

Lamberti  
Kramer  
Flynn

SSB 1274  
Appropriations

Succeeded By

(SF) HF 542

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY  
CHAIRPERSON LAMBERTI)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to public expenditure and regulatory matters,  
2 making and reducing appropriations, and including effective  
3 date and retroactive applicability provisions.

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

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DIVISION I

MH/MR/DD -- ALLOWED GROWTH

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3 Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND  
4 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ADJUSTMENT  
5 AND ALLOCATIONS. There is appropriated from the general fund  
6 of the state to the department of human services for the  
7 fiscal year beginning July 1, 2002, and ending June 30, 2003,  
8 the following amount, or so much thereof as is necessary, to  
9 be used for the purpose designated:

10 For distribution to counties of the county mental health,  
11 mental retardation, and developmental disabilities allowed  
12 growth factor adjustment, as provided in this section in lieu  
13 of the provisions of section 331.438, subsection 2, and  
14 section 331.439, subsection 3, and chapter 426B:

15 ..... \$ 14,874,702

16 The funding appropriated in this section is the allowed  
17 growth factor adjustment for fiscal year 2002-2003, and is  
18 allocated for distribution as provided by law.

DIVISION II

STANDING APPROPRIATIONS -- REDUCTIONS

21 Sec. 2. GENERAL ASSEMBLY. The appropriations made from  
22 the general fund of the state in section 2.12, for the fiscal  
23 year beginning July 1, 2001, and ending June 30, 2002, for the  
24 expenses of the general assembly and for legislative agencies,  
25 are reduced by the following amount:

26 ..... \$ 1,550,324

27 Sec. 3. PERFORMANCE OF DUTY. The appropriation made from  
28 the general fund of the state in section 7D.29, for the fiscal  
29 year beginning July 1, 2001, and ending June 30, 2002, for  
30 performance of duty by the executive council, is reduced by  
31 the following amount:

32 ..... \$ 1,000,000

33 Sec. 4. STATE APPEAL BOARD CLAIMS. Notwithstanding the  
34 standing appropriations in section 25.2, subsection 3, the  
35 amount appropriated from the general fund of the state under

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1 section 25.2, subsection 3, to the state appeal board to pay  
2 claims against the state for the fiscal year beginning July 1,  
3 2001, and ending June 30, 2002, is reduced by the following  
4 amount:

5 ..... \$ 2,000,000

6 Sec. 5. CONSTITUTIONAL AMENDMENTS AND PUBLIC MEASURES.

7 Notwithstanding the standing appropriation in section 49A.9,  
8 the amount appropriated from the general fund of the state  
9 under section 49A.9, to the office of the secretary of state  
10 for the fiscal year beginning July 1, 2001, and ending June  
11 30, 2002, is reduced by the following amount:

12 ..... \$ 2,565

13 Sec. 6. AREA EDUCATION AGENCIES. Notwithstanding the

14 provisions of chapter 257 that determine the funding for area  
15 education agencies, the state school foundation aid for these  
16 agencies and the portion of the combined district cost  
17 calculated for these agencies for the fiscal year beginning  
18 July 1, 2001, and ending June 30, 2002, are reduced by the  
19 department of management by \$6,500,000. The department shall  
20 calculate a reduction such that each area education agency  
21 shall receive a reduction proportionate to the amount that it  
22 would have received under section 257.35 if the reduction  
23 imposed pursuant to this section did not apply.

24 Notwithstanding the provisions of section 257.37, an area  
25 education agency may use the funds determined to be available  
26 under section 257.35 in a manner which it believes is  
27 appropriate to best maintain the level of required area  
28 education agency special education services.

29 Sec. 7. SCHOOL IMPROVEMENT TECHNOLOGY. Notwithstanding

30 the standing appropriation in section 256D.5, subsection 2,  
31 the amount appropriated from the general fund of the state  
32 under section 256D.5, subsection 2, to the department of  
33 education for the fiscal year beginning July 1, 2001, and  
34 ending June 30, 2002, is reduced by the following amount:

35 ..... \$ 20,000,000

1     Sec. 8. AT-RISK CHILDREN PROGRAMS. Notwithstanding the  
2 standing appropriation in section 279.51, subsection 1, the  
3 amount appropriated from the general fund of the state under  
4 section 279.51, subsection 1, to the department of education  
5 for the fiscal year beginning July 1, 2001, and ending June  
6 30, 2002, is reduced by the following amount:

7 ..... \$ 1,000,000

8     The amount of the reduction in this section shall be  
9 prorated among the programs specified in section 279.51,  
10 subsection 1, paragraphs "a", "b", and "c".

11    Sec. 9. NONPUBLIC SCHOOL TRANSPORTATION. Notwithstanding  
12 the standing appropriation in section 285.2, the amount  
13 appropriated from the general fund of the state under section  
14 285.2 to the department of education for the fiscal year  
15 beginning July 1, 2001, and ending June 30, 2002, is reduced  
16 by the following amount:

17 ..... \$ 505,000

18    Sec. 10. EDUCATIONAL EXCELLENCE. Notwithstanding section  
19 294A.25, subsection 1, the amount appropriated from the  
20 general fund of the state under section 294A.25, subsection 1,  
21 to the department of education for phase III moneys for the  
22 fiscal year beginning July 1, 2001, and ending June 30, 2002,  
23 is reduced by the following amount:

24 ..... \$ 2,000,000

25    Sec. 11. PUBLIC TRANSIT ASSISTANCE APPROPRIATION.  
26 Notwithstanding section 312.2, subsection 14, the amount  
27 appropriated from the general fund of the state under section  
28 312.2, subsection 14, to the state department of  
29 transportation for public transit assistance under chapter  
30 324A for the fiscal year beginning July 1, 2001, and ending  
31 June 30, 2002, is reduced by the following amount:

32 ..... \$ 659,820

33    Sec. 12. INDIAN SETTLEMENT OFFICER. Notwithstanding the  
34 standing appropriation in section 331.660, the amount  
35 appropriated from the general fund of the state under section

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1 331.660, to the county of Tama for the fiscal year beginning  
2 July 1, 2001, and ending June 30, 2002, is reduced by the  
3 following amount:

4 ..... \$ 25,000

5 Sec. 13. COURT COSTS FOR SPECIAL STATE CASES.

6 Notwithstanding the standing appropriation in section 815.1,  
7 the amount appropriated from the general fund of the state  
8 under section 815.1, to pay special court costs and attorney  
9 fees for the fiscal year beginning July 1, 2001, and ending  
10 June 30, 2002, is reduced by the following amount:

11 ..... \$ 66,370

12 Sec. 14. Section 196.8, subsection 2, Code 2001, is  
13 amended to read as follows:

14 2. Notwithstanding subsection 1, eggs gathered for sale at  
15 a poultry show from fowl exhibited at the show, which show has  
16 received financial assistance from the state in prior fiscal  
17 years, shall be exempt from the storage temperature and  
18 consumer grade quality requirements contained in subsection 1.  
19 ~~If-eggs-are-offered-for-sale-at-such-an-exhibit,-five-hundred~~  
20 ~~dollars-is-appropriated-to-the-department-to-reimburse-the~~  
21 ~~sponsoring-agency-of-the-exhibit-for-the-expenses-associated~~  
22 ~~with-the-exhibit.~~

23 DIVISION III

24 LAW ENFORCEMENT PHYSICAL EXAMS

25 Sec. 15. Section 400.8, subsection 1, Code 2001, is  
26 amended to read as follows:

27 1. The commission, when necessary under the rules,  
28 including minimum and maximum age limits, which shall be  
29 prescribed and published in advance by the commission and  
30 posted in the city hall, shall hold examinations for the  
31 purpose of determining the qualifications of applicants for  
32 positions under civil service, other than promotions, which  
33 examinations shall be practical in character and shall relate  
34 to matters which will fairly test the mental and physical  
35 ability of the applicant to discharge the duties of the

1 position to which the applicant seeks appointment. The  
2 physical examination of applicants for appointment to the  
3 positions of police officer, police matron, or fire fighter  
4 shall be held in accordance with medical protocols established  
5 by the board of trustees of the fire and police retirement  
6 system established by section 411.5 and shall be conducted by  
7 ~~the medical board as established in section 411.5~~ in  
8 accordance with the directives of the board of trustees. The  
9 board of trustees may change the medical protocols at any time  
10 the board so determines. The physical examination of an  
11 applicant for the position of police officer, police matron,  
12 or fire fighter shall be conducted after a conditional offer  
13 of employment has been made to the applicant. An applicant  
14 shall not be discriminated against on the basis of height,  
15 weight, sex, or race in determining physical or mental ability  
16 of the applicant. Reasonable rules relating to strength,  
17 agility, and general health of applicants shall be prescribed.  
18 The costs of the physical examination required under this  
19 subsection shall be paid from the trust and agency fund of the  
20 city.

21 DIVISION IV

22 DEBT SERVICE AND TOBACCO FUND APPROPRIATIONS

23 TUITION REPLACEMENT

24 Sec. 16. TUITION REPLACEMENT -- GENERAL FUND. In lieu of  
25 the appropriation made to the state board of regents for  
26 tuition replacement in 2001 Iowa Acts, Senate File 535,  
27 section 8, subsection 1, paragraph "b", if enacted, there is  
28 appropriated from the general fund of the state to the state  
29 board of regents for the fiscal year beginning July 1, 2001,  
30 and ending June 30, 2002, the following amount, or so much  
31 thereof as is necessary, to be used for the purpose  
32 designated:

33 For allocation by the state board of regents to the state  
34 university of Iowa, the Iowa state university of science and  
35 technology, and the university of northern Iowa to reimburse

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1 the institutions for deficiencies in their operating funds  
2 resulting from the pledging of tuitions, student fees and  
3 charges, and institutional income to finance the cost of  
4 providing academic and administrative buildings and facilities  
5 and utility services at the institutions:

6 ..... \$ 26,081,384

7 Sec. 17. TUITION REPLACEMENT -- TOBACCO SETTLEMENT FUND.

8 In addition to the appropriation made in this division of this  
9 Act from the general fund of the state to the state board of  
10 regents for purposes of tuition replacement, there is  
11 appropriated from the tax-exempt bonds proceeds restricted  
12 capital funds account of the tobacco settlement trust fund  
13 created in section 12E.12, pursuant to 2001 Iowa Acts, Senate  
14 File 532, if enacted, to the state board of regents for the  
15 fiscal year beginning July 1, 2001, and ending June 30, 2002,  
16 the following amount, or so much thereof as is necessary, to  
17 be used for the purpose designated:

18 For allocation by the state board of regents to the state  
19 university of Iowa, the Iowa state university of science and  
20 technology, and the university of northern Iowa to reimburse  
21 the institutions for deficiencies in their operating funds  
22 resulting from the pledging of tuitions, student fees and  
23 charges, and institutional income to finance the cost of  
24 providing academic and administrative buildings and facilities  
25 and utility services at the institutions:

26 ..... \$ 600,330

27 IOWA COMMUNICATIONS NETWORK

28 Sec. 18. IOWA COMMUNICATIONS NETWORK DEBT SERVICE --  
29 GENERAL FUND. In lieu of the appropriation made to the  
30 treasurer of state for Iowa communications network debt  
31 service in 2001 Iowa Acts, House File 719, section 1, if  
32 enacted, there is appropriated from the general fund of the  
33 state to the treasurer of state for the fiscal year beginning  
34 July 1, 2001, and ending June 30, 2002, the following amount,  
35 or so much thereof as is necessary, to be used for the purpose

1 designated:

2 For debt service for the Iowa communications network:  
3 ..... \$ 9,939,165

4 Sec. 19. IOWA COMMUNICATIONS NETWORK DEBT SERVICE --  
5 TOBACCO SETTLEMENT FUND. In addition to the appropriation  
6 made in this division of this Act from the general fund of the  
7 state to the treasurer of state for purposes of Iowa  
8 communications network debt service, there is appropriated  
9 from the tax-exempt bonds proceeds restricted capital funds  
10 account of the tobacco settlement trust fund created in  
11 section 12E.12, pursuant to 2001 Iowa Acts, Senate File 532,  
12 if enacted, to the treasurer of state for the fiscal year  
13 beginning July 1, 2001, and ending June 30, 2002, the  
14 following amount, or so much thereof as is necessary, to be  
15 used for the purpose designated:

16 For debt service for the Iowa communications network:  
17 ..... \$ 1,465,835

18 Sec. 20. DEBT SERVICE FUND. Funds appropriated in this  
19 division of this Act for Iowa communications network debt  
20 service shall be deposited in a separate fund established in  
21 the office of the treasurer of state to be used solely for  
22 debt service for the Iowa communications network. The Iowa  
23 telecommunications and technology commission shall certify to  
24 the treasurer of state when a debt service payment is due, and  
25 upon receipt of the certification, the treasurer shall make  
26 the payment. The commission shall pay any additional amount  
27 due from funds deposited in the Iowa communications network  
28 fund.

