is amended to read as follows:

27 Reinsurance sufficient to protect the financial stability
28 of the state mutual insurance association is also required.
29 Reinsurance coverage obtained by a county mutual insurance
30 association shall not expose the association to losses from
31 coverages written pursuant to this chapter of more than
32 fifteen percent from surplus in any calendar year. The
33 commissioner of insurance may require additional reinsurance
34 if necessary to protect the policyholders of the association.

35 Sec. 67. Section 515F.3, subsection 6, Code 2001, is

1 amended to read as follows:

2 6. Insurance written by a county mutual insurance
3 association as provided in chapter 518A 518.

4 Sec. 68. Section 536A.12, subsection 1, Code 2001, is
5 amended to read as follows:

6 1. Each such license remains in full force and effect
7 until surrendered, revoked, or suspended, or until there is a
8 change of control on or after January 1, 1996. A licensee, on
9 or before the second day of January, shall pay to the
10 superintendent the sum of two hundred fifty dollars as an
11 annual license fee for the succeeding calendar year. When a
12 licensee changes its place of business from one location to
13 another in the same city, it shall at once give written notice
14 to the superintendent who shall attach to the license in
15 writing the superintendent's record of the change and the date
16 of the change, which is authority for the operation of the
17 business under that license at the new place of business.

18 Sec. 69. Section 536A.30, subsection 4, Code 2001, is
19 amended to read as follows:

20 4. Section 536A.12, to the extent it requires a licensee
21 to pay an annual license fee which, when combined with that
22 required in section 536A.7, is in excess of ~~ten~~ two hundred
23 fifty dollars.

24 Sec. 70. Section 537A.10, subsection 5, paragraph b,
25 subparagraph (2), Code 2001, is amended to read as follows:

26 (2) If pursuant to such a transfer ~~less-than~~ fifty percent
27 or less of the entire franchise would be owned by persons who
28 meet the franchisor's reasonable current qualifications, the
29 franchisor may refuse to authorize the transfer, provided that
30 enforcement of the reasonable current qualifications is not
31 arbitrary or capricious.

32 Sec. 71. Section 543D.2, Code 2001, is amended to read as
33 follows:

34 543D.2 DEFINITIONS.

35 As used in this chapter, unless the context otherwise

1 requires:

2 1. "Appraisal" or "real estate appraisal" means an
3 analysis, opinion, or conclusion relating to the nature,
4 quality, value, or utility of specified interests in, or
5 aspects of, identified real estate. An appraisal may be
6 classified by subject matter into either a valuation or an
7 analysis. A "valuation" is an estimate of the value of real
8 estate or real property. An "analysis" is a study of real
9 estate or real property other than estimating value.

10 2. "Appraisal assignment" means an engagement for which an
11 appraiser is employed or retained to act, or would be
12 perceived by third parties or the public as acting as a
13 disinterested third party in rendering an appraisal,
14 valuation, or analysis.

15 3. "Appraisal foundation" means the appraisal foundation
16 incorporated as an Illinois not-for-profit corporation on
17 November 30, 1987.

18 4. "Appraisal report" means any written communication of
19 an appraisal.

20 ~~5. "Associate real estate appraiser" means a person who~~
21 ~~may not yet fully meet the requirements for certification but~~
22 ~~who is providing significant input into the appraisal~~
23 ~~development under the direction of a certified appraiser.~~

24 6. 5. "Board" means the real estate appraiser examining
25 board established pursuant to this chapter.

26 7. 6. "Certified appraisal or certified appraisal report"
27 means an appraisal or appraisal report given or signed and
28 certified as an appraisal or appraisal report by an Iowa
29 certified real estate appraiser.

30 8. 7. A "certified real estate appraiser" means a person
31 who develops and communicates real estate appraisals and who
32 holds a current, valid certificate for appraisals of types of
33 real estate which may include residential, commercial, or
34 rural real estate, as may be established under this chapter.

35 8. "Real property appraiser trainee" means a person who

1 may not yet fully meet the requirements for certification but
2 who is providing significant input into the appraisal
3 development under the direction of the certified appraiser.

4 9. "Review appraiser" means a person who is responsible
5 for the administrative approval of the appraised value of real
6 property or assures that appraisal reports conform to the
7 requirements of law and policy, or that the value of real
8 property estimated by appraisers represents adequate security,
9 fair market value, or other defined value.

10 10. "Specialized services" means a hypothetical or other
11 special valuation, or an analysis or an appraisal which does
12 not fall within the definition of an appraisal assignment.

13 Sec. 72. Section 543D.7, Code 2001, is amended to read as
14 follows:

15 543D.7 CERTIFICATION PROCESS.

16 ~~1-~~ Applications for original certification, renewal
17 certification, and examinations shall be made ~~in-writing~~ to
18 the board on forms approved by the board.

19 ~~2--Until-the-board-has-adopted-final-rules-to-implement~~
20 ~~this-chapter, the-board-may-issue-interim-annual-certification~~
21 ~~to-qualified-applicants.--No-interim-annual-certifications-may~~
22 ~~be-issued-or-renewed-following-the-publication-of-final~~
23 ~~certification-rules-by-the-board-~~

24 Sec. 73. Section 543D.15, subsection 2, Code 2001, is
25 amended to read as follows:

26 2. The term "associate real estate property appraiser
27 trainee" shall only be used to refer to individuals who do not
28 yet fully meet the requirements for certification but who
29 provide significant input into the appraisal development under
30 the direction of a certified appraiser.

31 Sec. 74. Section 543D.19, subsections 1 and 2, Code 2001,
32 are amended to read as follows:

33 1. A certified real estate appraiser shall retain for
34 three years, originals or true copies of all written contracts
35 engaging the appraiser's services for real estate appraisal

1 work and all reports and supporting data assembled and
2 formulated for use by the appraiser or the associate real
3 property appraiser trainee in preparing the reports.

4 2. The three-year five-year period for retention of
5 records is applicable to each engagement of the services of a
6 certified real estate appraiser and shall commence upon the
7 date of the submission of the appraisal to the client unless,
8 within the three-year five-year period, the appraiser is
9 notified that the appraisal or report is involved in
10 litigation, in which event the three-year five-year period for
11 the retention of records shall commence upon the date of the
12 final disposition of the litigation.

13 Sec. 75. Section 554D.120, subsections 2 and 3, Code 2001,
14 are amended to read as follows:

15 2. Except as otherwise provided in section 554D.114,
16 subsection 6, on or before July 1, 2003, a state executive
17 branch agency, department, board, commission, authority, or
18 institution, in consultation and cooperation with the ~~division~~
19 ~~of information technology services-of-the~~ department of
20 ~~general-services~~, shall send and accept electronic records and
21 electronic signatures to and from other persons and otherwise
22 create, generate, communicate, store, process, use, and rely
23 upon electronic records and signatures. The department of
24 management, upon the written request of a state executive
25 branch agency, department, board, commission, authority, or
26 institution and for good cause shown, may grant a waiver from
27 the July 1, 2003, deadline established in this section to the
28 state executive branch agency, department, board, commission,
29 authority, or institution.

30 3. To the extent that a governmental agency of this state
31 uses electronic records and electronic signatures under
32 subsection 1 or 2, the office of the secretary of state and
33 the ~~division-of~~ information technology ~~services-of-the~~
34 ~~department of-general-services~~, jointly, and in consultation
35 with the office of the attorney general, giving due

1 consideration to security, may specify by rule all of the
2 following:

3 Sec. 76. Section 595.13, Code 2001, is amended to read as
4 follows:

5 595.13 CERTIFICATE -- RETURN.

6 After the marriage has been solemnized, the officiating
7 minister or magistrate shall attest to the marriage on the
8 blank provided for that purpose and return the certificate of
9 marriage within fifteen days to the county registrar who
10 issued the marriage license ~~upon-the-blank-provided-for-that~~
11 ~~purpose.~~

12 Sec. 77. Section 692A.7, subsection 1, Code 2001, is
13 amended to read as follows:

14 1. A person required to register under this chapter who
15 knowingly violates any requirements specified under sections
16 692A.2 through 692A.4 commits an aggravated misdemeanor for a
17 first offense and a class "D" felony for a second or
18 subsequent offense. However, a person required to register
19 under this chapter who knowingly violates any of the
20 requirements specified under sections 692A.2 through 692A.4
21 and who commits a criminal offense against a minor, sexual
22 exploitation, an other relevant offense, or a sexually violent
23 offense is guilty of a class "C" felony. Any fine imposed for
24 a second or subsequent violation shall not be suspended. The
25 court shall not defer judgment or sentence for any violation
26 of any requirements specified under sections 692A.2 through
27 692A.4. A knowing violation ~~of~~ by a person who is on
28 probation, parole, work release, or any other form of release
29 ~~to-comply-with~~ of any requirements specified under sections
30 692A.2 through 692A.4 shall result in the automatic revocation
31 of the person's probation, parole, or work release.

32 Sec. 78. Section 692A.13, subsection 3, paragraph c,
33 subparagraph (1), Code 2001, is amended to read as follows:

34 (1) Persons who commit a criminal offense against a minor,
35 an aggravated offense, sexual exploitation, a sexually violent

1 offense, or an other relevant offense on or after the
2 ~~effective-date-of-this-Act~~ July 1, 1999, and who have been
3 assessed to be "moderate-risk" or "high-risk".

4 Sec. 79. Section 714.16, subsection 2, paragraph n,
5 subparagraph (1), unnumbered paragraph 1, Code 2001, is
6 amended to read as follows:

7 It is an unlawful practice for a person to misrepresent the
8 geographic location of a supplier ~~or~~ of a service or product
9 by listing a fictitious business name or an assumed business
10 name in a local telephone directory or directory assistance
11 database if all of the following apply:

12 Sec. 80. Section 805.8, subsection 2, paragraph ah, Code
13 2001, is amended to read as follows:

14 ah. If, in connection with a motor vehicle accident, a
15 person is charged and found guilty of a violation of section
16 321.20B, subsection 1, the scheduled fine is five hundred
17 dollars, otherwise the scheduled fine for a violation of
18 section 321.20B, subsection 1, is two hundred fifty dollars.
19 Notwithstanding section 805.12, fines collected pursuant to
20 this paragraph shall be submitted to the state court
21 administrator and distributed fifty percent to the victim
22 compensation fund established in section ~~912.14~~ 915.94,
23 twenty-five percent to the county in which such fine is
24 imposed, and twenty-five percent to the general fund of the
25 state.

26 Sec. 81. Section 910.1, subsection 4, Code 2001, is
27 amended to read as follows:

28 4. "Restitution" means payment of pecuniary damages to a
29 victim in an amount and in the manner provided by the
30 offender's plan of restitution. "Restitution" also includes
31 fines, penalties, and surcharges, the contribution of funds to
32 a local anticrime organization which provided assistance to
33 law enforcement in an offender's case, the payment of crime
34 victim compensation program reimbursements, payment of
35 restitution to public agencies pursuant to section 321J.2,

1 subsection 9, paragraph "b", court costs including
2 correctional fees approved pursuant to section 356.7, court-
3 appointed-~~attorney's~~ attorney fees, or ordered pursuant to
4 section 815.9, including the expense of a public defender, and
5 the performance of a public service by an offender in an
6 amount set by the court when the offender cannot reasonably
7 pay all or part of the court costs including correctional fees
8 approved pursuant to section 356.7, court-appointed ~~attorney's~~
9 attorney fees, or ordered pursuant to section 815.9, including
10 the expense of a public defender.

11 Sec. 82. Section 910.2, Code 2001, is amended to read as
12 follows:

13 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE ORDERED BY
14 SENTENCING COURT.

15 In all criminal cases in which there is a plea of guilty,
16 verdict of guilty, or special verdict upon which a judgment of
17 conviction is rendered, the sentencing court shall order that
18 restitution be made by each offender to the victims of the
19 offender's criminal activities, to the clerk of court for
20 fines, penalties, surcharges, and, to the extent that the
21 offender is reasonably able to pay, for crime victim
22 assistance reimbursement, restitution to public agencies
23 pursuant to section 321J.2, subsection 9, paragraph "b", court
24 costs including correctional fees approved pursuant to section
25 356.7, court-appointed ~~attorney's~~ attorney fees ordered
26 pursuant to section 815.9, including the expense of a public
27 defender, when applicable, or contribution to a local
28 anticrime organization. However, victims shall be paid in
29 full before fines, penalties, and surcharges, crime victim
30 compensation program reimbursement, public agencies, court
31 costs including correctional fees approved pursuant to section
32 356.7, court-appointed ~~attorney's~~ attorney fees, ordered
33 pursuant to section 815.9, including the expenses of a public
34 defender, or contributions to a local anticrime organization
35 are paid. In structuring a plan of restitution, the court

1 shall provide for payments in the following order of priority:
2 victim, fines, penalties, and surcharges, crime victim
3 compensation program reimbursement, public agencies, court
4 costs including correctional fees approved pursuant to section
5 356.7, court-appointed attorney's attorney fees, ~~or~~ ordered
6 pursuant to section 815.9, including the expense of a public
7 defender, and contribution to a local anticrime organization.

8 When the offender is not reasonably able to pay all or a
9 part of the crime victim compensation program reimbursement,
10 public agency restitution, court costs including correctional
11 fees approved pursuant to section 356.7, court-appointed
12 attorney's attorney fees, ordered pursuant to section 815.9,
13 including the expense of a public defender, or contribution to
14 a local anticrime organization, the court may require the
15 offender in lieu of that portion of the crime victim
16 compensation program reimbursement, public agency restitution,
17 court costs including correctional fees approved pursuant to
18 section 356.7, court-appointed attorney's attorney fees,
19 ordered pursuant to section 815.9, including the expense of a
20 public defender, or contribution to a local anticrime
21 organization for which the offender is not reasonably able to
22 pay, to perform a needed public service for a governmental
23 agency or for a private nonprofit agency which provides a
24 service to the youth, elderly, or poor of the community. When
25 community service is ordered, the court shall set a specific
26 number of hours of service to be performed by the offender
27 which, for payment of court-appointed attorney's attorney fees
28 or ordered pursuant to section 815.9, including the expenses
29 of a public defender, shall be approximately equivalent in
30 value to those costs. The judicial district department of
31 correctional services shall provide for the assignment of the
32 offender to a public agency or private nonprofit agency to
33 perform the required service.

34 Sec. 83. Section 910.3, Code 2001, is amended to read as
35 follows:

1 910.3 DETERMINATION OF AMOUNT OF RESTITUTION.