29 PRISON DEBT SERVICE

30 Sec. 21. There is appropriated from the tax-exempt bonds  
31 proceeds restricted capital funds account of the tobacco  
32 settlement trust fund created in section 12E.12, pursuant to  
33 2001 Iowa Acts, Senate File 532, if enacted, to the treasurer  
34 of state for the fiscal year beginning July 1, 2001, and  
35 ending June 30, 2002, the following amount, or so much thereof

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1 as is necessary, to be used for the purpose designated:

2 For repayment of prison infrastructure bonds under section  
3 16.177:

4 ..... \$ 5,182,272

5 TOBACCO MASTER SETTLEMENT AGREEMENT LITIGATION

6 Sec. 22. There is appropriated from the tax-exempt bonds  
7 proceeds restricted capital funds account of the tobacco  
8 settlement trust fund created in section 12E.12, pursuant to  
9 2001 Iowa Acts, Senate File 532, if enacted, to the department  
10 of justice for the fiscal year beginning July 1, 2001, and  
11 ending June 30, 2002, the following amount, or so much thereof  
12 as is necessary, to be used for the purpose designated:

13 For payment of litigation fees incurred pursuant to the  
14 tobacco master settlement agreement:

15 ..... \$ 10,617,000

16 Sec. 23. CONTINGENT EFFECTIVE DATE. This division of this  
17 Act shall take effect only if 2001 Iowa Acts, Senate File 532  
18 is enacted and only if the tobacco settlement authority  
19 established in chapter 12E securitizes tobacco master  
20 settlement agreement payments sold to the authority pursuant  
21 to 2001 Iowa Acts, Senate File 532. If the contingencies of  
22 this section are met, the effective date of this division of  
23 this Act shall be the effective date of the receipt of the  
24 bond proceeds by the tobacco settlement authority and the  
25 deposit of the proceeds of the tax-exempt bonds and the  
26 taxable bonds in the respective accounts of the tobacco  
27 settlement trust fund pursuant to chapter 12E, and  
28 specifically pursuant to section 12E.9.

29 DIVISION V

30 MISCELLANEOUS

31 Sec. 24. Notwithstanding section 8.55, subsection 4, and  
32 section 8.56, subsection 1, for the fiscal year beginning July  
33 1, 2001, and ending June 30, 2002, the interest and earnings  
34 on moneys deposited in the Iowa economic emergency fund and  
35 the cash reserve fund shall be credited to the general fund of

1 the state.

2 Sec. 25. Section 483A.27, Code 2001, is amended by adding  
3 the following new subsection:

4 NEW SUBSECTION. 11. A hunter safety and ethics instructor  
5 certified by the department shall be allowed to conduct an  
6 approved hunter safety and ethics education course on public  
7 school property with the approval of a majority of the board  
8 of directors of the school district. The conduct of an  
9 approved hunter safety and ethics education course is not a  
10 violation of any public policy, rule, regulation, resolution,  
11 or ordinance which prohibits the possession, display, or use  
12 of a firearm, bow and arrow, or other hunting weapon on public  
13 school property or other public property in this state.

14 DIVISION VI

15 SCHEDULED VIOLATIONS

16 Sec. 26. Section 321.17, Code 2001, is amended to read as  
17 follows:

18 321.17 MISDEMEANOR TO VIOLATE REGISTRATION PROVISIONS.

19 It is a simple misdemeanor punishable as a scheduled  
20 violation under section 805.8A, subsection 2, paragraph "b",  
21 for any person to drive or move or for an owner knowingly to  
22 permit to be driven or moved upon the highway a vehicle of a  
23 type required to be registered under this chapter which is not  
24 registered, or for which the appropriate fee has not been  
25 paid, except as provided in section 321.109, subsection 3.

26 Sec. 27. Section 321.98, Code 2001, is amended to read as  
27 follows:

28 321.98 OPERATION WITHOUT REGISTRATION.

29 No A person shall not operate, ~~nor shall~~ and an owner shall  
30 not knowingly permit to be operated upon any highway any  
31 vehicle required to be registered and titled hereunder unless  
32 there shall be attached thereto and displayed thereon when and  
33 as required by this chapter a valid registration card and  
34 registration plate or plates issued therefor for the current  
35 registration year and unless a certificate of title has been

1 issued for such vehicle except as otherwise expressly  
2 permitted in this chapter. Any violation of this section is a  
3 simple misdemeanor punishable as a scheduled violation under  
4 section 805.8A, subsection 2, paragraph "b".

5 Sec. 28. Section 321.193, unnumbered paragraph 4, Code  
6 2001, is amended to read as follows:

7 It is a simple misdemeanor punishable as a scheduled  
8 violation under section 805.8A, subsection 4, paragraph "a",  
9 for a person to operate a motor vehicle in any manner in  
10 violation of the restrictions imposed on a restricted license  
11 issued to that person under this section.

12 Sec. 29. Section 321.216, unnumbered paragraph 1, Code  
13 2001, is amended to read as follows:

14 It is a simple misdemeanor punishable as a scheduled  
15 violation under section 805.8A, subsection 4, paragraph "b",  
16 for any person:

17 Sec. 30. Section 321.216B, Code 2001, is amended to read  
18 as follows:

19 321.216B USE OF DRIVER'S LICENSE OR NONOPERATOR'S  
20 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN ALCOHOL.

21 A person who is under the age of twenty-one, who alters or  
22 displays or has in the person's possession a fictitious or  
23 fraudulently altered driver's license or nonoperator's  
24 identification card and who uses the license to violate or  
25 attempt to violate section 123.47, commits a simple  
26 misdemeanor punishable by-a-fine-of-one-hundred-dollars as a  
27 scheduled violation under section 805.8A, subsection 4,  
28 paragraph "c". The court shall forward a copy of the  
29 conviction to the department.

30 Sec. 31. Section 321.216C, Code 2001, is amended to read  
31 as follows:

32 321.216C USE OF DRIVER'S LICENSE OR NONOPERATOR'S  
33 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN CIGARETTES OR  
34 TOBACCO PRODUCTS.

35 A person who is under the age of eighteen, who alters or

1 displays or has in the person's possession a fictitious or  
2 fraudulently altered driver's license or nonoperator's  
3 identification card and who uses the license or card to  
4 violate or attempt to violate section 453A.2, subsection 2,  
5 commits a simple misdemeanor punishable ~~by a fine of one~~  
6 hundred dollars as a scheduled violation under section 805.8A,  
7 subsection 4, paragraph "c". The court shall forward a copy  
8 of the conviction to the department.

9 Sec. 32. Section 321L.3, unnumbered paragraph 2, Code  
10 2001, is amended to read as follows:

11 A person who fails to return the persons with disabilities  
12 parking permit and subsequently misuses the permit by  
13 illegally parking in a persons with disabilities parking space  
14 is guilty of a simple misdemeanor ~~and subject to a fine of up~~  
15 to one hundred dollars punishable as a scheduled violation  
16 under section 805.8A, subsection 1, paragraph "c".

17 Sec. 33. Section 321L.7, Code 2001, is amended to read as  
18 follows:

19 321L.7 PENALTY FOR FAILING TO PROVIDE PERSONS WITH  
20 DISABILITIES PARKING SPACES AND SIGNS.

21 Failure to provide proper persons with disabilities parking  
22 spaces as provided in section 321L.5 or to properly display  
23 persons with disabilities parking signs as provided in section  
24 321L.6 is a simple misdemeanor for which a fine of one hundred  
25 dollars shall be imposed for each violation punishable as a  
26 scheduled violation under section 805.8A, subsection 1,  
27 paragraph "c".

28 Sec. 34. Section 452A.52, unnumbered paragraph 2, Code  
29 2001, is amended to read as follows:

30 Any person who is unable to display either of the permits  
31 or the license provided in section 452A.53 and brings into the  
32 state in the fuel supply tanks of a commercial motor vehicle  
33 more than thirty gallons of motor fuel or special fuel in  
34 violation of ~~the provisions of the preceding paragraph is~~  
35 guilty of subsection 1 commits a simple misdemeanor punishable

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1 as a scheduled violation under section 805.8A, subsection 13,  
2 paragraph "c".

3 Sec. 35. CONFLICTING LEGISLATION. If both 2001 Iowa Acts,  
4 Senate File 499 and 2001 Iowa Acts, House File 561 are enacted  
5 by the Seventy-ninth General Assembly and if House File 561  
6 maintains the scheduled fine for a violation of section  
7 321.234A at one hundred dollars, the scheduled fine of fifty  
8 dollars, as enacted in Senate File 499, shall prevail and the  
9 schedule fine of one hundred dollars, as enacted in House File  
10 561, shall be void.

11 Sec. 36. CONTINGENT EFFECTIVENESS. This division of this  
12 Act takes effect only if 2001 Iowa Acts, Senate File 499 is  
13 enacted.

14 DIVISION VII

15 CORRECTIVE AMENDMENTS

16 Sec. 37. Section 103A.3, subsections 10, 11, 20, and 25,  
17 Code 2001, are amended to read as follows:

18 10. "Ground anchoring system" means any device or  
19 combination of devices used to securely anchor a manufactured  
20 or mobile home to the ground.

21 11. "Ground support system" means any device or  
22 combination of devices placed beneath a manufactured or mobile  
23 home and used to provide support.

24 20. "Permanent site" means any lot or parcel of land on  
25 which a manufactured or mobile home used as a dwelling or  
26 place of business, is located for ninety consecutive days  
27 except a construction site when the manufactured or mobile  
28 home is used by a commercial contractor as a construction  
29 office or storage room.

30 25. "Tiedown system" means a ground support system and a  
31 ground anchoring system used in concert to provide anchoring  
32 and support for a manufactured or mobile home.

33 Sec. 38. Section 103A.26, Code 2001, if enacted by 2001  
34 Iowa Acts, Senate File 185, section 4, is amended to read as  
35 follows:

1 103A.26 MANUFACTURED OR MOBILE HOME INSTALLERS

2 CERTIFICATION -- VIOLATION -- CIVIL PENALTY.

3 1. a. A person who installs a manufactured or mobile home  
4 for another person shall be certified in accordance with rules  
5 adopted by the commissioner pursuant to chapter 17A. The  
6 commissioner may assess a fee sufficient to recover the costs  
7 of administering the certification of manufactured or mobile  
8 home installers. The commissioner may suspend or revoke the  
9 certification of a manufactured or mobile home installer for  
10 failure to perform installation of a manufactured or mobile  
11 home, pursuant to certification standards as provided by rules  
12 of the commissioner.

13 b. Notwithstanding section 103A.23, all fees collected by  
14 the commissioner for the administration of the manufactured or  
15 mobile home program shall be credited to the general fund of  
16 the state and are appropriated to the commissioner for the  
17 purpose of administering this certification program including  
18 the employment of personnel for the enforcement and  
19 administration of this program.

20 2. If a provision of this chapter or a rule adopted  
21 pursuant to this chapter relating to the manufacture or  
22 installation of a manufactured or mobile home is violated, the  
23 commissioner may assess a civil penalty not to exceed one  
24 thousand dollars for each offense. Each violation involving a  
25 separate manufactured or mobile home, or a separate failure or  
26 refusal to allow an act to be performed or to perform an act  
27 as required by this chapter, or a rule adopted pursuant to  
28 this chapter constitutes a separate offense. However, the  
29 maximum amount of civil penalties which may be assessed for  
30 any series of violations occurring within one year from the  
31 date of the first violation shall not exceed one million  
32 dollars.

33 Sec. 39. Section 165A.5, subsection 1, as enacted by 2001  
34 Iowa Acts, Senate File 209, section 5, is amended to read as  
35 follows:

1     1. ~~Except-as-provided-in-this-subsection,~~ a A person  
2 violating a provision of this chapter or any rule adopted  
3 pursuant to this chapter shall be subject to a civil penalty  
4 of at least one hundred dollars but not more than one thousand  
5 dollars. The proceeding to assess a civil penalty shall be  
6 conducted as a contested case proceeding under chapter 17A.

7     Sec. 40. Section 172E.1, subsection 3, as enacted by 2001  
8 Iowa Acts, Senate File 209, section 6, is amended to read as  
9 follows:

10    3. "Livestock market" means any place where livestock are  
11 assembled from two or more sources for public auction, private  
12 sale, or sale on a commission basis, which is under state or  
13 federal supervision, including a livestock auction market, if  
14 such livestock are kept in the place for ten days or less.

15    Sec. 41. Section 331.303, subsection 1, paragraph b, Code  
16 2001, as amended by 2001 Iowa Acts, Senate File 453, section  
17 1, is amended to read as follows:

18    b. A "warrant book" which records each warrant drawn in  
19 the order of issuance by number, date, amount, and name of  
20 drawee, and refers to the order in the minute book authorizing  
21 its drawing. The board may authorize the auditor to issue  
22 checks in lieu of warrants. If the issuance of checks is  
23 authorized, the word "check" shall be substituted for the word  
24 "warrant" in those sections of this chapter and chapters ~~6B-11~~  
25 6B, 11, 35B, 336, 349, 350, 427B, and 468 in which the  
26 issuance of a check is authorized in lieu of a warrant.

27    Sec. 42. Section 351.39, Code 2001, as amended by 2001  
28 Iowa Acts, House File 179, section 1, is amended to read as  
29 follows:

30    351.39 CONFINEMENT.

31    If a local board of health receives information that an  
32 animal has bitten a person or that a dog or animal is  
33 suspected of having rabies, the board shall order the owner to  
34 confine such animal in the manner it directs. If the owner  
35 fails to confine such animal in the manner directed, the

1 animal shall be apprehended and impounded by such board, and  
2 after ten days the board may humanely destroy the animal. If  
3 such animal is returned to its owner, the owner shall pay the  
4 cost of impoundment. This section shall not apply to if a  
5 police service dog or a horse used by a law enforcement  
6 agency~~7-that-is~~ and acting in the performance of its duties  
7 which has bitten a person.

8 Sec. 43. Section 466.8, unnumbered paragraph 1, as enacted  
9 by 2001 Iowa Acts, Senate File 479, section 2, is amended to  
10 read as follows:

11 The department of natural resources shall establish an on-  
12 site wastewater systems assistance program for the purpose of  
13 providing low-interest loans to homeowners residing outside  
14 the boundaries of a city for improving on-site wastewater  
15 disposal systems.

16 Sec. 44. Section 466.8, subsection 4, as enacted by 2001  
17 Iowa Acts, Senate File 479, section 2, is amended to read as  
18 follows:

19 4. The department shall report to the general assembly  
20 annually on the progress of the on-site wastewater systems  
21 assistance program.

22 Sec. 45. Section 507B.4A, subsection 2, paragraph c, as  
23 enacted by 2001 Iowa Acts, Senate File 500, section 8, is  
24 amended to read as follows:

25 c. The commissioner shall adopt rules establishing  
26 processes for timely adjudication and payment of claims by  
27 insurers for health care benefits. The rules shall be  
28 consistent with the time frames and other procedural standards  
29 for claims decisions by group health plans established by the  
30 United States department of labor pursuant to 29 C.F.R. pt.  
31 2560 in effect ~~at-the-time-of-passage-of-this-Act~~ on January  
32 1, 2002.

33 Sec. 46. Section 522B.14, subsection 11, as enacted by  
34 2001 Iowa Acts, Senate File 276, section 28, is amended to  
35 read as follows:

1 11. An insurer, the authorized representative of the  
2 insurer, or an insurance producer that fails to report as  
3 required under this section, or that is found to have reported  
4 with actual malice by a court of competent jurisdiction, after  
5 notice and hearing, may have its license or certificate of  
6 authority suspended or revoked and may be fined penalized as  
7 provided in section 522B.17.

8 Sec. 47. Section 523A.401, subsection 5, paragraph c, if  
9 enacted by 2001 Iowa Acts, Senate File 473, section 28, is  
10 amended to read as follows:

11 c. The policy shall have an increasing death benefit or  
12 similar feature that provides some means for increasing the  
13 funding as the cost of cemetery merchandise, funeral  
14 merchandise, and cemetery-goods-and funeral services  
15 increases.

16 Sec. 48. Section 523A.405, subsection 1, if enacted by  
17 2001 Iowa Acts, Senate File 473, section 32, is amended to  
18 read as follows:

19 1. In lieu of trust requirements, a seller may file with  
20 the commissioner a surety bond issued by a surety company  
21 authorized to do business and doing business within this  
22 state. The bond must be conditioned upon the seller's  
23 faithful performance of purchase agreements subject to this  
24 chapter. The surety's liability extends to each such  
25 agreement executed while the bond is in force and until  
26 performance or rescision of the purchase agreement. To the  
27 extent expressly agreed to in writing by the surety, the  
28 surety's liability extends to each such agreement subject to  
29 this chapter executed prior to the time the bond was in force  
30 and until performance or rescision of the agreement. A  
31 purchaser aggrieved by a breach of a condition of the bond  
32 covering the purchaser's agreement may maintain an action  
33 against the bond. If, at the time of the breach, the  
34 purchaser is aware of the purchaser's rights under the bond  
35 and how to file a claim against the bond, the surety shall not

1 be liable for any breach of condition unless the surety  
2 receives notice of a claim within sixty days following  
3 discovery of the acts, omissions, or conditions constituting  
4 the breach of condition, except as otherwise provided in this  
5 section. A surety bond shall not be canceled by a surety  
6 except upon a written notice of cancellation given by the  
7 surety to the commissioner by restricted certified mail, and  
8 not prior to the expiration of sixty days after receipt of the  
9 notice by the commissioner. The surety's liability shall  
10 extend to each purchase agreement subject to this chapter  
11 executed prior to cancellation of the surety bond until the  
12 seller has complied with section subsection 3.

13 Sec. 49. Section 554.9525, subsections 3 and 4, as enacted  
14 by 2000 Iowa Acts, chapter 1149, section 96, are amended to  
15 read as follows:

16 ~~3-~~ 2. NUMBER OF NAMES. The number of names required to be  
17 indexed does not affect the amount of the fee in subsections  
18 subsection 1 and-2.

19 ~~4-~~ 3. RESPONSE TO INFORMATION REQUEST. A rule or  
20 ordinance adopted pursuant to subsection 1 must set the fee  
21 for responding to a request for information from the filing  
22 office, including for communicating whether there is on file  
23 any financing statement naming a particular debtor. A fee for  
24 responding to a request communicated in writing must be not  
25 less than twice the amount of the fee for responding to a  
26 request communicated by another medium authorized by the  
27 office of secretary of state or the board of supervisors for  
28 the filing office where its filing office is located.

29 Sec. 50. Section 558.39, unnumbered paragraph 1, Code  
30 2001, as amended by 2001 Iowa Acts, House File 259, is amended  
31 to read as follows:

32 The following forms of acknowledgment shall be sufficient  
33 in the cases to which they are respectively applicable. In  
34 each case where one of these forms is used, the name of the  
35 state and county where the acknowledgment is taken shall

1 precede the body of the certificate, and the signature and  
2 official title of the officer shall follow it as indicated in  
3 the first form and shall constitute a part of the certificate,  
4 and the stamp or seal of the officer shall be attached when  
5 necessary under the provision of this chapter and as provided  
6 in section 9E-6 9E.6A. No certificate of acknowledgment shall  
7 be held to be defective on account of the failure to show the  
8 official title of the officer making the certificate if such  
9 title appears either in the body of such certificate or in  
10 connection therewith, or with the signature thereto.

11 Sec. 51. Section 633.4213, subsection 5, Code 2001, is  
12 amended to read as follows:

13 5. A trustee shall prepare and send to the beneficiaries  
14 an account of the trust property, liabilities, receipts, and  
15 disbursements at least annually, at the termination of the  
16 trust, and upon a change of a trustee. An accounting on  
17 behalf of a former trustee shall be prepared by the former  
18 trustee, or if the trustee's appointment is terminated by  
19 reason of death or incapacity, by the former trustee's  
20 personal representative or guardian or conservator.

21 Sec. 52. Section 702.11, subsection 2, paragraph e, as  
22 enacted by 2001 Iowa Acts, Senate File 63, section 1, is  
23 amended to read as follows:

24 e. Child endangerment resulting in bodily injury to a  
25 child or a minor in violation of section 726.6, subsection 2A.

26 Sec. 53. 2001 Iowa Acts, House File 656, section 15, is  
27 amended to read as follows:

28 SEC. 15. Sections ~~103A.37~~, 103A.30, 103A.31, 321.1, 321.47,  
29 321.123, 321.251, 321.284A, 321.457, 321E.28, 321E.31,  
30 331.429, 331.653, 422.43, 422A.1, 425.17, 426A.11, 427.11,  
31 435.22, 441.17, 445.1, 445.36A, 445.37, 445.38, 515C.1,  
32 534.605, 562B.2, 562B.13, 631.1, 631.4, and 648.3, Code 2001,  
33 are amended by inserting before the words "mobile home" the  
34 words "manufactured or".

35 Sec. 54. DIRECTION TO CODE EDITOR. In codifying

1 provisions of 2000 Iowa Acts, chapter 1149, in Code Supplement  
2 2001, the Code editor may change references from "this Act" to  
3 an appropriate reference, including but not limited to "this  
4 Article", wherever it appears in the Act, after consultation  
5 with the Iowa state bar association. The Iowa state bar  
6 association is requested to respond to the Code editor's  
7 consultations by no later than July 31, 2001. Nothing in this  
8 section limits the authority of the Code editor under section  
9 2B.13.

10 Sec. 55. CONTINGENT EFFECTIVENESS. The sections of this  
11 division of this Act amending Code section 103A.3 and Code  
12 section 103A.26, if enacted, take effect only if 2001 Iowa  
13 Acts, House File 656 is enacted.

14 EXPLANATION

15 Division I of this bill appropriates for the 2002-2003  
16 fiscal year to the department of human services for  
17 distribution to counties the county mental health, mental  
18 retardation, and developmental disabilities (MH/MR/DD) allowed  
19 growth factor adjustment.

20 Division II of this bill reduces standing appropriations to  
21 the legislative branch, the executive council for performance  
22 of duty, the state appeal board for claims against the state,  
23 the secretary of state for publication of public measures, the  
24 department of inspections and appeals for poultry show exhibit  
25 reimbursement, the area education agencies under the school  
26 aid formula, school improvement technology grants, the  
27 department of education for at-risk children programs,  
28 nonpublic school transportation, and educational excellence-  
29 phase III, the department of transportation for public transit  
30 assistance, the county of Tama for an Indian settlement  
31 officer, and for payment of special court costs and attorney  
32 fees. These reductions are for the 2001-2002 fiscal year  
33 except for the poultry show exhibit reimbursement which is  
34 eliminated permanently.

35 Division III of this bill amends Code section 400.8 to

1 provide that the physical exam of applicants for law  
2 enforcement and fire fighter positions are to be conducted in  
3 accordance with the directives of the board of trustees of the  
4 fire and police retirement system rather than by the appointed  
5 three-member medical board.

6 Division IV makes contingent appropriations for purposes of  
7 debt services and for costs relating to the tobacco master  
8 settlement agreement. The division includes general fund  
9 appropriations made in lieu of appropriations made for the  
10 same purposes in other enacted legislation. The division does  
11 not take effect unless 2001 Iowa Acts, Senate File 532 is  
12 enacted and the tobacco settlement authority securitizes  
13 tobacco master settlement agreement payments made to the  
14 authority. The effective date of the division is the  
15 effective date of the receipt and deposit of bond payments by  
16 the authority.

17 Division V of this bill provides that interest and earnings  
18 on moneys in the Iowa economic emergency fund and cash reserve  
19 fund are to be deposited into the state general fund instead  
20 of the rebuild Iowa infrastructure fund for the 2001-2002  
21 fiscal year. The division also allows for certified hunter  
22 safety and ethics instructors to conduct hunter safety and  
23 ethics education courses on public school property.

24 Division VI relates to scheduled violations. 2001 Iowa  
25 Acts, Senate File 499, if enacted, reorganizes the Code  
26 placement of scheduled fines in Code chapter 805 and changes  
27 some of those fines. Currently several Code sections  
28 prescribe unspecified or specified simple misdemeanor  
29 penalties for violations of those sections but do not refer to  
30 the applicable scheduled fine for those simple misdemeanor  
31 penalties. The following Code sections are amended to delete  
32 the reference to an unspecified or specified simple  
33 misdemeanor penalty and to instead refer to the specific  
34 scheduled fine provided for the violation in 2001 Iowa Acts,  
35 Senate File 499, if enacted: Code sections 321.17, 321.98,

1 321.193, 321.216, 321.216B, 321.216C, 321L.3, 321L.7, and  
2 452A.52.

3 Division VII provides corrective amendments to legislation  
4 enacted in the 2001 legislative session.

5 Code section 103A.3 is amended to refer to both  
6 manufactured and mobile homes in light of the enactment of  
7 2001 Iowa Acts, House File 656, if enacted. 2001 Iowa Acts,  
8 House File 656, section 15, is correspondingly amended to  
9 delete a reference to Code section 103A.3

10 Code section 103A.26, if enacted by 2001 Iowa Acts, Senate  
11 File 185, is amended to refer to both manufactured and mobile  
12 homes in light of the enactment of 2001 Iowa Acts, House File  
13 656, if enacted.