2 The county attorney shall prepare a statement of pecuniary
3 damages to victims of the defendant and, if applicable, any
4 award by the crime victim compensation program and expenses
5 incurred by public agencies pursuant to section 321J.2,
6 subsection 9, paragraph "b", and shall provide the statement
7 to the presentence investigator or submit the statement to the
8 court at the time of sentencing. The clerk of court shall
9 prepare a statement of court-appointed attorney's attorney
10 fees, ordered pursuant to section 815.9, including the expense
11 of a public defender, and court costs including correctional
12 fees claimed by a sheriff pursuant to section 356.7, which
13 shall be provided to the presentence investigator or submitted
14 to the court at the time of sentencing. If these statements
15 are provided to the presentence investigator, they shall
16 become a part of the presentence report. If pecuniary damage
17 amounts are not available at the time of sentencing, the
18 county attorney shall provide a statement of pecuniary damages
19 incurred up to that time to the clerk of court. The statement
20 shall be provided no later than thirty days after sentencing.
21 If a defendant believes no person suffered pecuniary damages,
22 the defendant shall so state. If the defendant has any mental
23 or physical impairment which would limit or prohibit the
24 performance of a public service, the defendant shall so state.
25 The court may order a mental or physical examination, or both,
26 of the defendant to determine a proper course of action. At
27 the time of sentencing or at a later date to be determined by
28 the court, the court shall set out the amount of restitution
29 including the amount of public service to be performed as
30 restitution and the persons to whom restitution must be paid.
31 If the full amount of restitution cannot be determined at the
32 time of sentencing, the court shall issue a temporary order
33 determining a reasonable amount for restitution identified up
34 to that time. At a later date as determined by the court, the
35 court shall issue a permanent, supplemental order, setting the

1 full amount of restitution. The court shall enter further
2 supplemental orders, if necessary. These court orders shall
3 be known as the plan of restitution.

4 Sec. 84. Section 910.9, unnumbered paragraph 3, Code 2001,
5 is amended to read as follows:

6 Fines, penalties, and surcharges, crime victim compensation
7 program reimbursement, public agency restitution, court costs
8 including correctional fees claimed by a sheriff pursuant to
9 section 356.7, court-appointed attorney's attorney fees, and
10 ordered pursuant to section 815.9, including the expenses for
11 public defenders, shall not be withheld by the clerk of court
12 until all victims have been paid in full. Payments to victims
13 shall be made by the clerk of court at least quarterly.

14 Payments by a clerk of court shall be made no later than the
15 last business day of the quarter, but may be made more often
16 at the discretion of the clerk of court. The clerk of court
17 receiving final payment from an offender shall notify all
18 victims that full restitution has been made. Each office or
19 individual charged with supervising an offender who is
20 required to perform community service as full or partial
21 restitution shall keep records to assure compliance with the
22 portions of the plan of restitution and restitution plan of
23 payment relating to community service and, when the offender
24 has complied fully with the community service requirement,
25 notify the sentencing court.

26 Sec. 85. Sections 444.25A, 444.25B, 444.26, and 444.27,
27 Code 2001, are repealed.

28 Sec. 86. 2000 Iowa Acts, chapter 1148, section 1, is
29 amended to read as follows:

30 SECTION 1. COUNTY SYSTEM FOR DATA STORAGE AND RETRIEVAL.

31 1. Chapters 6B, ~~10A~~, 11, 12B, ~~24~~, 35B, 43, 50, 62, 64, 65,
32 66, 69, 96, 99, ~~124E~~-~~144~~, 147, ~~161A~~, 177A, 230, 257B, ~~306~~,
33 ~~309~~, 311, 317, ~~321A~~, 347B, 353, ~~354~~, 357, 357C, ~~357D~~-~~357E~~,
34 ~~357F~~-~~357G~~, 358, ~~358E~~, 359, 359A, 380, 384, ~~386~~, 420, ~~422~~,
35 ~~424~~-~~425~~, 426A, 428, 433, 434, ~~435~~, 436, ~~437~~-~~437A~~, 438, 440,

1 441, 443, 444, 448, 449, 455I, 468, 556F, 557C, 558, 561, 595,
2 614, and 658, and-717B, Code 1999 and Code Supplement 1999,
3 are amended by adding the following new definition:

4 NEW DEFINITION. As used in this chapter, unless the
5 context otherwise requires, "list", "book", "record", or
6 "schedule" kept by a county auditor, assessor, treasurer,
7 recorder, sheriff, or other county officer means the county
8 system as defined in section 445.1.

9 2. The Code editor is directed ~~to add the definition~~
10 ~~prescribed in subsection 1 to the definition sections of,~~ for
11 each chapter listed ~~or, if a definition section does not~~
12 ~~exist,~~ to create a definition section including the definition
13 prescribed in subsection 1 for the chapter in the Code of
14 Iowa, 2001.

15 Sec. 87. 2000 Iowa Acts, chapter 1148, is amended by
16 adding the following new sections:

17 SECTION 1A. COUNTY SYSTEM FOR DATA STORAGE AND RETRIEVAL.

18 1. Sections 10A.101, 24.2, 124C.1, 144.1, 161A.3, 306.2,
19 309.1, 321A.1, 354.2, 357D.1, 357E.1, 357F.1, 357G.1, 358C.1,
20 386.1, 422.3, 424.2, 437.1, 437A.3, and 455I.1, Code 1999 and
21 Code Supplement 1999, are amended by adding the following new
22 definition:

23 NEW DEFINITION. "Book", "list", "schedule", or "record"
24 kept by a county auditor, assessor, treasurer, recorder,
25 sheriff, or other county officer means the county system as
26 defined in section 445.1.

27 2. The Code editor is directed to add the definition
28 prescribed in subsection 1 to the definitions in each section
29 listed for the Code of Iowa, 2001.

30 SECTION 1B. COUNTY SYSTEM FOR DATA STORAGE AND RETRIEVAL.

31 1. Sections 425.11, 435.1, and 717B.1, Code 1999 and Code
32 Supplement 1999, are amended by adding the following new
33 definition:

34 NEW DEFINITION. Unless the context otherwise requires,
35 "book", "list", "schedule", or "record" kept by a county

1 auditor, assessor, treasurer, recorder, sheriff, or other
2 county officer means the county system as defined in section
3 445.1.

4 2. The Code editor is directed to add the definition
5 prescribed in subsection 1 to the definitions in each section
6 listed for the Code of Iowa, 2001.

7 Sec. 88. 2000 Iowa Acts, chapter 1213, section 1, is
8 amended to read as follows:

9 SECTION 1. Section 15.333, subsection 1, Code Supplement
10 1999, is amended to read as follows:

11 1. An eligible business may claim a corporate tax credit
12 up to a maximum of ten percent of the new investment which is
13 directly related to new jobs created by the location or
14 expansion of an eligible business under the program. Any
15 credit in excess of the tax liability for the tax year may be
16 credited to the tax liability for the following seven years or
17 until depleted, whichever occurs earlier. Subject to prior
18 approval by the department of economic development in
19 consultation with the department of revenue and finance, an
20 eligible business whose project primarily involves the
21 production of value-added agricultural products may elect to
22 receive a refund of all or a portion of an unused tax credit.
23 The refund may be used against a tax liability imposed under
24 chapter 422, division II, III, or V. If the business is a
25 partnership, subchapter S corporation, limited liability
26 company, or estate or trust electing to have the income taxed
27 directly to the individual, an individual may claim the tax
28 credit allowed. The amount claimed by the individual shall be
29 based upon the pro rata share of the individual's earnings of
30 the partnership, subchapter S corporation, limited liability
31 company, or estate or trust. For purposes of this section,
32 "new investment directly related to new jobs created by the
33 location or expansion of an eligible business under the
34 program" means the cost of machinery and equipment, as defined
35 in section 427A.1, subsection 1, paragraphs "e" and "j",

1 purchased for use in the operation of the eligible business,
2 the purchase price of which has been depreciated in accordance
3 with generally accepted accounting principles, and the cost of
4 improvements made to real property which is used in the
5 operation of the eligible business and which receives a
6 partial property tax exemption for the actual value added
7 under section 15.332.

8 1A. An eligible business whose project primarily involves
9 the production of value-added agricultural products, that
10 elects to receive a refund of all or a portion of an unused
11 tax credit, shall apply to the department of economic
12 development for tax credit certificates. An eligible business
13 whose project primarily involves the production of value-added
14 agricultural products shall not claim a tax credit under this
15 section unless a tax credit certificate issued by the
16 department of economic development is attached to the
17 taxpayer's tax return for the tax year during for which the
18 tax credit is claimed. A tax credit certificate shall not be
19 valid until the tax year following the date of the project
20 completion. A tax credit certificate shall contain the
21 taxpayer's name, address, tax identification number, the date
22 of project completion, the amount of the tax credit, other
23 information required by the department of revenue and finance.
24 The department of economic development shall not issue tax
25 credit certificates which total more than four million dollars
26 during a fiscal year. If the department receives applications
27 for tax credit certificates in excess of four million dollars,
28 the applicants shall receive certificates for a prorated
29 amount. The tax credit certificates shall not be transferred.

30 Sec. 89. 2000 Iowa Acts, chapter 1228, section 37, is
31 amended to read as follows:

32 SEC. 37. 1991 Iowa Acts, chapter 169, section 9, as
33 amended by 1996 Iowa Acts, chapter 1071, section 1, is
34 repealed.

35 On or before December 15, 2000, the prevention of

1 disabilities policy council shall submit a report to the
2 governor and the general assembly providing findings and
3 recommendations regarding the activities and duties of the
4 commission council and the need for its continuation.

5 Sec. 90. EFFECTIVE DATES.

6 1. Section 6, being deemed of immediate importance, takes
7 effect upon enactment and applies retroactively to April 25,
8 2000.

9 2. Section 49, being deemed of immediate importance, takes
10 effect upon enactment and applies retroactively to May 20,
11 1999.

12 3. Section 79, being deemed of immediate importance, takes
13 effect upon enactment and applies retroactively to July 1,
14 2000.

15 4. Section 88 takes effect July 1, 2001.

16 5. Section 89, being deemed of immediate importance, takes
17 effect upon enactment and applies retroactively to May 17,
18 2000.

19 EXPLANATION

20 This bill makes corrections to the Code of Iowa to reflect
21 current practices, to insert omissions, to delete
22 redundancies, inaccuracies, and temporary language, and to
23 resolve inconsistencies and conflicts, to update ongoing
24 provisions, and to remove ambiguities.

25 Code section 10.1. Replaces references to Code chapter 486
26 with references to Code chapter 486A. Code chapter 486 was
27 repealed, and superseded by Code chapter 486A, effective
28 January 1, 2001, as a result of the passage of 1998 Acts,
29 chapter 1201.

30 Code section 13B.4. Adds the words "in juvenile
31 proceedings" to language describing the kinds of action in
32 which the state public defender coordinates the legal
33 representation of indigents. Iowa Code sections 232.141,
34 815.9, and 815.10 provide for the appointment of the state
35 public defender's designee in juvenile matters.

1 Code section 13B.8. Corrects language relating to the
2 appointment and removal of local public defenders and local
3 public defender office staff by clarifying that the removals,
4 and not also the appointments, are for cause.

5 Code section 14B.101. Adds a definition of the term
6 "department" to the chapter relating to the information
7 technology department. Although the chapter contains many
8 references to the term "department", the term was never
9 defined.

10 Code section 14B.105. Corrects language relating to the
11 appointment of the members to the information technology
12 council. Not all of the members, or potential members, listed
13 in Code section 14B.105, subsection 1, paragraph "a",
14 subparagraphs (3) through (7), are appointed by the governor.

15 Code section 15E.195. Replaces "the effective date of this
16 Act" with July 1, 1998. The language that is codified at
17 subsection 2 of this Code section was enacted in section 12 of
18 1998 Acts, chapter 1175, which was effective July 1, 1998,
19 under Code section 3.7, subsection 1.

20 Code section 29A.17. Corrects language relating to the
21 adjutants general and the appointment of aides in the military
22 staff of the governor. Updates to the language of this
23 section made in 2000 Acts, chapter 1020, changed the
24 application of the residency requirement and power of the
25 governor to appoint additional staff.

26 Code section 29A.66. Changes the word "the" to "those" to
27 clarify that it is the powers and duties of the governor, the
28 adjutant general, and the deputy adjutants general that are to
29 be the same for the national guard as the powers and duties
30 are for the Iowa state guard. 2000 Acts, chapter 1020,
31 changed the word "such" to the present word "the".

32 Code section 48A.31. Corrects a reference to the bureau of
33 vital records in a provision relating to the transmission by
34 the state registrar of vital statistics to the state registrar
35 of voters of a list of all persons 17 1/2 years of age and

1 older whose deaths have been reported to the bureau.
2 Code section 56.2. Strikes language in the definition of
3 the term "express advocacy" which was held unconstitutional by
4 the federal 8th Circuit Court in Iowa Right to Life v. Kay
5 Williams et al., Case No. 98-4078.
6 Code section 56.14. Strikes a prohibition relating to the
7 placement of political yard signs which was held
8 unconstitutional in Whitton v. City of Gladstone, 54 F.3d 1400
9 (8th Cir., 1995).
10 Code section 97B.50A. Changes the word "twenty-five" to
11 "the applicable years of service" in language relating to
12 eligibility of special service members for disability benefits
13 under the Iowa public employees' retirement system. Language
14 in Code section 97B.49B, which had previously set the years of
15 service level at 25 years, was amended in 2000 Acts, chapter
16 1077, and the years of service language was changed to depend
17 on when the service member retired.
18 Code section 101.22. Strikes the word "a" and adds the
19 words "an annual" before the words "fee of ten dollars" to
20 coincide with language in the last sentence of the subsection
21 that refers to the "annual renewal fee".
22 Code section 123.39. Changes the words "the chapter" to
23 "this chapter" in language relating to the suspension,
24 revocation, or imposition of a civil penalty against certain
25 licensees under the alcoholic beverages chapter.
26 Code section 135.43. Changes a reference to the division
27 of vital records to the bureau of vital records in language
28 relating to persons on the child death review team. This
29 corrects the name of that bureau and conforms the language to
30 a very similar provision in Code section 135.109. Corrects
31 language in provisions relating to the confidentiality of
32 records and information produced for the child death review
33 team. Nearly identical language is contained in a similar
34 kind of provision, section 135.111, which pertains to the
35 disclosure of confidential records and information to the

1 domestic abuse death review team.