14 Code section 165A.5, as enacted in 2001 Iowa Acts, Senate  
15 File 209, relating to penalties for paratuberculosis  
16 enforcement, is amended to delete an erroneous reference to an  
17 exception.

18 Code section 172E.1, as enacted in 2001 Iowa Acts, Senate  
19 File 209, relating to marketing practices for cattle, is  
20 amended to insert the word "sale" in a clause involving cattle  
21 transactions on a commission basis.

22 Code section 331.303, as amended by 2001 Iowa Acts, Senate  
23 File 453, relating to administrative procedures of various  
24 county officers, is amended to correct an internal reference  
25 in a listing of applicable Code chapters.

26 Code section 351.39, as amended by 2001 Iowa Acts, House  
27 File 179, relating to police service dogs and horses, is  
28 amended to restructure a sentence.

29 Code section 466.8, as enacted by 2001 Iowa Acts, Senate  
30 File 479, relating to wastewater systems, is amended to insert  
31 a word omitted from the name of a program established in the  
32 legislation.

33 Code section 507B.4A, as enacted by 2001 Iowa Acts, Senate  
34 File 500, relating to various insurance provisions, is amended  
35 to include a date certain for the effectiveness of federal

1 rules containing requirements to which state rules are to  
2 conform.

3 Code section 522B.14, as enacted by 2001 Iowa Acts, Senate  
4 File 276, relating to the licensing of persons acting as  
5 insurance producers, is amended to correct a term referring to  
6 a penalty section.

7 Code section 523A.401, as enacted by 2001 Iowa Acts, Senate  
8 File 473, if enacted, is amended to correct terminology  
9 related to cemetery and funeral merchandise and services.

10 Code section 523A.405, as enacted by 2001 Iowa Acts, Senate  
11 File 473, if enacted, is amended to correct an internal  
12 reference within the section to requirements in cases of  
13 cancellation of a surety bond.

14 Code section 554.9525, as enacted by 2000 Iowa Acts,  
15 chapter 1149, relating to a new article of the uniform  
16 commercial code that takes effect on July 1, 2001, is amended  
17 to correct numbering of subsections, an internal reference,  
18 and an incorrect reference to the term "ordinance".

19 Code section 558.39 is amended to correct a reference to a  
20 new Code section created in 2001 Iowa Acts, House File 259,  
21 relating to notarial stamps and seals.

22 Code section 633.4213, relating to the duties of a trustee  
23 under the Iowa trust code, is amended to insert a missing  
24 verb.

25 Code section 702.11, subsection 2, paragraph "e", as  
26 enacted by 2001 Iowa Acts, Senate File 63, is amended to  
27 insert a reference to the term "minor" missing from a  
28 reference to another provision of the Code.

29 This division includes a directive to the Code editor to  
30 change references from "this Act" to "this Article" in the new  
31 article of the uniform commercial code that takes effect on  
32 July 1, 2001. The Code editor is to consult with the Iowa  
33 state bar association before making the changes.

34

35

Substituted for by HF 755  
5/7/01 (P. 1541)

FILED MAY 2 2001

SENATE FILE 542  
BY COMMITTEE ON APPROPRIATIONS

**WITHDRAWN**

(SUCCESSOR TO SSB 1274)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to public expenditure and regulatory matters,  
2 making and reducing appropriations, and including effective  
3 date and retroactive applicability provisions.

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

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SF 542

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DIVISION I

MH/MR/DD -- ALLOWED GROWTH

Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ADJUSTMENT AND ALLOCATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment, as provided in this section in lieu of the provisions of section 331.438, subsection 2, and section 331.439, subsection 3, and chapter 426B:

..... \$ 14,874,702

The funding appropriated in this section is the allowed growth factor adjustment for fiscal year 2002-2003, and is allocated for distribution as provided by law.

DIVISION II

STANDING APPROPRIATIONS -- REDUCTIONS

Sec. 2. GENERAL ASSEMBLY. The appropriations made from the general fund of the state in section 2.12, for the fiscal year beginning July 1, 2001, and ending June 30, 2002, for the expenses of the general assembly and for legislative agencies, are reduced by the following amount:

..... \$ 1,550,324

Sec. 3. PERFORMANCE OF DUTY. The appropriation made from the general fund of the state in section 7D.29, for the fiscal year beginning July 1, 2001, and ending June 30, 2002, for performance of duty by the executive council, is reduced by the following amount:

..... \$ 1,000,000

Sec. 4. STATE APPEAL BOARD CLAIMS. Notwithstanding the standing appropriations in section 25.2, subsection 3, the amount appropriated from the general fund of the state under

1 section 25.2, subsection 3, to the state appeal board to pay  
2 claims against the state for the fiscal year beginning July 1,  
3 2001, and ending June 30, 2002, is reduced by the following  
4 amount:

5 ..... \$ 2,000,000

6 Sec. 5. CONSTITUTIONAL AMENDMENTS AND PUBLIC MEASURES.

7 Notwithstanding the standing appropriation in section 49A.9,  
8 the amount appropriated from the general fund of the state  
9 under section 49A.9, to the office of the secretary of state  
10 for the fiscal year beginning July 1, 2001, and ending June  
11 30, 2002, is reduced by the following amount:

12 ..... \$ 2,565

13 Sec. 6. AREA EDUCATION AGENCIES. Notwithstanding the  
14 provisions of chapter 257 that determine the funding for area  
15 education agencies, the state school foundation aid for these  
16 agencies and the portion of the combined district cost  
17 calculated for these agencies for the fiscal year beginning  
18 July 1, 2001, and ending June 30, 2002, are reduced by the  
19 department of management by \$6,500,000. The department shall  
20 calculate a reduction such that each area education agency  
21 shall receive a reduction proportionate to the amount that it  
22 would have received under section 257.35 if the reduction  
23 imposed pursuant to this section did not apply.

24 Notwithstanding the provisions of section 257.37, an area  
25 education agency may use the funds determined to be available  
26 under section 257.35 in a manner which it believes is  
27 appropriate to best maintain the level of required area  
28 education agency special education services.

29 Sec. 7. SCHOOL IMPROVEMENT TECHNOLOGY. Notwithstanding  
30 the standing appropriation in section 256D.5, subsection 2,  
31 the amount appropriated from the general fund of the state  
32 under section 256D.5, subsection 2, to the department of  
33 education for the fiscal year beginning July 1, 2001, and  
34 ending June 30, 2002, is reduced by the following amount:

..... \$ 20,000,000

1     Sec. 8. AT-RISK CHILDREN PROGRAMS. Notwithstanding the  
2 standing appropriation in section 279.51, subsection 1, the  
3 amount appropriated from the general fund of the state under  
4 section 279.51, subsection 1, to the department of education  
5 for the fiscal year beginning July 1, 2001, and ending June  
6 30, 2002, is reduced by the following amount:

7 ..... \$ 1,000,000

8     The amount of the reduction in this section shall be  
9 prorated among the programs specified in section 279.51,  
10 subsection 1, paragraphs "a", "b", and "c".

11    Sec. 9. NONPUBLIC SCHOOL TRANSPORTATION. Notwithstanding  
12 the standing appropriation in section 285.2, the amount  
13 appropriated from the general fund of the state under section  
14 285.2 to the department of education for the fiscal year  
15 beginning July 1, 2001, and ending June 30, 2002, is reduced  
16 by the following amount:

17 ..... \$ 505,000

18    Sec. 10. EDUCATIONAL EXCELLENCE. Notwithstanding section  
19 294A.25, subsection 1, the amount appropriated from the  
20 general fund of the state under section 294A.25, subsection 1,  
21 to the department of education for phase III moneys for the  
22 fiscal year beginning July 1, 2001, and ending June 30, 2002,  
23 is reduced by the following amount:

24 ..... \$ 2,000,000

25    Sec. 11. PUBLIC TRANSIT ASSISTANCE APPROPRIATION.  
26 Notwithstanding section 312.2, subsection 14, the amount  
27 appropriated from the general fund of the state under section  
28 312.2, subsection 14, to the state department of  
29 transportation for public transit assistance under chapter  
30 324A for the fiscal year beginning July 1, 2001, and ending  
31 June 30, 2002, is reduced by the following amount:

32 ..... \$ 659,820

33    Sec. 12. INDIAN SETTLEMENT OFFICER. Notwithstanding the  
34 standing appropriation in section 331.660, the amount  
35 appropriated from the general fund of the state under section

331.660, to the county of Tama for the fiscal year beginning  
2 July 1, 2001, and ending June 30, 2002, is reduced by the  
3 following amount:

4 ..... \$ 25,000

5 Sec. 13. COURT COSTS FOR SPECIAL STATE CASES.

6 Notwithstanding the standing appropriation in section 815.1,  
7 the amount appropriated from the general fund of the state  
8 under section 815.1, to pay special court costs and attorney  
9 fees for the fiscal year beginning July 1, 2001, and ending  
10 June 30, 2002, is reduced by the following amount:

11 ..... \$ 66,370

12 Sec. 14. Section 196.8, subsection 2, Code 2001, is  
13 amended to read as follows:

14 2. Notwithstanding subsection 1, eggs gathered for sale at  
15 a poultry show from fowl exhibited at the show, which show has  
16 received financial assistance from the state in prior fiscal  
17 years, shall be exempt from the storage temperature and  
consumer grade quality requirements contained in subsection 1.

19 ~~If-eggs-are-offered-for-sale-at-such-an-exhibit,-five-hundred~~  
20 ~~dollars-is-appropriated-to-the-department-to-reimburse-the~~  
21 ~~sponsoring-agency-of-the-exhibit-for-the-expenses-associated~~  
22 ~~with-the-exhibit.~~

23 DIVISION III

24 LAW ENFORCEMENT PHYSICAL EXAMS

25 Sec. 15. Section 400.8, subsection 1, Code 2001, is  
26 amended to read as follows:

27 1. The commission, when necessary under the rules,  
28 including minimum and maximum age limits, which shall be  
29 prescribed and published in advance by the commission and  
30 posted in the city hall, shall hold examinations for the  
31 purpose of determining the qualifications of applicants for  
32 positions under civil service, other than promotions, which  
33 examinations shall be practical in character and shall relate  
34 to matters which will fairly test the mental and physical  
ability of the applicant to discharge the duties of the

1 position to which the applicant seeks appointment. The  
2 physical examination of applicants for appointment to the  
3 positions of police officer, police matron, or fire fighter  
4 shall be held in accordance with medical protocols established  
5 by the board of trustees of the fire and police retirement  
6 system established by section 411.5 and shall be conducted by  
7 ~~the medical board as established in section 411.5~~ in  
8 accordance with the directives of the board of trustees. The  
9 board of trustees may change the medical protocols at any time  
10 the board so determines. The physical examination of an  
11 applicant for the position of police officer, police matron,  
12 or fire fighter shall be conducted after a conditional offer  
13 of employment has been made to the applicant. An applicant  
14 shall not be discriminated against on the basis of height,  
15 weight, sex, or race in determining physical or mental ability  
16 of the applicant. Reasonable rules relating to strength,  
17 agility, and general health of applicants shall be prescribed.  
18 The costs of the physical examination required under this  
19 subsection shall be paid from the trust and agency fund of the  
20 city.

21 DIVISION IV

22 DEBT SERVICE AND TOBACCO FUND APPROPRIATIONS

23 TUITION REPLACEMENT

24 Sec. 16. TUITION REPLACEMENT -- GENERAL FUND. In lieu of  
25 the appropriation made to the state board of regents for  
26 tuition replacement in 2001 Iowa Acts, Senate File 535,  
27 section 8, subsection 1, paragraph "b", if enacted, there is  
28 appropriated from the general fund of the state to the state  
29 board of regents for the fiscal year beginning July 1, 2001,  
30 and ending June 30, 2002, the following amount, or so much  
31 thereof as is necessary, to be used for the purpose  
32 designated:

33 For allocation by the state board of regents to the state  
34 university of Iowa, the Iowa state university of science and  
35 technology, and the university of northern Iowa to reimburse

the institutions for deficiencies in their operating funds  
2 resulting from the pledging of tuitions, student fees and  
3 charges, and institutional income to finance the cost of  
4 providing academic and administrative buildings and facilities  
5 and utility services at the institutions:

6 ..... \$ 26,081,384

7 Sec. 17. TUITION REPLACEMENT -- TOBACCO SETTLEMENT FUND.

8 In addition to the appropriation made in this division of this  
9 Act from the general fund of the state to the state board of  
10 regents for purposes of tuition replacement, there is  
11 appropriated from the tax-exempt bond proceeds restricted  
12 capital funds account of the tobacco settlement trust fund  
13 created in section 12E.12, pursuant to 2001 Iowa Acts, Senate  
14 File 532, if enacted, to the state board of regents for the  
15 fiscal year beginning July 1, 2001, and ending June 30, 2002,  
16 the following amount, or so much thereof as is necessary, to  
17 be used for the purpose designated:

For allocation by the state board of regents to the state  
19 university of Iowa, the Iowa state university of science and  
20 technology, and the university of northern Iowa to reimburse  
21 the institutions for deficiencies in their operating funds  
22 resulting from the pledging of tuitions, student fees and  
23 charges, and institutional income to finance the cost of  
24 providing academic and administrative buildings and facilities  
25 and utility services at the institutions:

26 ..... \$ 600,330

27 IOWA COMMUNICATIONS NETWORK

28 Sec. 18. IOWA COMMUNICATIONS NETWORK DEBT SERVICE --

29 GENERAL FUND. In lieu of the appropriation made to the  
30 treasurer of state for Iowa communications network debt  
31 service in 2001 Iowa Acts, House File 719, section 1, if  
32 enacted, there is appropriated from the general fund of the  
33 state to the treasurer of state for the fiscal year beginning  
34 July 1, 2001, and ending June 30, 2002, the following amount,  
or so much thereof as is necessary, to be used for the purpose

1 designated:

2 For debt service for the Iowa communications network:  
3 ..... \$ 9,939,165

4 Sec. 19. IOWA COMMUNICATIONS NETWORK DEBT SERVICE --  
5 TOBACCO SETTLEMENT FUND. In addition to the appropriation  
6 made in this division of this Act from the general fund of the  
7 state to the treasurer of state for purposes of Iowa  
8 communications network debt service, there is appropriated  
9 from the tax-exempt bond proceeds restricted capital funds  
10 account of the tobacco settlement trust fund created in  
11 section 12E.12, pursuant to 2001 Iowa Acts, Senate File 532,  
12 if enacted, to the treasurer of state for the fiscal year  
13 beginning July 1, 2001, and ending June 30, 2002, the  
14 following amount, or so much thereof as is necessary, to be  
15 used for the purpose designated:

16 For debt service for the Iowa communications network:  
17 ..... \$ 1,465,835

18 Sec. 20. DEBT SERVICE FUND. Funds appropriated in this  
19 division of this Act for Iowa communications network debt  
20 service shall be deposited in a separate fund established in  
21 the office of the treasurer of state to be used solely for  
22 debt service for the Iowa communications network. The Iowa  
23 telecommunications and technology commission shall certify to  
24 the treasurer of state when a debt service payment is due, and  
25 upon receipt of the certification, the treasurer shall make  
26 the payment. The commission shall pay any additional amount  
27 due from funds deposited in the Iowa communications network  
28 fund.

29 PRISON DEBT SERVICE

30 Sec. 21. There is appropriated from the tax-exempt bond  
31 proceeds restricted capital funds account of the tobacco  
32 settlement trust fund created in section 12E.12, pursuant to  
33 2001 Iowa Acts, Senate File 532, if enacted, to the treasurer  
34 of state for the fiscal year beginning July 1, 2001, and  
35 ending June 30, 2002, the following amount, or so much thereof

as is necessary, to be used for the purpose designated:

2 For repayment of prison infrastructure bonds under section  
3 16.177:

4 ..... \$ 5,182,272

5 TOBACCO MASTER SETTLEMENT AGREEMENT LITIGATION

6 Sec. 22. There is appropriated from the tax-exempt bond  
7 proceeds restricted capital funds account of the tobacco  
8 settlement trust fund created in section 12E.12, pursuant to  
9 2001 Iowa Acts, Senate File 532, if enacted, to the department  
10 of justice for the fiscal year beginning July 1, 2001, and  
11 ending June 30, 2002, the following amount, or so much thereof  
12 as is necessary, to be used for the purpose designated:

13 For payment of litigation fees incurred pursuant to the  
14 tobacco master settlement agreement:

15 ..... \$ 10,617,000

16 Sec. 23. CONTINGENT EFFECTIVE DATE. This division of this  
17 Act shall take effect only if 2001 Iowa Acts, Senate File 532  
18 is enacted and only if the tobacco settlement authority  
19 established in chapter 12E securitizes tobacco master  
20 settlement agreement payments sold to the authority pursuant  
21 to 2001 Iowa Acts, Senate File 532. If the contingencies of  
22 this section are met, the effective date of this division of  
23 this Act shall be the effective date of the receipt of the  
24 bond proceeds by the tobacco settlement authority and the  
25 deposit of the proceeds of the tax-exempt bonds and the  
26 taxable bonds in the respective accounts of the tobacco  
27 settlement trust fund pursuant to chapter 12E, and  
28 specifically pursuant to section 12E.9.

29 DIVISION V

30 MISCELLANEOUS

31 Sec. 24. Notwithstanding section 8.55, subsection 4, and  
32 section 8.56, subsection 1, for the fiscal year beginning July  
33 1, 2001, and ending June 30, 2002, the interest and earnings  
34 on moneys deposited in the Iowa economic emergency fund and  
the cash reserve fund shall be credited to the general fund of

1 the state.

2 Sec. 25. Section 483A.27, Code 2001, is amended by adding  
3 the following new subsection:

4 NEW SUBSECTION. 11. A hunter safety and ethics instructor  
5 certified by the department shall be allowed to conduct an  
6 approved hunter safety and ethics education course on public  
7 school property with the approval of a majority of the board  
8 of directors of the school district. The conduct of an  
9 approved hunter safety and ethics education course is not a  
10 violation of any public policy, rule, regulation, resolution,  
11 or ordinance which prohibits the possession, display, or use  
12 of a firearm, bow and arrow, or other hunting weapon on public  
13 school property or other public property in this state.

14 DIVISION VI

15 SCHEDULED VIOLATIONS

16 Sec. 26. Section 321.17, Code 2001, is amended to read as  
17 follows:

18 321.17 MISDEMEANOR TO VIOLATE REGISTRATION PROVISIONS.

19 It is a simple misdemeanor punishable as a scheduled  
20 violation under section 805.8A, subsection 2, paragraph "b",  
21 for any person to drive or move or for an owner knowingly to  
22 permit to be driven or moved upon the highway a vehicle of a  
23 type required to be registered under this chapter which is not  
24 registered, or for which the appropriate fee has not been  
25 paid, except as provided in section 321.109, subsection 3.

26 Sec. 27. Section 321.98, Code 2001, is amended to read as  
27 follows:

28 321.98 OPERATION WITHOUT REGISTRATION.

29 No A person shall not operate, ~~nor shall~~ and an owner shall  
30 not knowingly permit to be operated upon any highway any  
31 vehicle required to be registered and titled hereunder unless  
32 there shall be attached thereto and displayed thereon when and  
33 as required by this chapter a valid registration card and  
34 registration plate or plates issued therefor for the current  
35 registration year and unless a certificate of title has been

issued for such vehicle except as otherwise expressly  
2 permitted in this chapter. Any violation of this section is a  
3 simple misdemeanor punishable as a scheduled violation under  
4 section 805.8A, subsection 2, paragraph "b".

5 Sec. 28. Section 321.193, unnumbered paragraph 4, Code  
6 2001, is amended to read as follows:

7 It is a simple misdemeanor punishable as a scheduled  
8 violation under section 805.8A, subsection 4, paragraph "a",  
9 for a person to operate a motor vehicle in any manner in  
10 violation of the restrictions imposed on a restricted license  
11 issued to that person under this section.

12 Sec. 29. Section 321.216, unnumbered paragraph 1, Code  
13 2001, is amended to read as follows:

14 It is a simple misdemeanor punishable as a scheduled  
15 violation under section 805.8A, subsection 4, paragraph "b",  
16 for any person:

17 Sec. 30. Section 321.216B, Code 2001, is amended to read  
as follows:

19 321.216B USE OF DRIVER'S LICENSE OR NONOPERATOR'S  
20 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN ALCOHOL.

21 A person who is under the age of twenty-one, who alters or  
22 displays or has in the person's possession a fictitious or  
23 fraudulently altered driver's license or nonoperator's  
24 identification card and who uses the license to violate or  
25 attempt to violate section 123.47, commits a simple  
26 misdemeanor punishable by a fine of one hundred dollars as a  
27 scheduled violation under section 805.8A, subsection 4,  
28 paragraph "c". The court shall forward a copy of the  
29 conviction to the department.

30 Sec. 31. Section 321.216C, Code 2001, is amended to read  
31 as follows:

32 321.216C USE OF DRIVER'S LICENSE OR NONOPERATOR'S  
33 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN CIGARETTES OR  
34 TOBACCO PRODUCTS.

A person who is under the age of eighteen, who alters or

1 displays or has in the person's possession a fictitious or  
2 fraudulently altered driver's license or nonoperator's  
3 identification card and who uses the license or card to  
4 violate or attempt to violate section 453A.2, subsection 2,  
5 commits a simple misdemeanor punishable ~~by a fine of one~~  
6 hundred dollars as a scheduled violation under section 805.8A,  
7 subsection 4, paragraph "c". The court shall forward a copy  
8 of the conviction to the department.

9 Sec. 32. Section 321L.3, unnumbered paragraph 2, Code  
10 2001, is amended to read as follows:

11 A person who fails to return the persons with disabilities  
12 parking permit and subsequently misuses the permit by  
13 illegally parking in a persons with disabilities parking space  
14 is guilty of a simple misdemeanor ~~and subject to a fine of up~~  
15 to one hundred dollars punishable as a scheduled violation  
16 under section 805.8A, subsection 1, paragraph "c".

17 Sec. 33. Section 321L.7, Code 2001, is amended to read as  
18 follows:

19 321L.7 PENALTY FOR FAILING TO PROVIDE PERSONS WITH  
20 DISABILITIES PARKING SPACES AND SIGNS.

21 Failure to provide proper persons with disabilities parking  
22 spaces as provided in section 321L.5 or to properly display  
23 persons with disabilities parking signs as provided in section  
24 321L.6 is a simple misdemeanor ~~for which a fine of one hundred~~  
25 dollars shall be imposed for each violation punishable as a  
26 scheduled violation under section 805.8A, subsection 1,  
27 paragraph "c".

28 Sec. 34. Section 452A.52, unnumbered paragraph 2, Code  
29 2001, is amended to read as follows:

30 Any person who is unable to display either of the permits  
31 or the license provided in section 452A.53 and brings into the  
32 state in the fuel supply tanks of a commercial motor vehicle  
33 more than thirty gallons of motor fuel or special fuel in  
34 violation of ~~the provisions of the preceding paragraph is~~  
35 guilty of subsection 1 commits a simple misdemeanor punishable

as a scheduled violation under section 805.8A, subsection 13,  
2 paragraph "c".

3 Sec. 35. CONFLICTING LEGISLATION. If both 2001 Iowa Acts,  
4 Senate File 499 and 2001 Iowa Acts, House File 561 are enacted  
5 by the Seventy-ninth General Assembly and if House File 561  
6 maintains the scheduled fine for a violation of section  
7 321.234A at one hundred dollars, the scheduled fine of fifty  
8 dollars, as enacted in Senate File 499, shall prevail and the  
9 schedule fine of one hundred dollars, as enacted in House File  
10 561, shall be void.

11 Sec. 36. CONTINGENT EFFECTIVENESS. This division of this  
12 Act takes effect only if 2001 Iowa Acts, Senate File 499 is  
13 enacted.

14 DIVISION VII  
15 CORRECTIVE AMENDMENTS

16 Sec. 37. Section 103A.3, subsections 10, 11, 20, and 25,  
17 Code 2001, are amended to read as follows:

18 10. "Ground anchoring system" means any device or  
19 combination of devices used to securely anchor a manufactured  
20 or mobile home to the ground.

21 11. "Ground support system" means any device or  
22 combination of devices placed beneath a manufactured or mobile  
23 home and used to provide support.

24 20. "Permanent site" means any lot or parcel of land on  
25 which a manufactured or mobile home used as a dwelling or  
26 place of business, is located for ninety consecutive days  
27 except a construction site when the manufactured or mobile  
28 home is used by a commercial contractor as a construction  
29 office or storage room.

30 25. "Tiedown system" means a ground support system and a  
31 ground anchoring system used in concert to provide anchoring  
32 and support for a manufactured or mobile home.

33 Sec. 38. Section 103A.26, Code 2001, if enacted by 2001  
34 Iowa Acts, Senate File 185, section 4, is amended to read as  
follows:

1 103A.26 MANUFACTURED OR MOBILE HOME INSTALLERS

2 CERTIFICATION -- VIOLATION -- CIVIL PENALTY.

3 1. a. A person who installs a manufactured or mobile home  
4 for another person shall be certified in accordance with rules  
5 adopted by the commissioner pursuant to chapter 17A. The  
6 commissioner may assess a fee sufficient to recover the costs  
7 of administering the certification of manufactured or mobile  
8 home installers. The commissioner may suspend or revoke the  
9 certification of a manufactured or mobile home installer for  
10 failure to perform installation of a manufactured or mobile  
11 home, pursuant to certification standards as provided by rules  
12 of the commissioner.