2 Code section 135.110. Adds the words "or convicted" to
3 language relating to the investigations of the relationships
4 between decedent victims and the perpetrators in domestic
5 abuse death cases. "Domestic abuse death" is defined under
6 Code section 135.108 as including deaths caused by either
7 alleged or convicted perpetrators.

8 Code section 137C.7. Strikes obsolete language that
9 related to hotel licenses that were issued and inspections
10 that were conducted by the department of agriculture and land
11 stewardship prior to January 1, 1979. The licenses expire one
12 year from the date of issue and those licensing and inspection
13 functions are now performed by the department of inspections
14 and appeals.

15 Code section 139A.10. Strikes the words "by the
16 magistrate" from language relating to compensation of officers
17 designated to forcibly remove and isolate or quarantine a
18 person infected with a dangerous communicable disease. This
19 provision was previously contained in former Code section
20 139.13 and referred, prior to 1967, to a procedure that was at
21 that time contained in Code chapter 137. In 1967 Acts,
22 chapter 163, section 26, the procedure for applying to the
23 magistrate for the appointment of these officers was
24 eliminated. The procedure is now handled through the local
25 board of health.

26 Code section 139A.30. Changes the word "chapter" to
27 "subchapter" in language relating to the confidentiality of
28 reports which include the identity of persons infected with a
29 sexually transmitted disease or infection. The language from
30 this section previously was contained in former Code section
31 140.3. The provision applied to the contents of that chapter,
32 which is now contained in subchapter II of Code chapter 139A.

33 Code section 159.10. Strikes language relating to the
34 farmers institutes which were abolished in 1998, with the
35 passage of 1998 Acts, chapter 1031.

1 Code section 161.2. Adds the words "are located" to
2 language contained in subsection 9, defining what constitutes
3 a fertilizer site in the agrichemical remediation chapter.
4 This is consistent with the manner in which another definition
5 of "pesticide site" is constructed. Subsection 14 is
6 stricken. That term is not defined in Code section 455B.602.
7 Corrects the use of the name of the agrichemical remediation
8 board in the definition of the term "board" in the
9 agrichemical remediation chapter. This conforms the name to
10 the name as given in Code section 161.3, which is referenced
11 in the definition of the term "board".

12 Code section 161.6. Strikes the word "remediation" and
13 inserts the words "site cleanup" in language relating to the
14 classification and prioritization of contaminated agrichemical
15 sites. The term "active site cleanup" is defined for purposes
16 of that chapter, whereas "active remediation" is not defined.

17 Code section 161.8. Strikes the words "prohibited
18 release", which is not defined in Code section 455B.602, and
19 replaces it with the word "contamination". The latter term is
20 used throughout these provisions, is defined, and appears to
21 accomplish the same purpose as the stricken language.

22 Code section 166D.7. Moves the words "each month" from
23 language relating to standards which must be met for the
24 recertification to occur to language describing what must be
25 done for a swine herd to be certified as free from
26 pseudorabies infection.

27 Code section 166D.10. Corrects an incorrect citation to
28 Code section 166D.9 to reflect the correct citation of Code
29 section 166D.10A in a provision in the pseudorabies chapter
30 which describes the inspection and other requirements which
31 apply to the movement of swine.

32 Code section 166D.10B. Changes the word "swine" to "pigs"
33 in the term "feeder swine". This section relates to what
34 swine can be maintained at approved premises and refers in the
35 balance of the section to "feeder pigs" and "cull swine" as

1 the kinds of swine that may be maintained at that location.

2 Code section 202A.1. Strikes, from the definition of the
3 term "packer" in the chapter relating to livestock marketing
4 practices, a sentence excluding frozen food locker plants from
5 that definition. Code chapter 172 was stricken from the Code
6 by 2000 Acts, chapter 1100, section 2.

7 Code section 207.22. Adds a federal public law number
8 cite, to Pub. L. No. 95-87, to the reference to title IV in
9 the chapter pertaining to coal mining. Title IV is also
10 referenced in Code section 207.21, in conjunction with this
11 public law number, and those references indicate that this
12 public law contains that particular title.

13 Code sections 216A.102 and 476.66. Corrects the name in
14 two references to the low-income home energy assistance
15 program, which is a federal energy assistance program
16 referenced in Code sections 216A.101, 216A.103, 476.20, and
17 476.51. Obsolete language relating to bringing existing
18 utilities into compliance with the customer contribution fund
19 requirements is also deleted in subsection 7 of Code section
20 476.66.

21 Code section 232.141. Changes the word "made" to "paid"
22 and corrects an internal reference in language describing the
23 compensation of court-appointed attorneys in juvenile matters.
24 The first change is consistent with other language within the
25 subsection. The language which provides for the calculation
26 of the county's base cost is found in paragraph "b" of
27 subsection 3 in this section.

28 Code section 256D.1. Changes the word "comprehensive" to
29 "comprehension" in language describing the types of accuracy
30 and fluency skills for which the department of education is to
31 identify diagnostic assessment tools as part of the Iowa early
32 intervention block grant program. This change is consistent
33 with other language found in Code section 256D.2.

34 Code section 272C.3. Adds a reference to Code section
35 455B.219 to correspond to the correction made in Code section

1 272C.4 in this Act.

2 Code section 272C.4. Changes a citation to Code section
3 455B.191 to a citation to Code section 455B.219. Code section
4 272C.1, subsection 6, paragraph "x", refers to the director of
5 the department of natural resources in certifying water
6 treatment operators under Code sections 455B.211 through
7 455B.224.

8 Code section 303.86. Conforms the name of the Iowa state
9 arts council, by striking the word "state", to that name as it
10 is found in Code sections 303.1 and 303.8.

11 Code section 321.219. Strikes the words "section or in
12 violation of this" from this provision which prohibits persons
13 from allowing unauthorized minors to drive. The section does
14 not authorize minors to drive.

15 Code section 321.279. Adds the words "or by flashing red
16 and blue lights" to the provision which describes the warning
17 signal which when given by a peace officer and not obeyed
18 constitutes the offense of eluding a law enforcement vehicle.
19 Peace officer vehicles were permitted to be equipped with blue
20 lights in addition to red lights by 2000 Acts, chapter 1045,
21 sections 2 and 3.

22 Code section 321.560. Changes the word "or" to "and" in
23 language which describes the combination of offenses for which
24 a temporary restricted permit may be issued to a person
25 declared to be a habitual offender of the motor vehicle laws.

26 Code section 321J.17. Adds language regarding licensed
27 substance abuse treatment providers to language relating to
28 drinking driver courses that are provided by community
29 colleges. In 2000 Acts, chapter 1138, licensed substance
30 abuse treatment providers were also authorized to provide
31 these courses.

32 Code section 322C.2. Strikes the definitions of the terms
33 "distributor's representative" and "manufacturer's
34 representative" from the chapter relating to travel trailer
35 dealers, manufacturers, and distributors. Those terms are no

1 longer used in this chapter as the result of the passage of
2 2000 Acts, chapters 1016 and 1154.

3 Code sections 331.756, 910.1, 910.2, 910.3, and 910.9.
4 Conforms references to court-appointed attorney fees and the
5 expenses of a public defender to the changes that were made in
6 2000 Acts, chapter 1115, section 9, in the same type of
7 language in Code section 910.2.

8 Code sections 403.6 and 403.17. Strikes the word "city" in
9 the urban renewal chapter. In Code section 403.6, it is
10 replaced with the word "municipal". In Code section 403.17,
11 it is replaced with the word "municipality". Code chapter 403
12 was made applicable to counties in 1991, with the passage of
13 1991 Acts, chapter 214.

14 Code section 404A.3. Changes the term "certificate of
15 appropriation" to "certificate of appropriateness" in the
16 provision which describes the standards which are to be
17 followed in the establishment of criteria and standards by the
18 state historic preservation office for rehabilitation
19 projects. A procedure for issuance of certificates of
20 appropriateness for historical preservation districts may be
21 found in Code sections 303.27 through 303.30.

22 Code section 422.4. Deletes an obsolete provision in the
23 income, sales, services, and franchise chapter that relates to
24 the calculation of the standard deduction factor for the 1989
25 calendar year.

26 Code section 422.45. Adds a sentence to subsection 2,
27 relating to inapplicability of the exemption for gross
28 receipts from the sale, furnishing, or service of
29 transportation to the transportation of electric energy. This
30 sentence was added to this subsection with the passage of 1999
31 Acts, chapter 151, section 15, but was inadvertently stricken
32 when the language contained in 1999 Acts, chapter 151, section
33 16, which had a delayed effective date of April 1, 2000, was
34 implemented. Obsolete applicability language referring to
35 payments made on or after July 1, 1984, which is contained in

1 subsection 24, paragraph "b", unnumbered paragraph 2, is
2 stricken.

3 Code section 422.52. Replaces the words "state treasurer"
4 and "treasurer" with the word "department". The department of
5 revenue and finance now performs this collection of and
6 transfer of revenue from the tax on sales of motor vehicle
7 fuel.

8 Code section 422B.1. Moves the phrase "of the result of
9 the election" to after the words "written notice". The
10 "abstract of votes" language was added in 1999 with the
11 passage of 1999 Acts, chapter 156. The abstract of votes is
12 the result of the election.

13 Code section 426B.1. Deletes obsolete language relating to
14 appropriations made for property tax relief for the fiscal
15 years beginning July 1, 1995, and July 1, 1996.

16 Code section 427.2A. Strikes obsolete language relating to
17 certain taxes paid during the period beginning July 1, 1992,
18 and ending June 30, 1997.

19 Code section 432.1. Adds the word "insurance" between the
20 words "county mutual" and "associations" so that the term
21 refers to county mutual insurance associations. Code chapter
22 518, a section of which is referenced in this paragraph,
23 relates to the regulation of county mutual insurance
24 associations.

25 Code sections 444.25A, 444.25B, 444.26, and 444.27.
26 Repeals obsolete provisions that relate to property tax
27 limitations for the 1996 and 1997 fiscal years.

28 Code section 455B.190A. Strikes references to the well
29 contractor's council, which has been disbanded.

30 Code section 455B.601. Corrects a reference to the
31 agrichemical reimbursement board.

32 Code section 455E.11. Changes a Code section reference
33 from Code section 139A.31 to Code section 139A.21. This Code
34 section was amended by 2000 Acts, chapter 1066, section 47,
35 and this change conforms the Code section citations in this

1 subparagraph to the changes made in sections 46, 48, and 49 of
2 that same 2000 Act.

3 Code section 486A.1102. Changes a reference to the agent
4 of a foreign limited liability company to a reference to the
5 agent of a foreign limited liability partnership contained in
6 the uniform partnership Act.

7 Code section 511.8. The word "that" is substituted for the
8 word "this" in language relating to financial instruments used
9 in hedging transactions by certain insurers. This change is
10 consistent with language contained in paragraphs "c" and "e"
11 of the same subsection.

12 Code section 514.3. Adds the words "those articles and
13 amendments" after the words "endorsed on or annexed to" in
14 language relating to how the approval of the commissioner is
15 to be attached to articles of incorporation and any amendments
16 which are filed with the commissioner of insurance.

17 Code section 515.24. Adds the word "insurance" between the
18 words "county mutual" and "associations" in provisions
19 relating to the payment of tax on the gross amount of
20 reinsurance premiums received for the reinsurance of windstorm
21 or hail risks written by county mutual insurance associations.

22 Code section 515F.3. Changes a reference to Code chapter
23 518A to Code chapter 518. The provisions relating to the
24 regulation of county mutual insurance associations are found
25 in Code chapter 518.

26 Code section 518.17. Adds the word "insurance" between the
27 words "state mutual" and "association". State mutual
28 insurance associations are regulated under chapter 518A.

29 Code sections 536A.12 and 536A.30. Conforms references to
30 the annual license fee to the correct amount of \$250. The
31 license fee relating to the making of industrial loans was
32 changed in 1989, with the passage of 1989 Acts, chapter 234.

33 Code section 537A.10. Changes the words "less than fifty
34 percent" to "fifty percent or less" to cover transfer of
35 franchise situations in which ownership in the business was

1 exactly 50 percent. This is consistent with language found in
2 paragraph "g" of subsection 5 of this section.

3 Code section 543D.2. Updates the definition of the term
4 "associate appraiser" to the term "real property appraiser
5 trainee" in the chapter pertaining to real estate appraisals
6 and appraisers.

7 Code section 543D.7. Deletes the words "in writing" from
8 the first subsection and deletes the second subsection.

9 Applications have to be submitted on forms approved by the
10 real estate appraiser board. Subsection 2 referred to the
11 issuance of interim annual certificates until final rules to
12 implement the chapter were adopted. The chapter was enacted
13 in 1989 and final rules are in place.

14 Code section 543D.15. Changes the term "associate
15 appraiser" to "real estate property appraiser trainee" to
16 conform to the definition change made in Code section 543D.2.

17 Code section 543D.19. Changes the term "associate
18 appraiser" to "real estate property appraiser trainee" to
19 conform to the definition change made in Code section 543D.2.
20 Also changes the length of time for retention of records from
21 three to five years to conform to federal requirements which
22 apply to all real estate appraisers in Iowa.

23 Code section 554D.120. Strikes references to the division
24 of information technology services of the department of
25 general services in the uniform electronic transactions Act
26 and replaces them with references to the information
27 technology department. The information technology department
28 assumed the duties of the information technology services
29 division of the department of general services with the
30 passage of 2000 Acts, chapter 1141.

31 Code section 595.13. Corrects and conforms language
32 relating to the attestation of marriage and return of the
33 certificate by the officiating minister or magistrate to
34 language contained in Code section 144.36.

35 Code section 692A.7. Corrects language relating to the

1 consequences for violations of certain sex offender registry
2 requirements by persons on probation, parole, or other form of
3 release.

4 Code section 692A.13. Substitutes the words "July 1, 1999"
5 for "the effective date of this Act" in language relating to
6 electronic access to sex offender registry information.
7 Language relating to electronic access to this information
8 first appeared in this section as a result of the passage of
9 1998 Acts, chapter 1168, but was stricken and rewritten in
10 1999 Acts, chapter 112. Language relating to information
11 received prior to July 1, 1999, was added in subparagraph (2)
12 of subsection 3, paragraph "c".

13 Code section 714.16. Changes the word "or" to "of" in
14 language relating to misrepresentation of a business name by a
15 supplier of a service or product in a local telephone
16 directory or directory assistance database. This change is
17 consistent with the language of the balance of the provision
18 and is consistent with background materials used in
19 preparation of the original legislation.