13 b. Notwithstanding section 103A.23, all fees collected by  
14 the commissioner for the administration of the manufactured or  
15 mobile home program shall be credited to the general fund of  
16 the state and are appropriated to the commissioner for the  
17 purpose of administering this certification program including  
18 the employment of personnel for the enforcement and  
19 administration of this program.

20 2. If a provision of this chapter or a rule adopted  
21 pursuant to this chapter relating to the manufacture or  
22 installation of a manufactured or mobile home is violated, the  
23 commissioner may assess a civil penalty not to exceed one  
24 thousand dollars for each offense. Each violation involving a  
25 separate manufactured or mobile home, or a separate failure or  
26 refusal to allow an act to be performed or to perform an act  
27 as required by this chapter, or a rule adopted pursuant to  
28 this chapter constitutes a separate offense. However, the  
29 maximum amount of civil penalties which may be assessed for  
30 any series of violations occurring within one year from the  
31 date of the first violation shall not exceed one million  
32 dollars.

33 Sec. 39. Section 165A.5, subsection 1, as enacted by 2001  
34 Iowa Acts, Senate File 209, section 5, is amended to read as  
35 follows:

1. Except-as-provided-in-this-subsection, a A person  
2 violating a provision of this chapter or any rule adopted  
3 pursuant to this chapter shall be subject to a civil penalty  
4 of at least one hundred dollars but not more than one thousand  
5 dollars. The proceeding to assess a civil penalty shall be  
6 conducted as a contested case proceeding under chapter 17A.

7 Sec. 40. Section 172E.1, subsection 3, as enacted by 2001  
8 Iowa Acts, Senate File 209, section 6, is amended to read as  
9 follows:

10 3. "Livestock market" means any place where livestock are  
11 assembled from two or more sources for public auction, private  
12 sale, or sale on a commission basis, which is under state or  
13 federal supervision, including a livestock auction market, if  
14 such livestock are kept in the place for ten days or less.

15 Sec. 41. Section 331.303, subsection 1, paragraph b, Code  
16 2001, as amended by 2001 Iowa Acts, Senate File 453, section  
17 1, is amended to read as follows:

b. A "warrant book" which records each warrant drawn in  
19 the order of issuance by number, date, amount, and name of  
20 drawee, and refers to the order in the minute book authorizing  
21 its drawing. The board may authorize the auditor to issue  
22 checks in lieu of warrants. If the issuance of checks is  
23 authorized, the word "check" shall be substituted for the word  
24 "warrant" in those sections of this chapter and chapters ~~6B-11~~  
25 6B, 11, 35B, 336, 349, 350, 427B, and 468 in which the  
26 issuance of a check is authorized in lieu of a warrant.

27 Sec. 42. Section 351.39, Code 2001, as amended by 2001  
28 Iowa Acts, House File 179, section 1, is amended to read as  
29 follows:

30 351.39 CONFINEMENT.

31 If a local board of health receives information that an  
32 animal has bitten a person or that a dog or animal is  
33 suspected of having rabies, the board shall order the owner to  
34 confine such animal in the manner it directs. If the owner  
35 fails to confine such animal in the manner directed, the

1 animal shall be apprehended and impounded by such board, and  
2 after ten days the board may humanely destroy the animal. If  
3 such animal is returned to its owner, the owner shall pay the  
4 cost of impoundment. This section shall not apply to if a  
5 police service dog or a horse used by a law enforcement  
6 agency, ~~that is~~ and acting in the performance of its duties  
7 which has bitten a person.

8 Sec. 43. Section 466.8, unnumbered paragraph 1, as enacted  
9 by 2001 Iowa Acts, Senate File 479, section 2, is amended to  
10 read as follows:

11 The department of natural resources shall establish an on-  
12 site wastewater systems assistance program for the purpose of  
13 providing low-interest loans to homeowners residing outside  
14 the boundaries of a city for improving on-site wastewater  
15 disposal systems.

16 Sec. 44. Section 466.8, subsection 4, as enacted by 2001  
17 Iowa Acts, Senate File 479, section 2, is amended to read as  
18 follows:

19 4. The department shall report to the general assembly  
20 annually on the progress of the on-site wastewater systems  
21 assistance program.

22 Sec. 45. Section 507B.4A, subsection 2, paragraph c, as  
23 enacted by 2001 Iowa Acts, Senate File 500, section 8, is  
24 amended to read as follows:

25 c. The commissioner shall adopt rules establishing  
26 processes for timely adjudication and payment of claims by  
27 insurers for health care benefits. The rules shall be  
28 consistent with the time frames and other procedural standards  
29 for claims decisions by group health plans established by the  
30 United States department of labor pursuant to 29 C.F.R. pt.  
31 2560 in effect ~~at the time of passage of this Act~~ on January  
32 1, 2002.

33 Sec. 46. Section 522B.14, subsection 11, as enacted by  
34 2001 Iowa Acts, Senate File 276, section 28, is amended to  
35 read as follows:

11. An insurer, the authorized representative of the  
2 insurer, or an insurance producer that fails to report as  
3 required under this section, or that is found to have reported  
4 with actual malice by a court of competent jurisdiction, after  
5 notice and hearing, may have its license or certificate of  
6 authority suspended or revoked and may be ~~fin~~ penalized as  
7 provided in section 522B.17.

8 Sec. 47. Section 523A.401, subsection 5, paragraph c, if  
9 enacted by 2001 Iowa Acts, Senate File 473, section 28, is  
10 amended to read as follows:

11 c. The policy shall have an increasing death benefit or  
12 similar feature that provides some means for increasing the  
13 funding as the cost of cemetery merchandise, funeral  
14 merchandise, and ~~cemetery-goods-and~~ funeral services  
15 increases.

16 Sec. 48. Section 523A.405, subsection 1, if enacted by  
17 2001 Iowa Acts, Senate File 473, section 32, is amended to  
read as follows:

19 1. In lieu of trust requirements, a seller may file with  
20 the commissioner a surety bond issued by a surety company  
21 authorized to do business and doing business within this  
22 state. The bond must be conditioned upon the seller's  
23 faithful performance of purchase agreements subject to this  
24 chapter. The surety's liability extends to each such  
25 agreement executed while the bond is in force and until  
26 performance or rescision of the purchase agreement. To the  
27 extent expressly agreed to in writing by the surety, the  
28 surety's liability extends to each such agreement subject to  
29 this chapter executed prior to the time the bond was in force  
30 and until performance or rescision of the agreement. A  
31 purchaser aggrieved by a breach of a condition of the bond  
32 covering the purchaser's agreement may maintain an action  
33 against the bond. If, at the time of the breach, the  
34 purchaser is aware of the purchaser's rights under the bond  
and how to file a claim against the bond, the surety shall not

1 be liable for any breach of condition unless the surety  
2 receives notice of a claim within sixty days following  
3 discovery of the acts, omissions, or conditions constituting  
4 the breach of condition, except as otherwise provided in this  
5 section. A surety bond shall not be canceled by a surety  
6 except upon a written notice of cancellation given by the  
7 surety to the commissioner by restricted certified mail, and  
8 not prior to the expiration of sixty days after receipt of the  
9 notice by the commissioner. The surety's liability shall  
10 extend to each purchase agreement subject to this chapter  
11 executed prior to cancellation of the surety bond until the  
12 seller has complied with section subsection 3.

13 Sec. 49. Section 554.9525, subsections 3 and 4, as enacted  
14 by 2000 Iowa Acts, chapter 1149, section 96, are amended to  
15 read as follows:

16 ~~3-~~ 2. NUMBER OF NAMES. The number of names required to be  
17 indexed does not affect the amount of the fee in subsections  
18 subsection 1 and-2.

19 ~~4-~~ 3. RESPONSE TO INFORMATION REQUEST. A rule or  
20 ordinance adopted pursuant to subsection 1 must set the fee  
21 for responding to a request for information from the filing  
22 office, including for communicating whether there is on file  
23 any financing statement naming a particular debtor. A fee for  
24 responding to a request communicated in writing must be not  
25 less than twice the amount of the fee for responding to a  
26 request communicated by another medium authorized by the  
27 office of secretary of state or the board of supervisors for  
28 the filing office where its filing office is located.

29 Sec. 50. Section 558.39, unnumbered paragraph 1, Code  
30 2001, as amended by 2001 Iowa Acts, House File 259, is amended  
31 to read as follows:

32 The following forms of acknowledgment shall be sufficient  
33 in the cases to which they are respectively applicable. In  
34 each case where one of these forms is used, the name of the  
35 state and county where the acknowledgment is taken shall

1 precede the body of the certificate, and the signature and  
2 official title of the officer shall follow it as indicated in  
3 the first form and shall constitute a part of the certificate,  
4 and the stamp or seal of the officer shall be attached when  
5 necessary under the provision of this chapter and as provided  
6 in section 9E-6 9E.6A. No certificate of acknowledgment shall  
7 be held to be defective on account of the failure to show the  
8 official title of the officer making the certificate if such  
9 title appears either in the body of such certificate or in  
10 connection therewith, or with the signature thereto.

11 Sec. 51. Section 633.4213, subsection 5, Code 2001, is  
12 amended to read as follows:

13 5. A trustee shall prepare and send to the beneficiaries  
14 an account of the trust property, liabilities, receipts, and  
15 disbursements at least annually, at the termination of the  
16 trust, and upon a change of a trustee. An accounting on  
17 behalf of a former trustee shall be prepared by the former  
18 trustee, or if the trustee's appointment is terminated by  
19 reason of death or incapacity, by the former trustee's  
20 personal representative or guardian or conservator.

21 Sec. 52. Section 702.11, subsection 2, paragraph e, as  
22 enacted by 2001 Iowa Acts, Senate File 63, section 1, is  
23 amended to read as follows:

24 e. Child endangerment resulting in bodily injury to a  
25 child or a minor in violation of section 726.6, subsection 2A.

26 Sec. 53. 2001 Iowa Acts, House File 656, section 15, is  
27 amended to read as follows:

28 SEC. 15. Sections ~~103A.37~~ 103A.30, 103A.31, 321.1, 321.47,  
29 321.123, 321.251, 321.284A, 321.457, 321E.28, 321E.31,  
30 331.429, 331.653, 422.43, 422A.1, 425.17, 426A.11, 427.11,  
31 435.22, 441.17, 445.1, 445.36A, 445.37, 445.38, 515C.1,  
32 534.605, 562B.2, 562B.13, 631.1, 631.4, and 648.3, Code 2001,  
33 are amended by inserting before the words "mobile home" the  
34 words "manufactured or".

35 Sec. 54. DIRECTION TO CODE EDITOR. In codifying

1 provisions of 2000 Iowa Acts, chapter 1149, in Code Supplement  
2 2001, the Code editor may change references from "this Act" to  
3 an appropriate reference, including but not limited to "this  
4 Article", wherever it appears in the Act, after consultation  
5 with the Iowa state bar association. The Iowa state bar  
6 association is requested to respond to the Code editor's  
7 consultations by no later than July 31, 2001. Nothing in this  
8 section limits the authority of the Code editor under section  
9 2B.13.

10 Sec. 55. CONTINGENT EFFECTIVENESS. The sections of this  
11 division of this Act amending Code section 103A.3 and Code  
12 section 103A.26, if enacted, take effect only if 2001 Iowa  
13 Acts, House File 656 is enacted.

14 EXPLANATION

15 Division I of this bill appropriates for the 2002-2003  
16 fiscal year to the department of human services for  
17 distribution to counties the county mental health, mental  
18 retardation, and developmental disabilities (MH/MR/DD) allowed  
19 growth factor adjustment.

20 Division II of this bill reduces standing appropriations to  
21 the legislative branch, the executive council for performance  
22 of duty, the state appeal board for claims against the state,  
23 the secretary of state for publication of public measures, the  
24 department of inspections and appeals for poultry show exhibit  
25 reimbursement, the area education agencies under the school  
26 aid formula, school improvement technology grants, the  
27 department of education for at-risk children programs,  
28 nonpublic school transportation, and educational excellence-  
29 phase III, the department of transportation for public transit  
30 assistance, the county of Tama for an Indian settlement  
31 officer, and for payment of special court costs and attorney  
32 fees. These reductions are for the 2001-2002 fiscal year  
33 except for the poultry show exhibit reimbursement which is  
34 eliminated permanently.

35 Division III of this bill amends Code section 400.8 to

1 provide that the physical exam of applicants for law  
2 enforcement and fire fighter positions are to be conducted in  
3 accordance with the directives of the board of trustees of the  
4 fire and police retirement system rather than by the appointed  
5 three-member medical board.

6 Division IV makes contingent appropriations for purposes of  
7 debt services and for costs relating to the tobacco master  
8 settlement agreement. The division includes general fund  
9 appropriations made in lieu of appropriations made for the  
10 same purposes in other enacted legislation. The division does  
11 not take effect unless 2001 Iowa Acts, Senate File 532 is  
12 enacted and the tobacco settlement authority securitizes  
13 tobacco master settlement agreement payments made to the  
14 authority. The effective date of the division is the  
15 effective date of the receipt and deposit of bond payments by  
16 the authority.

17 Division V of this bill provides that interest and earnings  
18 on moneys in the Iowa economic emergency fund and cash reserve  
19 fund are to be deposited into the state general fund instead  
20 of the rebuild Iowa infrastructure fund for the 2001-2002  
21 fiscal year. The division also allows for certified hunter  
22 safety and ethics instructors to conduct hunter safety and  
23 ethics education courses on public school property.

24 Division VI relates to scheduled violations. 2001 Iowa  
25 Acts, Senate File 499, if enacted, reorganizes the Code  
26 placement of scheduled fines in Code chapter 805 and changes  
27 some of those fines. Currently several Code sections  
28 prescribe unspecified or specified simple misdemeanor  
29 penalties for violations of those sections but do not refer to  
30 the applicable scheduled fine for those simple misdemeanor  
31 penalties. The following Code sections are amended to delete  
32 the reference to an unspecified or specified simple  
33 misdemeanor penalty and to instead refer to the specific  
34 scheduled fine provided for the violation in 2001 Iowa Acts,  
35 Senate File 499, if enacted: Code sections 321.17, 321.98,

1 321.193, 321.216, 321.216B, 321.216C, 321L.3, 321L.7, and  
2 452A.52.

3 Division VII provides corrective amendments to legislation  
4 enacted in the 2001 legislative session.

5 Code section 103A.3 is amended to refer to both  
6 manufactured and mobile homes in light of the enactment of  
7 2001 Iowa Acts, House File 656, if enacted. 2001 Iowa Acts,  
8 House File 656, section 15, is correspondingly amended to  
9 delete a reference to Code section 103A.3

10 Code section 103A.26, if enacted by 2001 Iowa Acts, Senate  
11 File 185, is amended to refer to both manufactured and mobile  
12 homes in light of the enactment of 2001 Iowa Acts, House File  
13 656, if enacted.

14 Code section 165A.5, as enacted in 2001 Iowa Acts, Senate  
15 File 209, relating to penalties for paratuberculosis  
16 enforcement, is amended to delete an erroneous reference to an  
17 exception.

18 Code section 172E.1, as enacted in 2001 Iowa Acts, Senate  
19 File 209, relating to marketing practices for cattle, is  
20 amended to insert the word "sale" in a clause involving cattle  
21 transactions on a commission basis.

22 Code section 331.303, as amended by 2001 Iowa Acts, Senate  
23 File 453, relating to administrative procedures of various  
24 county officers, is amended to correct an internal reference  
25 in a listing of applicable Code chapters.

26 Code section 351.39, as amended by 2001 Iowa Acts, House  
27 File 179, relating to police service dogs and horses, is  
28 amended to restructure a sentence.

29 Code section 466.8, as enacted by 2001 Iowa Acts, Senate  
30 File 479, relating to wastewater systems, is amended to insert  
31 a word omitted from the name of a program established in the  
32 legislation.

33 Code section 507B.4A, as enacted by 2001 Iowa Acts, Senate  
34 File 500, relating to various insurance provisions, is amended  
35 to include a date certain for the effectiveness of federal

1 rules containing requirements to which state rules are to  
2 conform.

3 Code section 522B.14, as enacted by 2001 Iowa Acts, Senate  
4 File 276, relating to the licensing of persons acting as  
5 insurance producers, is amended to correct a term referring to  
6 a penalty section.

7 Code section 523A.401, as enacted by 2001 Iowa Acts, Senate  
8 File 473, if enacted, is amended to correct terminology  
9 related to cemetery and funeral merchandise and services.

10 Code section 523A.405, as enacted by 2001 Iowa Acts, Senate  
11 File 473, if enacted, is amended to correct an internal  
12 reference within the section to requirements in cases of  
13 cancellation of a surety bond.

14 Code section 554.9525, as enacted by 2000 Iowa Acts,  
15 chapter 1149, relating to a new article of the uniform  
16 commercial code that takes effect on July 1, 2001, is amended  
17 to correct numbering of subsections, an internal reference,  
18 and an incorrect reference to the term "ordinance".

19 Code section 558.39 is amended to correct a reference to a  
20 new Code section created in 2001 Iowa Acts, House File 259,  
21 relating to notarial stamps and seals.

22 Code section 633.4213, relating to the duties of a trustee  
23 under the Iowa trust code, is amended to insert a missing  
24 verb.

25 Code section 702.11, subsection 2, paragraph "e", as  
26 enacted by 2001 Iowa Acts, Senate File 63, is amended to  
27 insert a reference to the term "minor" missing from a  
28 reference to another provision of the Code.

29 This division includes a directive to the Code editor to  
30 change references from "this Act" to "this Article" in the new  
31 article of the uniform commercial code that takes effect on  
32 July 1, 2001. The Code editor is to consult with the Iowa  
33 state bar association before making the changes.

34

35

**SENATE FILE 542**

**S-3639**

- 1 Amend Senate File 542 as follows:
- 2 1. Page 9, by inserting after line 1, the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 135.24, subsection 2, paragraph
- 5 c, Code 2001, is amended to read as follows:
- 6 c. Identification of the medical services to be
- 7 provided under the program. The medical services
- 8 provided ~~shall~~ may include, but shall not be limited
- 9 to, obstetrical and gynecological medical services,
- 10 and psychiatric services provided by a physician
- 11 licensed under chapter 148, 150, or 150A".

**By** JOHN REDWINE

**S-3639** FILED MAY 3, 2001

*o/o 5/7/01*

**SENATE FILE 542**

**S-3652**

- 1 Amend Senate File 542 as follows:
- 2 1. Page 9, by striking lines 2 through 13.

**By** JOHNIE HAMMOND

**S-3652** FILED MAY 3, 2001

*o/o 5/7/01*

SENATE FILE 542

S-3654

1 Amend Senate File 542 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "DIVISION I

5 MH/MR/DD -- ALLOWED GROWTH

6 Section 1. COUNTY MENTAL HEALTH, MENTAL  
7 RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED  
8 GROWTH FACTOR ADJUSTMENT AND ALLOCATIONS. There is  
9 appropriated from the general fund of the state to the  
10 department of human services for the fiscal year  
11 beginning July 1, 2002, and ending June 30, 2003, the  
12 following amount, or so much thereof as is necessary,  
13 to be used for the purpose designated:

14 For distribution to counties of the county mental  
15 health, mental retardation, and developmental  
16 disabilities allowed growth factor adjustment, as  
17 provided in this section in lieu of the provisions of  
18 section 331.438, subsection 2, and section 331.439,  
19 subsection 3, and chapter 426B:

20 ..... \$ 14,874,702

21 The funding appropriated in this section is the  
22 allowed growth factor adjustment for fiscal year 2002-  
23 2003, and is allocated for distribution as provided by  
24 law.

25 DIVISION II

26 STANDING APPROPRIATIONS -- REDUCTIONS

27 Sec. 2. GENERAL ASSEMBLY. The budgets approved  
28 pursuant to section 2.12 for the expenses of the  
29 general assembly and legislative agencies for the  
30 fiscal year beginning July 1, 2001, and ending June  
31 30, 2002, are reduced by the following amount:

32 ..... \$ 1,550,324

33 Sec. 3. PERFORMANCE OF DUTY. The appropriation  
34 made from the general fund of the state in section  
35 7D.29, for the fiscal year beginning July 1, 2001, and  
36 ending June 30, 2002, for performance of duty by the  
37 executive council, is reduced by the following amount:

38 ..... \$ 1,000,000

39 Sec. 4. STATE APPEAL BOARD CLAIMS.

40 Notwithstanding the standing appropriations in section  
41 25.2, subsection 3, the amount appropriated from the  
42 general fund of the state under section 25.2,  
43 subsection 3, to the state appeal board to pay claims  
44 against the state for the fiscal year beginning July  
45 1, 2001, and ending June 30, 2002, is reduced by the  
46 following amount:

47 ..... \$ 2,000,000

48 Sec. 5. CONSTITUTIONAL AMENDMENTS AND PUBLIC  
49 MEASURES. Notwithstanding the standing appropriation  
50 in section 49A.9, the amount appropriated from the

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1 general fund of the state under section 49A.9, to the  
2 office of the secretary of state for the fiscal year  
3 beginning July 1, 2001, and ending June 30, 2002, is  
4 reduced by the following amount:

5 ..... \$ 2,565

6 Sec. 6. AREA EDUCATION AGENCIES. Notwithstanding  
7 the provisions of chapter 257 that determine the  
8 funding for area education agencies, the state school  
9 foundation aid for these agencies and the portion of  
10 the combined district cost calculated for these  
11 agencies for the fiscal year beginning July 1, 2001,  
12 and ending June 30, 2002, are reduced by the  
13 department of management by \$7,500,000. The  
14 department shall calculate a reduction such that each  
15 area education agency shall receive a reduction  
16 proportionate to the amount that it would have  
17 received under section 257.35 if the reduction imposed  
18 pursuant to this section did not apply.  
19 Notwithstanding the provisions of section 257.37, an  
20 area education agency may use the funds determined to  
21 be available under section 257.35 in a manner which it  
22 believes is appropriate to best maintain the level of  
23 required area education agency special education  
24 services.

25 Sec. 7. EARLY INTERVENTION BLOCK GRANT.

26 Notwithstanding the standing appropriation in section  
27 256D.5, subsection 1, the amount appropriated from the  
28 general fund of the state under section 256D.5,  
29 subsection 1, to the department of education for the  
30 fiscal year beginning July 1, 2001, and ending June  
31 30, 2002, is reduced by the following amount:

32 ..... \$ 10,000,000

33 Sec. 8. SCHOOL IMPROVEMENT TECHNOLOGY.

34 Notwithstanding the standing appropriation in section  
35 256D.5, subsection 2, the amount appropriated from the  
36 general fund of the state under section 256D.5,  
37 subsection 2, to the department of education for the  
38 fiscal year beginning July 1, 2001, and ending June  
39 30, 2002, is reduced by the following amount:

40 ..... \$ 20,000,000

41 In implementing the reduction in this section, the  
42 department of education shall compute under section  
43 256D.6 the amount each school district, as defined in  
44 section 256D.6, and area education agency would have  
45 received but for the reduction in this section and  
46 shall reduce by two-thirds such amount.

47 Sec. 9. AT-RISK CHILDREN PROGRAMS.

48 Notwithstanding the standing appropriation in section  
49 279.51, subsection 1, the amount appropriated from the  
50 general fund of the state under section 279.51,

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1 subsection 1, to the department of education for the  
2 fiscal year beginning July 1, 2001, and ending June  
3 30, 2002, is reduced by the following amount:

4 ..... \$ 1,000,000

5 The amount of the reduction in this section shall  
6 be prorated among the programs specified in section  
7 279.51, subsection 1, paragraphs "a", "b", and "c".

8 Sec. 10. NONPUBLIC SCHOOL TRANSPORTATION.

9 Notwithstanding the standing appropriation in section  
10 285.2, the amount appropriated from the general fund  
11 of the state under section 285.2 to the department of  
12 education for the fiscal year beginning July 1, 2001,  
13 and ending June 30, 2002, shall be the following  
14 amount:

15 ..... \$ 7,645,000

16 If total approved claims for reimbursement for  
17 nonpublic school pupil transportation claims exceed  
18 the amount appropriated in this section, the  
19 department of education shall prorate the amount of  
20 each claim.