20 Code section 805.8. Corrects a reference to the Code
21 section in which the victim compensation fund is established
22 to the correct reference of Code section 915.94. The victim
23 compensation fund language was moved to that section with the
24 passage of 1998 Acts, chapter 1090.

25 2000 Iowa Acts, chapter 1148. Redrafts a portion of this
26 Act to omit redundant language in the new definition that was
27 added to the listed Code definition sections.

28 2000 Iowa Acts, chapter 1213. Corrects language relating
29 to the receipt of refunds of unused investment tax credits by
30 eligible businesses for use against certain defined tax
31 liabilities.

32 2000 Iowa Acts, chapter 1228. Corrects a reference to the
33 prevention of disabilities policy council in language relating
34 to submission of a report by that council concerning council
35 activities and duties.

SENATE FILE 106

S-3022

1 Amend Senate File 106 as follows:

2 1. Page 4, by striking lines 28 and 29, and
3 inserting the following:

4 "Sec. _____. Section 56.14, subsection 2, paragraph
5 a, Code 2001, is amended by striking the paragraph."

6 2. Page 9, by inserting after line 24 the
7 following:

8 "Sec. _____. Section 183A.7, unnumbered paragraph 3,
9 Code 2001, is amended to read as follows:

10 From the moneys collected, deposited, and
11 transferred to the council as provided in this
12 chapter, the council shall first pay the costs of
13 referendums held pursuant to this chapter. Of the
14 moneys remaining, ~~at least ten percent shall be~~
15 ~~remitted to the national livestock and meat board and~~
16 ~~the pork industry group,~~ at least twenty-five percent
17 shall be remitted to the national pork producers
18 council, and at least fifteen percent shall be
19 remitted to the Iowa pork producers association, in
20 the proportion the committee determines, for use by
21 recipients in a manner not inconsistent with market
22 development as defined in section 183A.1. Moneys
23 remaining shall be spent as found necessary by the
24 council to further carry out the provisions and
25 purposes of this chapter."

26 3. Page 13, by inserting after line 19, the
27 following:

28 "Sec. _____. Section 331.424A, subsection 4, Code
29 2001, is amended to read as follows:

30 4. For the fiscal year beginning July 1, 1996, and
31 for each subsequent fiscal year, the county shall
32 certify a levy for payment of services. For each
33 fiscal year, county revenues from taxes imposed by the
34 county credited to the services fund shall not exceed
35 an amount equal to the amount of base year
36 expenditures for services as defined in section
37 331.438, less the amount of property tax relief to be
38 received pursuant to section 426B.2, in the fiscal
39 year for which the budget is certified. The county
40 auditor and the board of supervisors shall reduce the
41 amount of the levy certified for the services fund by
42 the amount of property tax relief to be received. A
43 levy certified under this section is not subject to
44 the appeal provisions of ~~sections~~ section 331.426 and
45 ~~444-25B~~ or to any other provision in law authorizing a
46 county to exceed, increase, or appeal a property tax
47 levy limit.

48 Sec. _____. Section 331.424B, Code 2001, is amended
49 to read as follows:

50 331.424B CEMETERY LEVY.

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Page 2

1 The board may levy annually a tax not to exceed six
2 and three-fourths cents per thousand dollars of the
3 assessed value of all taxable property in the county
4 to repair and maintain all cemeteries under the
5 jurisdiction of the board including pioneer cemeteries
6 and to pay other expenses of the board or the cemetery
7 commission as provided in section 331.325. The
8 proceeds of the tax levy shall be credited to the
9 county general fund. ~~Sections 444.25A and 444.25B do~~
10 ~~not apply to the property tax levied or expended for~~
11 ~~cemeteries pursuant to section 331.325.~~

12 4. By numbering, renumbering, and changing
13 internal references as necessary.

14

By COMMITTEE ON JUDICIARY
O. GENE MADDOX, CHAIRPERSON

S-3022 FILED FEBRUARY 6, 2001

adapted
2/28/01
(p. 461)

1 Section 1. Section 10.1, subsection 4, Code 2001, is
2 amended to read as follows:

3 4. "Commodity share landlord" means a natural person or a
4 general partnership as provided in chapter 486 486A in which
5 all partners are natural persons, who owns at least one
6 hundred fifty acres of agricultural land, if the owner
7 receives rent on a commodity share basis, which may be either
8 a share of the crops or livestock produced on the land.

9 Sec. 2. Section 10.1, subsection 19, paragraph b, Code
10 2001, is amended to read as follows:

11 b. A general partnership as provided in chapter 486 486A
12 in which all partners are natural persons actively engaged in
13 farming.

14 Sec. 3. Section 13B.4, subsection 1, Code 2001, is amended
15 to read as follows:

16 1. The state public defender shall coordinate the
17 provision of legal representation of all indigents under
18 arrest or charged with a crime, seeking postconviction relief,
19 against whom a contempt action is pending, in proceedings
20 under chapter 229A, in juvenile proceedings, on appeal in
21 criminal cases, on appeal in proceedings to obtain
22 postconviction relief when ordered to do so by the district
23 court in which the judgment or order was issued, and on a
24 reopening of a sentence proceeding, and may provide for the
25 representation of indigents in proceedings instituted pursuant
26 to chapter 908. The state public defender shall not engage in
27 the private practice of law.

28 Sec. 4. Section 13B.8, subsection 2, Code 2001, is amended
29 to read as follows:

30 2. The state public defender may appoint and may, for
31 cause, remove the local public defender, assistant local
32 public defenders, clerks, investigators, secretaries, or other
33 employees for-cause. Each local public defender, and any
34 assistant local public defender, must be an attorney admitted
35 to the practice of law before the Iowa supreme court.

1 Sec. 5. Section 14B.101, Code 2001, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. "Department" means the information
4 technology department.

5 Sec. 6. Section 14B.105, subsection 1, paragraph b,
6 unnumbered paragraph 1, Code 2001, is amended to read as
7 follows:

8 The members appointed ~~by the governor~~ pursuant to paragraph
9 "a", subparagraphs (3) through (7), shall serve four-year
10 staggered terms ~~as designated by the governor~~ and such
11 appointments to the information technology council are subject
12 to the requirements of sections 69.16, 69.16A, and 69.19. The
13 four-year terms of members appointed by the governor shall be
14 staggered as designated by the governor. Members appointed by
15 ~~the governor~~ pursuant to paragraph "a", subparagraphs (3)
16 through (7), shall not serve consecutive four-year terms.
17 Members appointed by the governor are subject to senate
18 confirmation and ~~shall be reimbursed for actual and necessary~~
19 ~~expenses incurred in performance of their duties.~~ ~~---~~Such
20 members may also be eligible to receive compensation as
21 provided in section 7E.6. Members shall be reimbursed for
22 actual and necessary expenses incurred in performance of the
23 members' duties.

24 Sec. 7. Section 15E.195, subsection 2, unnumbered
25 paragraph 1, Code 2001, is amended to read as follows:

26 A city with a population of twenty-four thousand or more
27 which designates an enterprise zone pursuant to section
28 15E.194, subsection 2, and in which an eligible enterprise
29 zone is certified shall establish an enterprise zone
30 commission to review applications from qualified businesses
31 located within or requesting to locate within an enterprise
32 zone to receive incentives or assistance as provided in
33 section 15E.196. The commission shall consist of nine
34 members. Six of these members shall consist of one
35 representative of an international labor organization, one

1 member with economic development expertise chosen by the
2 department of economic development, one representative of the
3 city council, one member of the local community college board
4 of directors, one member of the city planning and zoning
5 commission, and one representative of the local workforce
6 development center. These six members shall select the
7 remaining three members. If the enterprise zone consists of
8 an area meeting the requirements for eligibility for an urban
9 enterprise community under Title XIII of the federal Omnibus
10 Budget Reconciliation Act of 1993, one of the remaining three
11 members shall be a representative of that community. If a
12 city contiguous to the city designating the enterprise zone is
13 included in an enterprise zone, a representative of the
14 contiguous city, chosen by the city council, shall be a member
15 of the commission. A city in which an eligible enterprise
16 zone is certified shall have only one enterprise zone
17 commission. If a city has established an enterprise zone
18 commission prior to ~~the effective date of this Act~~ July 1,
19 1998, the city may petition to the department of economic
20 development to change the structure of the existing
21 commission.

22 Sec. 8. Section 29A.17, unnumbered paragraph 1, Code 2001,
23 is amended to read as follows:

24 The military staff of the governor shall consist of the
25 adjutant general, who shall be the chief of staff; the deputy
26 adjutants general, who shall be the assistant chiefs of staff;
27 and the any aides, who shall be residents of the state, as the
28 governor may appoint or detail from the armed forces of the
29 state.

30 Sec. 9. Section 29A.66, Code 2001, is amended to read as
31 follows:

32 29A.66 APPLICABLE POWERS AND DUTIES.

33 The powers and duties of the governor, the adjutant
34 general, and the deputy adjutants general, with relation to
35 the Iowa state guard, shall be the same as those powers and

1 duties prescribed in this chapter for the those officers with
2 relation to the national guard.

3 Sec. 10. Section 48A.31, Code 2001, is amended to read as
4 follows:

5 48A.31 DECEASED PERSONS RECORD.

6 The state registrar of vital statistics shall transmit or
7 cause to be transmitted to the state registrar of voters, once
8 each calendar quarter, a certified list of all persons
9 seventeen and one-half years of age and older in the state
10 whose deaths have been reported to the bureau of vital records
11 ~~and-statistics-division~~ of the Iowa department of public
12 health since the previous list of decedents was certified to
13 the state registrar of voters. The list shall be submitted
14 according to the specifications of the state registrar of
15 voters, who shall determine whether each listed decedent was
16 registered to vote in this state. If the decedent was
17 registered in a county which uses its own data processing
18 facilities for voter registration recordkeeping, the registrar
19 shall notify the commissioner in that county who shall cancel
20 the decedent's registration. If the decedent was registered
21 in a county for which voter registration recordkeeping is
22 performed under contract by the registrar, the registrar shall
23 immediately cancel the registration and notify the
24 commissioner of the county in which the decedent was
25 registered to vote of the cancellation.

26 Sec. 11. Section 56.2, subsection 14, paragraph c, Code
27 2001, is amended by striking the paragraph.

28 Sec. 12. Section 56.14, subsection 2, paragraph a, Code
29 2001, is amended by striking the paragraph.

30 Sec. 13. Section 97B.50A, subsection 7, paragraph b,
31 subparagraph (4), Code 2001, is amended to read as follows:

32 (4) This paragraph does not apply to a member who is at
33 least fifty-five years of age and would have completed a
34 sufficient number of years of service if the member had
35 remained in active special service employment. For purposes

1 of this subparagraph, a sufficient number of years of service
2 shall be ~~twenty-five~~ the applicable years of service for a
3 special service member as described in section 97B.49B or
4 twenty-two for a special service member as described in
5 section 97B.49C.

6 Sec. 14. Section 101.22, subsection 4, Code 2001, is
7 amended to read as follows:

8 4. The registration notice of the owner or operator to the
9 state fire marshal under subsections 1 through 3 shall be
10 accompanied by a an annual fee of ten dollars for each tank
11 included in the notice. All moneys collected shall be
12 retained by the department of public safety and are
13 appropriated for the use of the state fire marshal. The
14 annual renewal fee applies to all owners or operators who
15 filed a registration notice with the state fire marshal
16 pursuant to subsections 1 through 3.

17 Sec. 15. Section 123.39, subsection 1, paragraph a, Code
18 2001, is amended to read as follows:

19 a. The administrator or the local authority may suspend a
20 license or permit issued pursuant to the this chapter for a
21 period not to exceed one year, revoke the license or permit,
22 or impose a civil penalty not to exceed one thousand dollars
23 per violation. Before suspension, revocation, or imposition
24 of a civil penalty, the license or permit holder shall be
25 given written notice and an opportunity for a hearing. The
26 administrator may appoint a member of the division or may
27 request an administrative law judge from the department of
28 inspections and appeals to conduct the hearing and issue a
29 proposed decision. Upon the motion of a party to the hearing
30 or upon the administrator's own motion, the administrator may
31 review the proposed decision in accordance with chapter 17A.
32 Upon review of the proposed decision, the administrator may
33 affirm, reverse, or modify the proposed decision. A licensee
34 or permittee aggrieved by a decision of the administrator may
35 seek judicial review of the administrator's decision in

1 accordance with chapter 17A.

2 Sec. 16. Section 135.43, subsection 5, paragraph d, Code
3 2001, is amended to read as follows:

4 d. The administrator of the ~~division~~ bureau of vital
5 records of the Iowa department of public health.

6 Sec. 17. Section 135.43, subsection 7, paragraph b, Code
7 2001, is amended to read as follows:

8 b. A person in possession or control of medical,
9 investigative, assessment, or other information pertaining to
10 a child death and child abuse review shall allow the
11 inspection and reproduction of the information by the
12 department upon the request of the department, to be used only
13 in the administration and for the duties of the Iowa child
14 death review team. Except as provided for a report on a child
15 fatality by an ad hoc child fatality review committee under
16 subsection 4 and, information and records produced under this
17 section which are confidential under section 22.7 and chapter
18 235A, and information or records received from the
19 confidential records, remain confidential under this section.
20 A person does not incur legal liability by reason of releasing
21 information to the department as required under and in
22 compliance with this section.

23 Sec. 18. Section 135.110, subsection 2, Code 2001, is
24 amended to read as follows:

25 2. In performing duties pursuant to subsection 1, the
26 review team shall review the relationship between the decedent
27 victim and the alleged or convicted perpetrator from the point
28 where the abuse allegedly began, until the domestic abuse
29 death occurred, and shall review all relevant documents
30 pertaining to the relationship between the parties, including
31 but not limited to protective orders and dissolution, custody,
32 and support agreements and related court records, in order to
33 ascertain whether a correlation exists between certain events
34 in the relationship and any escalation of abuse, and whether
35 patterns can be established regarding such events in relation

1 to domestic abuse deaths in general. The review team shall
2 consider such conclusions in making recommendations pursuant
3 to subsection 1.

4 Sec. 19. Section 137C.7, Code 2001, is amended to read as
5 follows:

6 137C.7 LICENSE REQUIRED.

7 No person shall open or operate a hotel until a license has
8 been obtained from the regulatory authority and until the
9 hotel has been inspected by the regulatory authority. A
10 ~~license-issued-by-the-department-of-agriculture-prior-to~~
11 ~~January-17-1979-shall-be-valid-until-its-expiration-date.--An~~
12 ~~inspection-conducted-by-the-department-of-agriculture-prior-to~~
13 ~~January-17-1979-shall-be-valid-for-purposes-of-this-section.~~

14 Each license shall expire one year from date of issue. A
15 license is renewable. All licenses issued under the Iowa
16 hotel sanitation code that are not renewed by the licensee on
17 or before the expiration date shall be subject to a penalty of
18 ten percent of the license fee if the license is renewed at a
19 later date. A license is not transferable.

20 Sec. 20. Section 139A.10, Code 2001, is amended to read as
21 follows:

22 139A.10 FEES FOR REMOVING.

23 The officers designated ~~by-the-magistrate~~ shall receive
24 reasonable compensation for their services as determined by
25 the local board. The amount determined shall be certified and
26 paid in the same manner as other expenses incurred under this
27 chapter.

28 Sec. 21. Section 139A.30, Code 2001, is amended to read as
29 follows:

30 139A.30 CONFIDENTIAL REPORTS.

31 Reports to the department which include the identity of
32 persons infected with a sexually transmitted disease or
33 infection, and all such related information, records, and
34 reports concerning the person, shall be confidential and shall
35 not be accessible to the public. However, such reports,

1 information, and records shall be confidential only to the
2 extent necessary to prevent identification of persons named in
3 such reports, information, and records; the other parts of
4 such reports, information, and records shall be public
5 records. The preceding sentence shall prevail over any
6 inconsistent provision of this ~~chapter~~ subchapter.

7 Sec. 22. Section 159.10, subsection 1, Code 2001, is
8 amended to read as follows:

9 1. The state fair board, the county and district fair
10 societies, ~~the-farmers-institutes-and-short-courses~~, and the
11 farm aid associations.

12 Sec. 23. Section 161.2, subsection 4, Code 2001, is
13 amended to read as follows:

14 4. "Board" means the agrichemical remediation
15 reimbursement board created under section 161.3.

16 Sec. 24. Section 161.2, subsection 9, unnumbered paragraph
17 1, Code 2001, is amended to read as follows:

18 "Fertilizer site" means a place where containers used for
19 storing or mixing a fertilizer are located, if any of the
20 following apply:

21 Sec. 25. Section 161.2, subsection 14, Code 2001, is
22 amended by striking the subsection.

23 Sec. 26. Section 161.6, subsection 4, paragraph a, Code
24 2001, is amended to read as follows:

25 a. For a high priority site, soil and groundwater site
26 cleanup shall include active ~~remediation~~ site cleanup where
27 technically feasible, until such time as the groundwater
28 contamination levels are below action levels.

29 Sec. 27. Section 161.8, subsection 3, paragraph b,
30 subparagraph (1), Code 2001, is amended to read as follows:

31 (1) The responsible person performed reasonable measures
32 necessary for the immediate abatement of any ~~prohibited~~
33 release contamination.

34 Sec. 28. Section 166D.7, subsection 1, paragraph a, Code
35 2001, is amended to read as follows:

1 a. The herd shall be certified when all breeding swine
2 have reacted negatively to a test. The herd must have been
3 free from infection for thirty days prior to testing. At
4 least ninety percent of swine in the herd must have been on
5 the premises as a part of the herd for at least sixty days
6 prior to testing, or swine in the herd must have been moved or
7 relocated directly from another qualified negative herd. To
8 remain certified, the herd must be retested and recertified
9 each month as provided by the department. The herd shall be
10 recertified when each-month the greater of five head of swine
11 or at least ten percent of the herd's breeding swine react
12 negatively to a test.

13 Sec. 29. Section 166D.10, subsection 1, paragraph c, Code
14 2001, is amended to read as follows:

15 c. A person transfers ownership of all or part of a herd,
16 if the herd remains on the same premises. However, the herd
17 must be tested by statistical sampling. If any part of the
18 herd is subsequently moved or relocated, the swine must be
19 moved or relocated in accordance with this section and
20 sections 166D.7, 166D.8, and ~~166D.9~~ 166D.10A.

21 Sec. 30. Section 166D.10B, subsection 1, unnumbered
22 paragraph 1, Code 2001, is amended to read as follows:

23 A person shall not maintain swine other than feeder swine
24 pigs or cull swine at an approved premises.

25 Sec. 31. Section 183A.7, unnumbered paragraph 3, Code
26 2001, is amended to read as follows:

27 From the moneys collected, deposited, and transferred to
28 the council as provided in this chapter, the council shall
29 first pay the costs of referendums held pursuant to this
30 chapter. Of the moneys remaining, at-least-ten-percent-shall
31 be-remitted-to-the-national-livestock-and-meat-board-and-the
32 pork-industry-group, at least twenty-five percent shall be
33 remitted to the national pork producers council, and at least
34 fifteen percent shall be remitted to the Iowa pork producers
35 association, in the proportion the committee determines, for

1 use by recipients in a manner not inconsistent with market
2 development as defined in section 183A.1. Moneys remaining
3 shall be spent as found necessary by the council to further
4 carry out the provisions and purposes of this chapter.

5 Sec. 32. Section 202A.1, subsection 3, Code 2001, is
6 amended to read as follows:

7 3. "Packer" means a person who is engaged in the business
8 of slaughtering livestock or receiving, purchasing, or
9 soliciting livestock for slaughter, if the meat products of
10 the slaughtered livestock which are directly or indirectly to
11 be offered for resale or for public consumption have a total
12 annual value of ten million dollars or more. As used in this
13 chapter, "packer" includes an agent of the packer engaged in
14 buying or soliciting livestock for slaughter on behalf of a
15 packer. ~~"Packer" does not include a frozen food locker plant~~
16 ~~regulated under chapter 172.~~

17 Sec. 33. Section 207.22, subsection 3, paragraph b, Code
18 2001, is amended to read as follows:

19 b. Acquisition of coal refuse disposal sites and all coal
20 refuse thereon will serve the purposes of title IV of Pub. L.
21 No. 95-87 or that public ownership is desirable to meet
22 emergency situations and prevent recurrences of the adverse
23 effect of past coal mining practices.

24 Sec. 34. Section 216A.102, subsection 1, Code 2001, is
25 amended to read as follows:

26 1. An energy crisis fund is created in the state treasury.
27 Moneys deposited in the fund shall be used to assist low-
28 income families who qualify for the low-income heating home
29 energy assistance program to avoid loss of essential heating.

30 Sec. 35. Section 232.141, subsection 3, paragraphs c and
31 d, Code 2001, are amended to read as follows:

32 c. Costs incurred for compensation of an attorney
33 appointed by the court to serve as counsel to any party or as
34 guardian ad litem for any child shall be made paid in
35 accordance with sections 13B.4 and 815.7.

1 d. Costs incurred under subsection 2 shall be paid by the
2 state. The county shall be required to reimburse the indigent
3 defense fund for costs incurred by the state up to the
4 county's base in subsection 2 3.

5 Sec. 36. Section 256D.1, subsection 1, paragraph b,
6 unnumbered paragraph 1, Code 2001, is amended to read as
7 follows:

8 The department of education shall identify diagnostic
9 assessment tools that can be used to assist teachers in
10 measuring reading accuracy and fluency skills, including but
11 not limited to, phonemic awareness, oral reading ability, and
12 ~~comprehensive~~ comprehension skills, to improve student
13 achievement in kindergarten through grade three. The
14 department, in collaboration with the area education agencies,
15 school districts, and institutions with approved practitioner
16 preparation programs, shall identify and serve as a
17 clearinghouse on intensive, research-based strategies and
18 programs for training teachers in both diagnosis and
19 appropriate instruction interventions.

20 Sec. 37. Section 272C.3, subsection 2, paragraph a, Code
21 2001, is amended to read as follows:

22 a. Revoke a license, or suspend a license either until
23 further order of the board or for a specified period, upon any
24 of the grounds specified in section 147.55, 148.6, 148B.7,
25 152.10, 153.34, 154A.24, 169.13, 455B.219, 542B.21, 542C.21,
26 543B.29, 544A.13, 544B.15, or 602.3203 or chapter 151, 155,
27 507B or 522, as applicable, or upon any other grounds
28 specifically provided for in this chapter for revocation of
29 the license of a licensee subject to the jurisdiction of that
30 board, or upon failure of the licensee to comply with a
31 decision of the board imposing licensee discipline;

32 Sec. 38. Section 272C.4, subsection 6, Code 2001, is
33 amended to read as follows:

34 6. Define by rule acts or omissions which are grounds for
35 revocation or suspension of a license under section 147.55,

1 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13, ~~455B.19~~
2 455B.219, 542B.21, 542C.21, 543B.29, 544A.13, 544B.15, or
3 602.3203 or chapter 151, 155, 507B or 522, as applicable, and
4 to define by rule acts or omissions which constitute
5 negligence, careless acts or omissions within the meaning of
6 section 272C.3, subsection 2, paragraph "b", which licensees
7 are required to report to the board pursuant to section
8 272C.9, subsection 2;

9 Sec. 39. Section 303.86, Code 2001, is amended to read as
10 follows:

11 303.86 ARTS COUNCIL.

12 The Iowa state arts council is created as an advisory
13 council, consisting of fifteen members, appointed by the
14 governor from among citizens of Iowa who are recognized for
15 their interest or experience in connection with the performing
16 and fine arts. In making appointments, due consideration
17 shall be given to the recommendations made by representative
18 civic, educational, and professional associations and groups
19 concerned with or engaged in the production or presentation of
20 the performing and fine arts.

21 The term of office of each member of the Iowa state arts
22 council is three years. The governor shall designate a
23 chairperson and a vice chairperson from the members of the
24 council to serve at the pleasure of the governor. All
25 vacancies shall be filled for the balance of any unexpired
26 term in the same manner as original appointments. The members
27 of the council shall not receive compensation for their
28 services, but shall be reimbursed for their actual and
29 necessary expenses incurred in the performance of their duties
30 as members of the council. Members may also be eligible for
31 compensation as provided in section 7E.6.

32 Sec. 40. Section 321.219, unnumbered paragraph 1, Code
33 2001, is amended to read as follows:

34 A person shall not cause or knowingly permit the person's
35 child or ward under the age of eighteen years to drive a motor

1 vehicle upon any highway when the minor is not authorized
2 under this ~~section-or-in-violation-of-this~~ chapter.

3 Sec. 41. Section 321.279, subsection 1, Code 2001, is
4 amended to read as follows:

5 1. The driver of a motor vehicle commits a serious
6 misdemeanor if the driver willfully fails to bring the motor
7 vehicle to a stop or otherwise eludes or attempts to elude a
8 marked official law enforcement vehicle driven by a uniformed
9 peace officer after being given a visual and audible signal to
10 stop. The signal given by the peace officer shall be by
11 flashing red light, or by flashing red and blue lights, and
12 siren. For purposes of this section, "peace officer" means
13 those officers designated under section 801.4, subsection 11,
14 paragraphs "a", "b", "c", "g", and "h".

15 Sec. 42. Section 321.560, subsection 1, paragraph b, Code
16 2001, is amended to read as follows:

17 b. A temporary restricted permit may be issued pursuant to
18 section 321J.4, subsection 9, to a person declared to be a
19 habitual offender due to a combination of the offenses listed
20 under section 321.555, subsection 1, paragraph "b" ~~or~~ and "c".

21 Sec. 43. Section 321J.17, subsection 2, unnumbered
22 paragraph 2, Code 2001, is amended to read as follows:

23 The court or department may request that the community
24 college or substance abuse treatment providers licensed under
25 chapter 125 conducting the course for drinking drivers ~~which~~
26 that the person is ordered to attend immediately report to the
27 court or department that the person has successfully completed
28 the course for drinking drivers. The court or department may
29 request that the treatment program which the person attends
30 periodically report on the defendant's attendance and
31 participation in the program, as well as the status of
32 treatment or rehabilitation.

33 Sec. 44. Section 322C.2, subsections 4 and 7, Code 2001,
34 are amended by striking the subsections.

35 Sec. 45. Section 331.424A, subsection 4, Code 2001, is

1 amended to read as follows:

2 4. For the fiscal year beginning July 1, 1996, and for
3 each subsequent fiscal year, the county shall certify a levy
4 for payment of services. For each fiscal year, county
5 revenues from taxes imposed by the county credited to the
6 services fund shall not exceed an amount equal to the amount
7 of base year expenditures for services as defined in section
8 331.438, less the amount of property tax relief to be received
9 pursuant to section 426B.2, in the fiscal year for which the
10 budget is certified. The county auditor and the board of
11 supervisors shall reduce the amount of the levy certified for
12 the services fund by the amount of property tax relief to be
13 received. A levy certified under this section is not subject
14 to the appeal provisions of sections section 331.426 and
15 444-25B or to any other provision in law authorizing a county
16 to exceed, increase, or appeal a property tax levy limit.

17 Sec. 46. Section 331.424B, Code 2001, is amended to read
18 as follows:

19 331.424B CEMETERY LEVY.

20 The board may levy annually a tax not to exceed six and
21 three-fourths cents per thousand dollars of the assessed value
22 of all taxable property in the county to repair and maintain
23 all cemeteries under the jurisdiction of the board including
24 pioneer cemeteries and to pay other expenses of the board or
25 the cemetery commission as provided in section 331.325. The
26 proceeds of the tax levy shall be credited to the county
27 general fund. Sections-444-25A-and-444-25B-do-not-apply-to
28 the-property-tax-levied-or-expended-for-cemeteries-pursuant-to
29 section-331-325-

30 Sec. 47. Section 331.756, subsection 5, Code 2001, is
31 amended to read as follows:

32 5. Enforce all forfeited bonds and recognizances and
33 prosecute all proceedings necessary for the recovery of debts,
34 revenues, moneys, fines, penalties, restitution of court-
35 appointed attorney fees or ordered pursuant to section 815.9,

1 including the expense of a public defender, and forfeitures
2 accruing to the state, the county or a road district in the
3 county, and all suits in the county against public service
4 corporations which are brought in the name of the state. To
5 assist in this duty, the county attorney may procure
6 professional collection services provided by persons or
7 organizations, including private attorneys, which are
8 generally considered to have knowledge and special abilities
9 which are not generally available to state or local government
10 or may designate another county official or agency to assist
11 with collection efforts.

12 If professional collection services are procured, the
13 county attorney shall file with the clerk of the district
14 court an indication of the satisfaction of each obligation to
15 the full extent of all moneys collected in satisfaction of
16 that obligation, including all fees and compensation retained
17 by the collection service incident to the collection and not
18 paid into the office of the clerk.

19 Before a county attorney designates another county official
20 or agency to assist with collection of debts, revenues,
21 moneys, fines, penalties, restitution of court-appointed
22 attorney fees ~~or~~ ordered pursuant to section 815.9, including
23 the expense of a public defender, and forfeitures, the board
24 of supervisors of the county must approve the designation.

25 All fines, penalties, court costs, fees, and restitution
26 for court-appointed attorney fees ~~or~~ ordered pursuant to
27 section 815.9, including the expenses of a public defender
28 which are delinquent as defined in section 602.8107 may be
29 collected by the county attorney or the person procured or
30 designated by the county attorney. In order to receive a
31 percentage of the amounts collected pursuant to section
32 602.8107, the county attorney must file annually with the
33 clerk of the district court on or before July 1 a notice of
34 full commitment to collect delinquent obligations and must
35 file on the first day of each month a list of the cases in

1 which the county attorney or the person procured or designated
2 by the county attorney is pursuing the collection of
3 delinquent obligations. The annual notice shall contain a
4 list of procedures which will be initiated by the county
5 attorney. Amounts collected by the county attorney or the
6 person procured or designated by the county attorney shall be
7 distributed in accordance with section 602.8107.

8 Sec. 48. Section 403.6, subsection 17, Code 2001, is
9 amended to read as follows:

10 17. Subject to applicable state or federal regulations in
11 effect at the time of the city municipal action, accept
12 contributions, grants, and other financial assistance from the
13 state or federal government to be used upon a finding of
14 public purpose for grants, loans, loan guarantees, interest
15 supplements, technical assistance, or other assistance as
16 necessary or appropriate to private persons for an urban
17 renewal project.

18 Sec. 49. Section 403.17, subsection 10, Code 2001, is
19 amended to read as follows:

20 10. "Economic development area" means an area of a
21 municipality designated by the local governing body as
22 appropriate for commercial and industrial enterprises, public
23 improvements related to housing and residential development,
24 or construction of housing and residential development for low
25 and moderate income families, including single or multifamily
26 housing. If an urban renewal plan for an urban renewal area
27 is based upon a finding that the area is an economic
28 development area and that no part contains slum or blighted
29 conditions, then the division of revenue provided in section
30 403.19 and stated in the plan shall be limited to twenty years
31 from the calendar year following the calendar year in which
32 the city municipality first certifies to the county auditor
33 the amount of any loans, advances, indebtedness, or bonds
34 which qualify for payment from the division of revenue
35 provided in section 403.19. Such designated area shall not

1 include agricultural land, including land which is part of a
2 century farm, unless the owner of the agricultural land or
3 century farm agrees to include the agricultural land or
4 century farm in the urban renewal area. For the purposes of
5 this subsection, "century farm" means a farm in which at least
6 forty acres of such farm have been held in continuous
7 ownership by the same family for one hundred years or more.

8 Sec. 50. Section 404A.3, subsection 2, unnumbered
9 paragraph 1, Code 2001, is amended to read as follows:

10 The state historic preservation office shall establish
11 selection criteria and standards for rehabilitation projects
12 involving eligible property. The main emphasis of the
13 standards shall be to ensure that a rehabilitation project
14 maintains the integrity of the eligible property. To the
15 extent applicable, the standards shall be consistent with the
16 standards of the United States secretary of the interior for
17 rehabilitation of eligible property that is listed on the
18 national register of historic places or is designated as of
19 historic significance to a district listed in the national
20 register of historic places or shall be consistent with
21 standards for issuance of certificates of ~~appropriation~~
22 appropriateness under sections 303.27 through 303.32.

23 Sec. 51. Section 422.4, subsection 2, paragraph c, Code
24 2001, is amended by striking the paragraph.

25 Sec. 52. Section 422.45, subsection 2, Code 2001, is
26 amended to read as follows:

27 2. The gross receipts from the sales, furnishing, or
28 service of transportation service except the rental of
29 recreational vehicles or recreational boats, except the rental
30 of motor vehicles subject to registration which are registered
31 for a gross weight of thirteen tons or less for a period of
32 sixty days or less, and except the rental of aircraft for a
33 period of sixty days or less. This exemption does not apply
34 to the transportation of electric energy. This exemption does
35 not apply to the transportation of natural gas.

1 Sec. 53. Section 422.45, subsection 24, unnumbered
2 paragraph 2, Code 2001, is amended by striking the unnumbered
3 paragraph.

4 Sec. 54. Section 422.52, subsection 4, Code 2001, is
5 amended to read as follows:

6 4. The tax by this division imposed upon those sales of
7 motor vehicle fuel which are subject to tax and refund under
8 chapter 452A shall be collected by the ~~state-treasurer~~
9 department by way of deduction from refunds otherwise
10 allowable under said chapter. The amount of such deductions
11 the ~~treasurer~~ department shall transfer from the motor vehicle
12 fuel fund to the special tax fund.

13 Sec. 55. Section 422B.1, subsection 6, paragraph b, Code
14 2001, is amended to read as follows:

15 b. Within ten days of the election at which a majority of
16 those voting on the question favors the imposition, repeal, or
17 change in the rate of a local option tax, the county auditor
18 shall give written notice of the result of the election by
19 sending a copy of the abstract of the votes from the favorable
20 election to the director of revenue and finance or, in the
21 case of a local vehicle tax, to the director of the department
22 of transportation~~7-of-the-result-of-the-election~~.

23 Sec. 56. Section 426B.1, subsection 2, paragraphs a and b,
24 Code 2001, are amended by striking the paragraphs.

25 Sec. 57. Section 427.2A, unnumbered paragraph 3, Code
26 2001, is amended by striking the unnumbered paragraph.

27 Sec. 58. Section 432.1, unnumbered paragraph 1, Code 2001,
28 is amended to read as follows:

29 Every insurance company or association of whatever kind or
30 character, not including fraternal beneficiary associations,
31 and nonprofit hospital and medical service corporations,
32 shall, as required by law, pay to the director of the
33 department of revenue and finance, or to a depository
34 designated by the director, as taxes, an amount equal to the
35 following, except that the premium tax applicable to county

1 mutual insurance associations shall be governed by section
2 518.18:

3 Sec. 59. Section 455B.190A, subsections 3 and 6, Code
4 2001, are amended by striking the subsections.

5 Sec. 60. Section 455B.190A, subsection 4, Code 2001, is
6 amended to read as follows:

7 4. The department shall develop~~7-in-consultation-with-the~~
8 ~~well-contractors'-council'~~, a consumer information pamphlet
9 regarding well construction, well maintenance, well plugging,
10 and Iowa groundwater laws. The department ~~and-the-council'~~
11 shall review and revise the consumer information pamphlet as
12 necessary. The consumer information pamphlet shall be
13 supplied to well contractors, at cost, and well contractors
14 shall supply one copy at no cost to potential customers prior
15 to initiation of well services.

16 Sec. 61. Section 455B.190A, subsection 5, unnumbered
17 paragraph 1, Code 2001, is amended to read as follows:

18 The department shall establish by rule and collect~~7-in~~
19 ~~consultation-with-the-well-contractors'-council'~~ the following
20 fees to be used to implement and administer the provisions of
21 this section:

22 Sec. 62. Section 455B.601, subsection 2, paragraph b, Code
23 2001, is amended to read as follows:

24 b. A responsible person has executed a remediation
25 agreement with the remediation agricultural reimbursement
26 board and the responsible person is remediating or has
27 remediated the site pursuant to a plan of remediation as
28 provided in chapter 161.

29 Sec. 63. Section 455E.11, subsection 2, paragraph b,
30 subparagraph (1), Code 2001, is amended to read as follows:

31 (1) Nine thousand dollars of the account is appropriated
32 to the Iowa department of public health for carrying out the
33 departmental duties under section 135.11, subsections 20 and
34 21, and section ~~139A.31~~ 139A.21.

35 Sec. 64. Section 476.66, subsections 1 and 7, Code 2001,

1 are amended to read as follows:

2 1. The utilities board shall adopt rules which shall
3 require each electric and gas public utility to establish a
4 fund whose purposes shall include the receiving of
5 contributions to assist the utility's low-income customers
6 with weatherization measures to improve energy efficiency
7 related to winter heating and summer cooling, and to
8 supplement the energy assistance received under the federal
9 low-income heating home energy assistance program for the
10 payment of winter heating electric or gas utility bills.

11 7. Existing programs to receive customer contributions
12 established by public utilities shall be construed to meet the
13 requirements of this section. Such plans shall be subject to
14 review by the utilities board. ~~if-determined-not-to-be-in~~
15 ~~compliance-with-the-provisions-of-this-section, they shall be~~
16 ~~given-until-July-1989-to-modify-their-operation-so-as-to-be-in~~
17 ~~compliance-~~

18 Sec. 65. Section 486A.1102, subsection 2, Code 2001, is
19 amended to read as follows:

20 2. The agent of a foreign limited liability company
21 partnership for service of process must be an individual who
22 is a resident of this state or other person authorized to do
23 business in this state.

24 Sec. 66. Section 511.8, subsection 22, paragraph d, Code
25 2001, is amended to read as follows:

26 d. Investments in financial instruments used in hedging
27 transactions are not eligible in excess of ten percent of the
28 legal reserve, except insofar as the financial instruments are
29 collateralized by cash or United States government obligations
30 as authorized by subsection 1 deposited with a custodian bank
31 as defined in subsection 21, and held under a written
32 agreement with the custodian bank that complies with
33 subsection 21 and provides for the proceeds of the collateral,
34 subject to the terms and conditions of the applicable
35 collateral or other credit support agreement, to be remitted

1 to the legal reserve deposit of the company or association and
2 to vest in the state in accordance with section 508.18
3 whenever proceedings under ~~this~~ that section are instituted.

4 Sec. 67. Section 514.3, Code 2001, is amended to read as
5 follows:

6 514.3 APPROVAL BY COMMISSIONER.

7 The articles of incorporation, and any subsequent
8 amendments, of a corporation shall have endorsed on or annexed
9 to those articles or amendments the approval of the
10 commissioner of insurance before the same shall be filed for
11 record. A corporation shall file with the commissioner bylaws
12 and subsequent amendments to the bylaws within thirty days of
13 the adoption of the bylaws and amendments.

14 Sec. 68. Section 515.24, Code 2001, is amended to read as
15 follows:

16 515.24 TAX -- COMPUTATION.

17 For the purpose of determining the basis of any tax upon
18 the "gross amount of premiums", or "gross receipts from
19 premiums, assessments, fees, and promissory obligations", now
20 or hereafter imposed upon any fire or casualty insurance
21 company under any law of this state, such gross amount or
22 gross receipts shall consist of the gross premiums or receipts
23 for direct insurance, without including or deducting any
24 amounts received or paid for reinsurance except that any
25 company reinsuring windstorm or hail risks written by county
26 mutual insurance associations shall be required to pay a two
27 percent tax on the gross amount of reinsurance premiums
28 received upon such risks, but with such other deductions as
29 provided by law, and in addition deducting any so-called
30 dividend or return of savings or gains to policyholders;
31 provided that as to any deposits or deposit premiums received
32 by any such company, the taxable premiums shall be the portion
33 of such deposits or deposit premiums earned during the year
34 with such deductions therefrom as provided by law.

35 Sec. 69. Section 518.17, unnumbered paragraph 2, Code

1 2001, is amended to read as follows:

2 Reinsurance sufficient to protect the financial stability
3 of the state mutual insurance association is also required.
4 Reinsurance coverage obtained by a county mutual insurance
5 association shall not expose the association to losses from
6 coverages written pursuant to this chapter of more than
7 fifteen percent from surplus in any calendar year. The
8 commissioner of insurance may require additional reinsurance
9 if necessary to protect the policyholders of the association.

10 Sec. 70. Section 515F.3, subsection 6, Code 2001, is
11 amended to read as follows:

12 6. Insurance written by a county mutual insurance
13 association as provided in chapter ~~518A~~ 518.

14 Sec. 71. Section 536A.12, subsection 1, Code 2001, is
15 amended to read as follows:

16 1. Each such license remains in full force and effect
17 until surrendered, revoked, or suspended, or until there is a
18 change of control on or after January 1, 1996. A licensee, on
19 or before the second day of January, shall pay to the
20 superintendent the sum of two hundred fifty dollars as an
21 annual license fee for the succeeding calendar year. When a
22 licensee changes its place of business from one location to
23 another in the same city, it shall at once give written notice
24 to the superintendent who shall attach to the license in
25 writing the superintendent's record of the change and the date
26 of the change, which is authority for the operation of the
27 business under that license at the new place of business.

28 Sec. 72. Section 536A.30, subsection 4, Code 2001, is
29 amended to read as follows:

30 4. Section 536A.12, to the extent it requires a licensee
31 to pay an annual license fee which, when combined with that
32 required in section 536A.7, is in excess of ~~ten~~ two hundred
33 fifty dollars.

34 Sec. 73. Section 537A.10, subsection 5, paragraph b,
35 subparagraph (2), Code 2001, is amended to read as follows:

1 (2) If pursuant to such a transfer ~~less-than~~ fifty percent
2 or less of the entire franchise would be owned by persons who
3 meet the franchisor's reasonable current qualifications, the
4 franchisor may refuse to authorize the transfer, provided that
5 enforcement of the reasonable current qualifications is not
6 arbitrary or capricious.

7 Sec. 74. Section 543D.2, Code 2001, is amended to read as
8 follows:

9 543D.2 DEFINITIONS.

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

12 1. "Appraisal" or "real estate appraisal" means an
13 analysis, opinion, or conclusion relating to the nature,
14 quality, value, or utility of specified interests in, or
15 aspects of, identified real estate. An appraisal may be
16 classified by subject matter into either a valuation or an
17 analysis. A "valuation" is an estimate of the value of real
18 estate or real property. An "analysis" is a study of real
19 estate or real property other than estimating value.

20 2. "Appraisal assignment" means an engagement for which an
21 appraiser is employed or retained to act, or would be
22 perceived by third parties or the public as acting as a
23 disinterested third party in rendering an appraisal,
24 valuation, or analysis.

25 3. "Appraisal foundation" means the appraisal foundation
26 incorporated as an Illinois not-for-profit corporation on
27 November 30, 1987.

28 4. "Appraisal report" means any written communication of
29 an appraisal.

30 ~~5. "Associate real estate appraiser" means a person who~~
31 ~~may not yet fully meet the requirements for certification but~~
32 ~~who is providing significant input into the appraisal~~
33 ~~development under the direction of a certified appraiser.~~

34 6. 5. "Board" means the real estate appraiser examining
35 board established pursuant to this chapter.

1 7- 6. "Certified appraisal or certified appraisal report"
2 means an appraisal or appraisal report given or signed and
3 certified as an appraisal or appraisal report by an Iowa
4 certified real estate appraiser.

5 8- 7. A "certified real estate appraiser" means a person
6 who develops and communicates real estate appraisals and who
7 holds a current, valid certificate for appraisals of types of
8 real estate which may include residential, commercial, or
9 rural real estate, as may be established under this chapter.

10 8. "Real property appraiser trainee" means a person who
11 may not yet fully meet the requirements for certification but
12 who is providing significant input into the appraisal
13 development under the direction of the certified appraiser.

14 9. "Review appraiser" means a person who is responsible
15 for the administrative approval of the appraised value of real
16 property or assures that appraisal reports conform to the
17 requirements of law and policy, or that the value of real
18 property estimated by appraisers represents adequate security,
19 fair market value, or other defined value.

20 10. "Specialized services" means a hypothetical or other
21 special valuation, or an analysis or an appraisal which does
22 not fall within the definition of an appraisal assignment.

23 Sec. 75. Section 543D.7, Code 2001, is amended to read as
24 follows:

25 543D.7 CERTIFICATION PROCESS.

26 1- Applications for original certification, renewal
27 certification, and examinations shall be made in-writing to
28 the board on forms approved by the board.

29 ~~2- Until the board has adopted final rules to implement~~
30 ~~this chapter, the board may issue interim annual certification~~
31 ~~to qualified applicants. No interim annual certifications may~~
32 ~~be issued or renewed following the publication of final~~
33 ~~certification rules by the board.~~

34 Sec. 76. Section 543D.15, subsection 2, Code 2001, is
35 amended to read as follows:

1 2. The term "associate real estate property appraiser
2 trainee" shall only be used to refer to individuals who do not
3 yet fully meet the requirements for certification but who
4 provide significant input into the appraisal development under
5 the direction of a certified appraiser.

6 Sec. 77. Section 543D.19, subsections 1 and 2, Code 2001,
7 are amended to read as follows:

8 1. A certified real estate appraiser shall retain for
9 three years, originals or true copies of all written contracts
10 engaging the appraiser's services for real estate appraisal
11 work and all reports and supporting data assembled and
12 formulated for use by the appraiser or the associate real
13 property appraiser trainee in preparing the reports.

14 2. The three-year five-year period for retention of
15 records is applicable to each engagement of the services of a
16 certified real estate appraiser and shall commence upon the
17 date of the submission of the appraisal to the client unless,
18 within the three-year five-year period, the appraiser is
19 notified that the appraisal or report is involved in
20 litigation, in which event the three-year five-year period for
21 the retention of records shall commence upon the date of the
22 final disposition of the litigation.

23 Sec. 78. Section 554D.120, subsections 2 and 3, Code 2001,
24 are amended to read as follows:

25 2. Except as otherwise provided in section 554D.114,
26 subsection 6, on or before July 1, 2003, a state executive
27 branch agency, department, board, commission, authority, or
28 institution, in consultation and cooperation with the ~~division~~
29 ~~of information technology services-of-the~~ department of
30 ~~general-services~~, shall send and accept electronic records and
31 electronic signatures to and from other persons and otherwise
32 create, generate, communicate, store, process, use, and rely
33 upon electronic records and signatures. The department of
34 management, upon the written request of a state executive
35 branch agency, department, board, commission, authority, or

1 institution and for good cause shown, may grant a waiver from
2 the July 1, 2003, deadline established in this section to the
3 state executive branch agency, department, board, commission,
4 authority, or institution.

5 3. To the extent that a governmental agency of this state
6 uses electronic records and electronic signatures under
7 subsection 1 or 2, the office of the secretary of state and
8 the ~~division of~~ information technology ~~services of the~~
9 ~~department of general services~~, jointly, and in consultation
10 with the office of the attorney general, giving due
11 consideration to security, may specify by rule all of the
12 following:

13 Sec. 79. Section 595.13, Code 2001, is amended to read as
14 follows:

15 595.13 CERTIFICATE -- RETURN.

16 After the marriage has been solemnized, the officiating
17 minister or magistrate shall attest to the marriage on the
18 blank provided for that purpose and return the certificate of
19 marriage within fifteen days to the county registrar who
20 issued the marriage license ~~upon the blank provided for that~~
21 ~~purpose~~.

22 Sec. 80. Section 692A.7, subsection 1, Code 2001, is
23 amended to read as follows:

24 1. A person required to register under this chapter who
25 knowingly violates any requirements specified under sections
26 692A.2 through 692A.4 commits an aggravated misdemeanor for a
27 first offense and a class "D" felony for a second or
28 subsequent offense. However, a person required to register
29 under this chapter who knowingly violates any of the
30 requirements specified under sections 692A.2 through 692A.4
31 and who commits a criminal offense against a minor, sexual
32 exploitation, an other relevant offense, or a sexually violent
33 offense is guilty of a class "C" felony. Any fine imposed for
34 a second or subsequent violation shall not be suspended. The
35 court shall not defer judgment or sentence for any violation

1 of any requirements specified under sections 692A.2 through
2 692A.4. A knowing violation ~~of~~ by a person who is on
3 probation, parole, work release, or any other form of release
4 ~~to-comply-with~~ of any requirements specified under sections
5 692A.2 through 692A.4 shall result in the automatic revocation
6 of the person's probation, parole, or work release.

7 Sec. 81. Section 692A.13, subsection 3, paragraph c,
8 subparagraph (1), Code 2001, is amended to read as follows:

9 (1) Persons who commit a criminal offense against a minor,
10 an aggravated offense, sexual exploitation, a sexually violent
11 offense, or an other relevant offense on or after ~~the~~
12 ~~effective-date-of-this-Act~~ July 1, 1999, and who have been
13 assessed to be "moderate-risk" or "high-risk".

14 Sec. 82. Section 714.16, subsection 2, paragraph n,
15 subparagraph (1), unnumbered paragraph 1, Code 2001, is
16 amended to read as follows:

17 It is an unlawful practice for a person to misrepresent the
18 geographic location of a supplier ~~or~~ of a service or product
19 by listing a fictitious business name or an assumed business
20 name in a local telephone directory or directory assistance
21 database if all of the following apply:

22 Sec. 83. Section 805.8, subsection 2, paragraph ah, Code
23 2001, is amended to read as follows:

24 ah. If, in connection with a motor vehicle accident, a
25 person is charged and found guilty of a violation of section
26 321.20B, subsection 1, the scheduled fine is five hundred
27 dollars, otherwise the scheduled fine for a violation of
28 section 321.20B, subsection 1, is two hundred fifty dollars.
29 Notwithstanding section 805.12, fines collected pursuant to
30 this paragraph shall be submitted to the state court
31 administrator and distributed fifty percent to the victim
32 compensation fund established in section ~~912.14~~ 915.94,
33 twenty-five percent to the county in which such fine is
34 imposed, and twenty-five percent to the general fund of the
35 state.

1 Sec. 84. Section 910.1, subsection 4, Code 2001, is
2 amended to read as follows:

3 4. "Restitution" means payment of pecuniary damages to a
4 victim in an amount and in the manner provided by the
5 offender's plan of restitution. "Restitution" also includes
6 fines, penalties, and surcharges, the contribution of funds to
7 a local anticrime organization which provided assistance to
8 law enforcement in an offender's case, the payment of crime
9 victim compensation program reimbursements, payment of
10 restitution to public agencies pursuant to section 321J.2,
11 subsection 9, paragraph "b", court costs including
12 correctional fees approved pursuant to section 356.7, court-
13 appointed-~~attorney's~~ attorney fees, or ordered pursuant to
14 section 815.9, including the expense of a public defender, and
15 the performance of a public service by an offender in an
16 amount set by the court when the offender cannot reasonably
17 pay all or part of the court costs including correctional fees
18 approved pursuant to section 356.7, court-appointed ~~attorney's~~
19 attorney fees, or ordered pursuant to section 815.9, including
20 the expense of a public defender.

21 Sec. 85. Section 910.2, Code 2001, is amended to read as
22 follows:

23 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE ORDERED BY
24 SENTENCING COURT.

25 In all criminal cases in which there is a plea of guilty,
26 verdict of guilty, or special verdict upon which a judgment of
27 conviction is rendered, the sentencing court shall order that
28 restitution be made by each offender to the victims of the
29 offender's criminal activities, to the clerk of court for
30 fines, penalties, surcharges, and, to the extent that the
31 offender is reasonably able to pay, for crime victim
32 assistance reimbursement, restitution to public agencies
33 pursuant to section 321J.2, subsection 9, paragraph "b", court
34 costs including correctional fees approved pursuant to section
35 356.7, court-appointed ~~attorney's~~ attorney fees ordered

1 pursuant to section 815.9, including the expense of a public
2 defender, when applicable, or contribution to a local
3 anticrime organization. However, victims shall be paid in
4 full before fines, penalties, and surcharges, crime victim
5 compensation program reimbursement, public agencies, court
6 costs including correctional fees approved pursuant to section
7 356.7, court-appointed attorney's attorney fees, ordered
8 pursuant to section 815.9, including the expenses of a public
9 defender, or contributions to a local anticrime organization
10 are paid. In structuring a plan of restitution, the court
11 shall provide for payments in the following order of priority:
12 victim, fines, penalties, and surcharges, crime victim
13 compensation program reimbursement, public agencies, court
14 costs including correctional fees approved pursuant to section
15 356.7, court-appointed attorney's attorney fees, or ordered
16 pursuant to section 815.9, including the expense of a public
17 defender, and contribution to a local anticrime organization.

18 When the offender is not reasonably able to pay all or a
19 part of the crime victim compensation program reimbursement,
20 public agency restitution, court costs including correctional
21 fees approved pursuant to section 356.7, court-appointed
22 attorney's attorney fees, ordered pursuant to section 815.9,
23 including the expense of a public defender, or contribution to
24 a local anticrime organization, the court may require the
25 offender in lieu of that portion of the crime victim
26 compensation program reimbursement, public agency restitution,
27 court costs including correctional fees approved pursuant to
28 section 356.7, court-appointed attorney's attorney fees,
29 ordered pursuant to section 815.9, including the expense of a
30 public defender, or contribution to a local anticrime
31 organization for which the offender is not reasonably able to
32 pay, to perform a needed public service for a governmental
33 agency or for a private nonprofit agency which provides a
34 service to the youth, elderly, or poor of the community. When
35 community service is ordered, the court shall set a specific

1 number of hours of service to be performed by the offender
2 which, for payment of court-appointed attorney's attorney fees
3 or ordered pursuant to section 815.9, including the expenses
4 of a public defender, shall be approximately equivalent in
5 value to those costs. The judicial district department of
6 correctional services shall provide for the assignment of the
7 offender to a public agency or private nonprofit agency to
8 perform the required service.

9 Sec. 86. Section 910.3, Code 2001, is amended to read as
10 follows:

11 910.3 DETERMINATION OF AMOUNT OF RESTITUTION.

12 The county attorney shall prepare a statement of pecuniary
13 damages to victims of the defendant and, if applicable, any
14 award by the crime victim compensation program and expenses
15 incurred by public agencies pursuant to section 321J.2,
16 subsection 9, paragraph "b", and shall provide the statement
17 to the presentence investigator or submit the statement to the
18 court at the time of sentencing. The clerk of court shall
19 prepare a statement of court-appointed attorney's attorney
20 fees, ordered pursuant to section 815.9, including the expense
21 of a public defender, and court costs including correctional
22 fees claimed by a sheriff pursuant to section 356.7, which
23 shall be provided to the presentence investigator or submitted
24 to the court at the time of sentencing. If these statements
25 are provided to the presentence investigator, they shall
26 become a part of the presentence report. If pecuniary damage
27 amounts are not available at the time of sentencing, the
28 county attorney shall provide a statement of pecuniary damages
29 incurred up to that time to the clerk of court. The statement
30 shall be provided no later than thirty days after sentencing.
31 If a defendant believes no person suffered pecuniary damages,
32 the defendant shall so state. If the defendant has any mental
33 or physical impairment which would limit or prohibit the
34 performance of a public service, the defendant shall so state.
35 The court may order a mental or physical examination, or both,

1 of the defendant to determine a proper course of action. At
2 the time of sentencing or at a later date to be determined by
3 the court, the court shall set out the amount of restitution
4 including the amount of public service to be performed as
5 restitution and the persons to whom restitution must be paid.
6 If the full amount of restitution cannot be determined at the
7 time of sentencing, the court shall issue a temporary order
8 determining a reasonable amount for restitution identified up
9 to that time. At a later date as determined by the court, the
10 court shall issue a permanent, supplemental order, setting the
11 full amount of restitution. The court shall enter further
12 supplemental orders, if necessary. These court orders shall
13 be known as the plan of restitution.

14 Sec. 87. Section 910.9, unnumbered paragraph 3, Code 2001,
15 is amended to read as follows:

16 Fines, penalties, and surcharges, crime victim compensation
17 program reimbursement, public agency restitution, court costs
18 including correctional fees claimed by a sheriff pursuant to
19 section 356.7, court-appointed attorney's attorney fees,--and
20 ordered pursuant to section 815.9, including the expenses for
21 public defenders, shall not be withheld by the clerk of court
22 until all victims have been paid in full. Payments to victims
23 shall be made by the clerk of court at least quarterly.
24 Payments by a clerk of court shall be made no later than the
25 last business day of the quarter, but may be made more often
26 at the discretion of the clerk of court. The clerk of court
27 receiving final payment from an offender shall notify all
28 victims that full restitution has been made. Each office or
29 individual charged with supervising an offender who is
30 required to perform community service as full or partial
31 restitution shall keep records to assure compliance with the
32 portions of the plan of restitution and restitution plan of
33 payment relating to community service and, when the offender
34 has complied fully with the community service requirement,
35 notify the sentencing court.

1 Sec. 88. Sections 444.25A, 444.25B, 444.26, and 444.27,
2 Code 2001, are repealed.

3 Sec. 89. 2000 Iowa Acts, chapter 1148, section 1, is
4 amended to read as follows:

5 SECTION 1. COUNTY SYSTEM FOR DATA STORAGE AND RETRIEVAL.

6 1. Chapters 6B, ~~10A~~ 11, 12B, ~~24~~ 35B, 43, 50, 62, 64, 65,
7 66, 69, 96, 99, ~~124C~~-~~144~~ 147, ~~161A~~ 177A, 230, 257B, ~~306~~
8 ~~309~~ 311, 317, ~~321A~~ 347B, 353, ~~354~~ 357, 357C, ~~357D~~-~~357E~~
9 ~~357F~~-~~357G~~ 358, ~~358E~~ 359, 359A, 380, 384, ~~386~~ 420, ~~422~~
10 ~~424~~-~~425~~ 426A, 428, 433, 434, ~~435~~ 436, ~~437~~-~~437A~~ 438, 440,
11 441, 443, 444, 448, 449, ~~455I~~ 468, 556F, 557C, 558, 561, 595,
12 614, and 658, ~~and-717B~~ Code 1999 and Code Supplement 1999,
13 are amended by adding the following new definition:

14 NEW DEFINITION. As used in this chapter, unless the
15 context otherwise requires, "list", "book", "record", or
16 "schedule" kept by a county auditor, assessor, treasurer,
17 recorder, sheriff, or other county officer means the county
18 system as defined in section 445.1.

19 2. The Code editor is directed ~~to-add-the-definition~~
20 ~~prescribed-in-subsection-1-to-the-definition-sections-of,~~ for
21 each chapter listed ~~or-if-a-definition-section-does-not~~
22 ~~exist,~~ to create a definition section including the definition
23 prescribed in subsection 1 for the chapter in the Code of
24 Iowa, 2001.

25 Sec. 90. 2000 Iowa Acts, chapter 1148, is amended by
26 adding the following new sections:

27 SECTION 1A. COUNTY SYSTEM FOR DATA STORAGE AND RETRIEVAL.

28 1. Sections 10A.101, 24.2, 124C.1, 144.1, 161A.3, 306.2,
29 309.1, 321A.1, 354.2, 357D.1, 357E.1, 357F.1, 357G.1, 358C.1,
30 386.1, 422.3, 424.2, 437.1, 437A.3, and 455I.1, Code 1999 and
31 Code Supplement 1999, are amended by adding the following new
32 definition:

33 NEW DEFINITION. "Book", "list", "schedule", or "record"
34 kept by a county auditor, assessor, treasurer, recorder,
35 sheriff, or other county officer means the county system as

1 defined in section 445.1.

2 2. The Code editor is directed to add the definition
3 prescribed in subsection 1 to the definitions in each section
4 listed for the Code of Iowa, 2001.

5 SECTION 1B. COUNTY SYSTEM FOR DATA STORAGE AND RETRIEVAL.

6 1. Sections 425.11, 435.1, and 717B.1, Code 1999 and Code
7 Supplement 1999, are amended by adding the following new
8 definition:

9 NEW DEFINITION. Unless the context otherwise requires,
10 "book", "list", "schedule", or "record" kept by a county
11 auditor, assessor, treasurer, recorder, sheriff, or other
12 county officer means the county system as defined in section
13 445.1.

14 2. The Code editor is directed to add the definition
15 prescribed in subsection 1 to the definitions in each section
16 listed for the Code of Iowa, 2001.

17 Sec. 91. 2000 Iowa Acts, chapter 1213, section 1, is
18 amended to read as follows:

19 SECTION 1. Section 15.333, subsection 1, Code Supplement
20 1999, is amended to read as follows:

21 1. An eligible business may claim a corporate tax credit
22 up to a maximum of ten percent of the new investment which is
23 directly related to new jobs created by the location or
24 expansion of an eligible business under the program. Any
25 credit in excess of the tax liability for the tax year may be
26 credited to the tax liability for the following seven years or
27 until depleted, whichever occurs earlier. Subject to prior
28 approval by the department of economic development in
29 consultation with the department of revenue and finance, an
30 eligible business whose project primarily involves the
31 production of value-added agricultural products may elect to
32 receive a refund of all or a portion of an unused tax credit.
33 The refund may be used against a tax liability imposed under
34 chapter 422, division II, III, or V. If the business is a
35 partnership, subchapter S corporation, limited liability

1 company, or estate or trust electing to have the income taxed
2 directly to the individual, an individual may claim the tax
3 credit allowed. The amount claimed by the individual shall be
4 based upon the pro rata share of the individual's earnings of
5 the partnership, subchapter S corporation, limited liability
6 company, or estate or trust. For purposes of this section,
7 "new investment directly related to new jobs created by the
8 location or expansion of an eligible business under the
9 program" means the cost of machinery and equipment, as defined
10 in section 427A.1, subsection 1, paragraphs "e" and "j",
11 purchased for use in the operation of the eligible business,
12 the purchase price of which has been depreciated in accordance
13 with generally accepted accounting principles, and the cost of
14 improvements made to real property which is used in the
15 operation of the eligible business and which receives a
16 partial property tax exemption for the actual value added
17 under section 15.332.

18 1A. An eligible business whose project primarily involves
19 the production of value-added agricultural products, that
20 elects to receive a refund of all or a portion of an unused
21 tax credit, shall apply to the department of economic
22 development for tax credit certificates. An eligible business
23 whose project primarily involves the production of value-added
24 agricultural products shall not claim a tax credit under this
25 section unless a tax credit certificate issued by the
26 department of economic development is attached to the
27 taxpayer's tax return for the tax year during for which the
28 tax credit is claimed. A tax credit certificate shall not be
29 valid until the tax year following the date of the project
30 completion. A tax credit certificate shall contain the
31 taxpayer's name, address, tax identification number, the date
32 of project completion, the amount of the tax credit, other
33 information required by the department of revenue and finance.
34 The department of economic development shall not issue tax
35 credit certificates which total more than four million dollars

1 during a fiscal year. If the department receives applications
2 for tax credit certificates in excess of four million dollars,
3 the applicants shall receive certificates for a prorated
4 amount. The tax credit certificates shall not be transferred.

5 Sec. 92. 2000 Iowa Acts, chapter 1228, section 37, is
6 amended to read as follows:

7 SEC. 37. 1991 Iowa Acts, chapter 169, section 9, as
8 amended by 1996 Iowa Acts, chapter 1071, section 1, is
9 repealed.

10 On or before December 15, 2000, the prevention of
11 disabilities policy council shall submit a report to the
12 governor and the general assembly providing findings and
13 recommendations regarding the activities and duties of the
14 ~~commission~~ council and the need for its continuation.

15 Sec. 93. EFFECTIVE DATES.

16 1. Section 6, being deemed of immediate importance, takes
17 effect upon enactment and applies retroactively to April 25,
18 2000.

19 2. Section 52, being deemed of immediate importance, takes
20 effect upon enactment and applies retroactively to May 20,
21 1999.

22 3. Section 82, being deemed of immediate importance, takes
23 effect upon enactment and applies retroactively to July 1,
24 2000.

25 4. Section 91 takes effect July 1, 2001.

26 5. Section 92, being deemed of immediate importance, takes
27 effect upon enactment and applies retroactively to May 17,
28 2000.

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SENATE FILE 106

H-1432

1 Amend Senate File 106, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, by striking line 29 and inserting the
4 following: "2001, is amended to read as follows:

5 a. ~~Yard signs shall not be placed on any property~~
6 ~~which adjoins a city, county, or state roadway sooner~~
7 ~~than forty five days preceding a primary or general~~
8 ~~election and shall be removed within seven days after~~
9 ~~the primary or general election in which the name of~~
10 ~~the particular candidate or ballot issue described on~~
11 ~~the yard sign appears on the ballot. Yard signs are~~
12 ~~subject to removal by highway authorities as provided~~
13 ~~in section 319.13, or by county or city law~~
14 ~~enforcement authorities in a manner consistent with~~
15 ~~section 319.13. The placement or erection of yard~~
16 signs shall be exempt from the requirements of chapter
17 480. ~~Notice may be provided to the chairperson of the~~
18 ~~appropriate county central committee if the highway~~
19 ~~authorities are unable to provide notice to the~~
20 ~~candidate, candidate's committee, or political~~
21 ~~committee regarding the yard sign."~~

22 2. Page 19, by inserting after line 2, the
23 following:

24 "Sec. ____ Section 455B.190A, subsection 1,
25 paragraph e, Code 2001, is amended by striking the
26 paragraph.

27 Sec. ____ Section 455B.190A, subsection 2,
28 paragraphs f and g, Code 2001, are amended to read as
29 follows:

30 f. The department shall develop continuing
31 education requirements for certification of a well
32 contractor ~~in consultation with the well contractors'~~
33 ~~council.~~

34 g. The examination shall be developed by the
35 department ~~in consultation with the well contractors'~~
36 ~~council.~~ The examination shall be updated as
37 necessary to reflect current groundwater law and well
38 construction, maintenance, and abandonment practices."

39 3. Page 19, line 25, by striking the words
40 "~~remediation~~ agricultural reimbursement" and inserting
41 the following: "agricultural remediation
42 reimbursement".

43 4. Page 25, line 9, by striking the word "three"
44 and inserting the following: "~~three~~ five".

45 5. Page 25, by inserting after line 22, the
46 following:

47 "Sec. ____ Section 546.2, subsection 3, paragraph
48 f, Code 2001, is amended to read as follows:

49 f. ~~Alcoholic beverages~~ Alcohol and tobacco
50 control.

H-1432

APRIL 5, 2001

HOUSE CLIP SHEET

B-1432

Page 2

1 Sec.

2 read as follows:

3 546.9

4 ALCOHOLIC BEVERAGES

5 ALCOHOL AND TOBACCO

6 CONTROL DIVISION.

7 The ~~alcoholic beverages~~ alcohol and tobacco control

8 division shall enforce and implement chapter 123. The

9 appointed pursuant to the administrator of ~~alcoholic~~

10 ~~beverages~~ alcohol and tobacco control who shall be

11 perform duties within the division pursuant to chapter

12 123."

13 6. Page 26, by inserting after line 21 the

14 following:

15 "Sec. 633.568

16 to read as follows:

17 1. a. If the proposed ward is an adult, notice of

18 the filing of the petition shall be served upon the

19 proposed ward in the manner of an original notice and

20 the content of the notice is governed by the rules of

21 civil procedure governing original notice.

22 b. Except where the ward is the petitioner, notice

23 shall also be served upon the ward's spouse. If the

24 ward has no spouse, notice shall be served upon the

25 ward's adult children, if any.

26 2. a. If the proposed ward is a minor or if the

27 proposed ward is an adult under a standby petition

28 the court determines, pursuant to section 633.575,

29 subsection 1, paragraph "b", that the proposed wa

30 original notice, or another form of notice ordered

31 the court, given to the attorney appointed to

32 represent the ward is also be served upon the;

33 b. Notice shall also be served upon the

34 proposed ward,

35 (1) The spouse of the proposed ward,

36 if the ward is an adult. If the ward

37 proposed ward is a minor,

38 (2) The spouse of the proposed ward,

39 if the ward is a minor,

40 notice shall be served upon the proposed ward,

41 other than the proposed ward,

42 persons whose identities

43 pursuant to section

44 shall be made

45 documents s

APRIL 5, 2001

HOUSE CLIP SHEET

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to read as follows:

(1) By majority vote of all adult beneficiaries and the representative of any minor or incompetent beneficiary, as ~~defined by~~ provided in section 633.6303.

Sec. ~~633.4105, subsection 1,~~ Section 633.4106, subsection 1, paragraph c, Code 2001, is amended to read as follows:

c. With the consent of the adult beneficiaries ~~as defined in section 633.4105, subsection 1,~~ if the trust is irrevocable or the holder of the power to revoke lacks competency or is not represented by a guardian, conservator, or agent.

Sec. ~~633.4105, subsection 1,~~ Section 633.4213, subsections 5 and 6, Code 2001, are amended to read as follows:

5. A trustee shall prepare and send to the beneficiaries an ~~account~~ accounting of the trust property, liabilities, receipts, and disbursements at least annually, at the termination of the trust, and upon a change of a trustee, and disbursements at reason of death or incapacity, by the former trustee's personal representative or guardian or conservator.

6. Copies of ~~account~~ accounting of the trust required under this section need only be sent to the following beneficiaries: a. Each beneficiary who has delivered to the trustee or other fiduciary a written request for a copy of the ~~account~~ accounting or other information.

Sec. ~~633.6202, subsection 2,~~ Section 633.6202, subsection 2, paragraph o, Code 2001, is amended to read as follows:

o. Authorize or direct transfer ~~of~~ of a trust or trust property to or from another jurisdiction.

7. Page 27, line 2, by striking the word "person" and inserting the following: "person."

8. Page 27, line 3, by striking the word "person" and inserting the following: "person."

9. Page 31, by inserting after line 35, the following:

"Sec. ~~633.6202, subsection 2,~~ Section 633.6202, subsection 2, paragraph o, Code 2001, is amended to read as follows:

o. Authorize or direct transfer ~~of~~ of a trust or trust property to or from another jurisdiction."

CHANGES. — ALCOHOLIC BEVERAGES DIVISION

Sections 18.14, 22.7, 123.3, 123.5, 123.20, 142A.3, 142A.4, 142A.5, 455C.4, Code 2001, are amended to read as follows:

1. Section 18.14, 22.7, 123.3, 123.5, and 455C.4, Code 2001, are amended to read as follows:

the words "alcoholic beverages" are amended to read "alcoholic beverages division."

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1 commission" and inserting in lieu thereof the words
2 "alcohol and tobacco control commission".
3 3. The Code editor is directed to change all
4 references to the "alcoholic beverages division" to
5 the "alcohol and tobacco control division" and further
6 to change all references to "alcoholic beverages
7 commission" to the "alcohol and tobacco control
8 commission" in any section of the 2001 Code of Iowa
9 and in any enactment which is codified on or after the
10 effective date of this Act and in which there is no
11 doubt as to the intent to refer to that division or
12 commission. The Code editor is further directed to
13 change all references to the "administrator of the
14 alcoholic beverages division" or the "administrator of
15 alcoholic beverages" to the "administrator of the
16 alcohol and tobacco control division" or the
17 "administrator of alcohol and tobacco control",
18 respectively, in any section of the 2001 Code of Iowa
19 and in any enactment which is codified on or after the
20 effective date of this Act and in which there is no
21 doubt as to the intent to refer to that
22 administrator."
23 10. By numbering and renumbering and changing
24 internal references as necessary.

By COMMITTEE ON JUDICIARY,
LARSON of Linn, Chairperson

H-1432 FILED APRIL 4, 2001