21 Sec. 11. EDUCATIONAL EXCELLENCE. Notwithstanding  
22 section 294A.25, subsection 1, the amount appropriated  
23 from the general fund of the state under section  
24 294A.25, subsection 1, to the department of education  
25 for phase III moneys for the fiscal year beginning  
26 July 1, 2001, and ending June 30, 2002, is reduced by  
27 the following amount:

28 ..... \$ 2,000,000

29 Sec. 12. PUBLIC TRANSIT ASSISTANCE APPROPRIATION.  
30 Notwithstanding section 312.2, subsection 14, the  
31 amount appropriated from the general fund of the state  
32 under section 312.2, subsection 14, to the state  
33 department of transportation for public transit  
34 assistance under chapter 324A for the fiscal year  
35 beginning July 1, 2001, and ending June 30, 2002, is  
36 reduced by the following amount:

37 ..... \$ 659,820

38 Sec. 13. INDIAN SETTLEMENT OFFICER.

39 Notwithstanding the standing appropriation in section  
40 331.660, the amount appropriated from the general fund  
41 of the state under section 331.660, to the county of  
42 Tama for the fiscal year beginning July 1, 2001, and  
43 ending June 30, 2002, is reduced by the following  
44 amount:

45 ..... \$ 25,000

46 Sec. 14. COURT COSTS FOR SPECIAL STATE CASES.

47 Notwithstanding the standing appropriation in section  
48 815.1, the amount appropriated from the general fund  
49 of the state under section 815.1, to pay special court  
50 costs and attorney fees for the fiscal year beginning

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1 July 1, 2001, and ending June 30, 2002, is reduced by  
2 the following amount:

3 ..... \$ 66,370

4 Sec. 15. Section 196.8, subsection 2, Code 2001,  
5 is amended to read as follows:

6 2. Notwithstanding subsection 1, eggs gathered for  
7 sale at a poultry show from fowl exhibited at the  
8 show, which show has received financial assistance  
9 from the state in prior fiscal years, shall be exempt  
10 from the storage temperature and consumer grade  
11 quality requirements contained in subsection 1. ~~If~~  
12 ~~eggs are offered for sale at such an exhibit, five~~  
13 ~~hundred dollars is appropriated to the department to~~  
14 ~~reimburse the sponsoring agency of the exhibit for the~~  
15 ~~expenses associated with the exhibit.~~

DIVISION III

LAW ENFORCEMENT PHYSICAL EXAMS

18 Sec. 16. Section 400.8, subsection 1, Code 2001,  
19 is amended to read as follows:

20 1. The commission, when necessary under the rules,  
21 including minimum and maximum age limits, which shall  
22 be prescribed and published in advance by the  
23 commission and posted in the city hall, shall hold  
24 examinations for the purpose of determining the  
25 qualifications of applicants for positions under civil  
26 service, other than promotions, which examinations  
27 shall be practical in character and shall relate to  
28 matters which will fairly test the mental and physical  
29 ability of the applicant to discharge the duties of  
30 the position to which the applicant seeks appointment.  
31 The physical examination of applicants for appointment  
32 to the positions of police officer, police matron, or  
33 fire fighter shall be held in accordance with medical  
34 protocols established by the board of trustees of the  
35 fire and police retirement system established by  
36 section 411.5 and shall be conducted ~~by the medical~~  
37 ~~board as established in section 411.5 in accordance~~  
38 with the directives of the board of trustees. The  
39 board of trustees may change the medical protocols at  
40 any time the board so determines. The physical  
41 examination of an applicant for the position of police  
42 officer, police matron, or fire fighter shall be  
43 conducted after a conditional offer of employment has  
44 been made to the applicant. An applicant shall not be  
45 discriminated against on the basis of height, weight,  
46 sex, or race in determining physical or mental ability  
47 of the applicant. Reasonable rules relating to  
48 strength, agility, and general health of applicants  
49 shall be prescribed. The costs of the physical  
50 examination required under this subsection shall be

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1 paid from the trust and agency fund of the city.

2 Sec. 17. 2000 Iowa Acts, chapter 1077, section  
3 111, is amended to read as follows:

4 SEC. 111. EFFECTIVE DATE. Section 87 of this Act  
5 amending section 411.1, subsection 10, and section 94  
6 of this Act, amendment section 411.5, subsection 8,  
7 take effect July 1, ~~2001~~ 2002.

8 Sec. 18. EFFECTIVE DATE. Section 17 of this  
9 division of this Act, being deemed of immediate  
10 importance, takes effect upon enactment.

11 DIVISION IV

12 DEBT SERVICE AND TOBACCO FUND APPROPRIATIONS

13 TUITION REPLACEMENT

14 Sec. 19. TUITION REPLACEMENT -- GENERAL FUND. In  
15 lieu of the appropriation made to the state board of  
16 regents for tuition replacement in 2001 Iowa Acts,  
17 Senate File 535, section 8, subsection 1, paragraph  
18 "b", if enacted, there is appropriated from the  
19 general fund of the state to the state board of  
20 regents for the fiscal year beginning July 1, 2001,  
21 and ending June 30, 2002, the following amount, or so  
22 much thereof as is necessary, to be used for the  
23 purpose designated:

24 For allocation by the state board of regents to the  
25 state university of Iowa, the Iowa state university of  
26 science and technology, and the university of northern  
27 Iowa to reimburse the institutions for deficiencies in  
28 their operating funds resulting from the pledging of  
29 tuitions, student fees and charges, and institutional  
30 income to finance the cost of providing academic and  
31 administrative buildings and facilities and utility  
32 services at the institutions:

33 ..... \$ 26,081,384

34 Sec. 20. TUITION REPLACEMENT -- TOBACCO SETTLEMENT  
35 FUND. In addition to the appropriation made in this  
36 division of this Act from the general fund of the  
37 state to the state board of regents for purposes of  
38 tuition replacement, there is appropriated from the  
39 tax-exempt bond proceeds restricted capital funds  
40 account of the tobacco settlement trust fund created  
41 in section 12E.12, pursuant to 2001 Iowa Acts, Senate  
42 File 532, if enacted, to the state board of regents  
43 for the fiscal year beginning July 1, 2001, and ending  
44 June 30, 2002, the following amount, or so much  
45 thereof as is necessary, to be used for the purpose  
46 designated:

47 For allocation by the state board of regents to the  
48 state university of Iowa, the Iowa state university of  
49 science and technology, and the university of northern  
50 Iowa to reimburse the institutions for deficiencies in

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1 their operating funds resulting from the pledging of  
2 tuitions, student fees and charges, and institutional  
3 income to finance the cost of providing academic and  
4 administrative buildings and facilities and utility  
5 services at the institutions:

6 ..... \$ 600,330

IOWA COMMUNICATIONS NETWORK

8 Sec. 21. IOWA COMMUNICATIONS NETWORK DEBT SERVICE  
9 -- GENERAL FUND. In lieu of the appropriation made to  
10 the treasurer of state for Iowa communications network  
11 debt service in 2001 Iowa Acts, House File 719,  
12 section 1, if enacted, there is appropriated from the  
13 general fund of the state to the treasurer of state  
14 for the fiscal year beginning July 1, 2001, and ending  
15 June 30, 2002, the following amount, or so much  
16 thereof as is necessary, to be used for the purpose  
17 designated:

18 For debt service for the Iowa communications  
19 network:  
20 ..... \$ 9,939,165

21 Sec. 22. IOWA COMMUNICATIONS NETWORK DEBT SERVICE  
22 -- TOBACCO SETTLEMENT FUND. In addition to the  
23 appropriation made in this division of this Act from  
24 the general fund of the state to the treasurer of  
25 state for purposes of Iowa communications network debt  
26 service, there is appropriated from the tax-exempt  
27 bond proceeds restricted capital funds account of the  
28 tobacco settlement trust fund created in section  
29 12E.12, pursuant to 2001 Iowa Acts, Senate File 532,  
30 if enacted, to the treasurer of state for the fiscal  
31 year beginning July 1, 2001, and ending June 30, 2002,  
32 the following amount, or so much thereof as is  
33 necessary, to be used for the purpose designated:

34 For debt service for the Iowa communications  
35 network:  
36 ..... \$ 1,465,835

37 Sec. 23. DEBT SERVICE FUND. Funds appropriated in  
38 this division of this Act for Iowa communications  
39 network debt service shall be deposited in a separate  
40 fund established in the office of the treasurer of  
41 state to be used solely for debt service for the Iowa  
42 communications network. The Iowa telecommunications  
43 and technology commission shall certify to the  
44 treasurer of state when a debt service payment is due,  
45 and upon receipt of the certification, the treasurer  
46 shall make the payment. The commission shall pay any  
47 additional amount due from funds deposited in the Iowa  
48 communications network fund.

PRISON DEBT SERVICE

49  
50 Sec. 24. There is appropriated from the tax-exempt

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1 bond proceeds restricted capital funds account of the  
 2 tobacco settlement trust fund created in section  
 3 12E.12, pursuant to 2001 Iowa Acts, Senate File 532,  
 4 if enacted, to the treasurer of state for the fiscal  
 5 year beginning July 1, 2001, and ending June 30, 2002,  
 6 the following amount, or so much thereof as is  
 7 necessary, to be used for the purpose designated:

8 For repayment of prison infrastructure bonds under  
 9 section 16.177:

10 ..... \$ 5,182,272

11 TOBACCO MASTER SETTLEMENT AGREEMENT LITIGATION

12 Sec. 25. There is appropriated from the tax-exempt  
 13 bond proceeds restricted capital funds account of the  
 14 tobacco settlement trust fund created in section  
 15 12E.12, pursuant to 2001 Iowa Acts, Senate File 532,  
 16 if enacted, to the treasurer of state for the fiscal  
 17 year beginning July 1, 2001, and ending June 30, 2002,  
 18 the following amount, or so much thereof as is  
 19 necessary, to be used for the purpose designated:

20 For payment of litigation fees incurred pursuant to  
 21 the tobacco master settlement agreement:

22 ..... \$ 10,617,000

23 Sec. 26. CONTINGENT EFFECTIVE DATE. This division  
 24 of this Act shall take effect only if 2001 Iowa Acts,  
 25 Senate File 532 is enacted and only if the tobacco  
 26 settlement authority established in chapter 12E  
 27 securitizes tobacco master settlement agreement  
 28 payments sold to the authority pursuant to 2001 Iowa  
 29 Acts, Senate File 532. If the contingencies of this  
 30 section are met, the effective date of this division  
 31 of this Act shall be the effective date of the receipt  
 32 of the bond proceeds by the tobacco settlement  
 33 authority and the deposit of the proceeds of the tax-  
 34 exempt bonds and the taxable bonds in the respective  
 35 accounts of the tobacco settlement trust fund pursuant  
 36 to chapter 12E, and specifically pursuant to section  
 37 12E.9.

38 DIVISION V  
 39 MISCELLANEOUS

40 Sec. 27. Notwithstanding section 8.55, subsection  
 41 4, and section 8.56, subsection 1, for the fiscal year  
 42 beginning July 1, 2001, and ending June 30, 2002, the  
 43 interest and earnings on moneys deposited in the Iowa  
 44 economic emergency fund and the cash reserve fund  
 45 shall be credited to the general fund of the state.

46 Sec. 28. Notwithstanding any contrary provision in  
 47 section 455E.11, subsection 1, Code 2001, any  
 48 unencumbered or unobligated balance in the groundwater  
 49 protection fund and in any of the accounts within the  
 50 groundwater protection fund on June 30, 2001, shall be

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1 transferred to the general fund of the state.

2 Sec. 29. Section 257.6, subsection 3, unnumbered  
3 paragraph 1, as amended by 2001 Iowa Acts, House File  
4 643, section 6, if enacted, is amended to read as  
5 follows:

6 A school district shall determine its additional  
7 enrollment because of special education, as defined in  
8 this section, ~~on~~ by November 1 of each year and shall  
9 certify its additional enrollment because of special  
10 education to the department of education by November  
11 15 of each year, and the department shall promptly  
12 forward the information to the department of  
13 management.

14 Sec. 30. Section 257.6, subsection 5, unnumbered  
15 paragraph 1, as amended by 2001 Iowa Acts, House File  
16 643, section 7, if enacted, is amended to read as  
17 follows:

18 Weighted enrollment is the budget enrollment plus  
19 the district's additional enrollment because of  
20 special education calculated ~~on~~ by November 1 of the  
21 base year plus additional pupils added due to the  
22 application of the supplementary weighting.

23 Sec. 31. MENTAL ILLNESS SPECIAL SERVICES. For the  
24 fiscal year beginning July 1, 2001, and ending June  
25 30, 2002, it is the intent of the general assembly  
26 that the Iowa finance authority shall provide \$121,220  
27 from funding available to the authority to be used for  
28 mental illness special services.

29 1. The Iowa finance authority shall use the  
30 funding to continue the financing for existing  
31 community-based facilities and the financing for the  
32 development of affordable community-based housing  
33 facilities as funded pursuant to 2000 Iowa Acts,  
34 chapter 1228, section 22. The department of human  
35 services shall assure that clients are referred to the  
36 housing as it is developed.

37 2. The purpose of the financing is to provide  
38 funds for construction and start-up costs to develop  
39 community living arrangements to provide for persons  
40 with mental illness who are homeless. These funds may  
41 be used to match federal Stewart B. McKinney Homeless  
42 Assistance Act grant funds.

43 Sec. 32. Section 260G.4B, subsection 1, Code 2001,  
44 is amended to read as follows:

45 1. The total amount of program job credits from  
46 all employers which shall be allocated for all  
47 accelerated career education programs in the state in  
48 any one fiscal year shall not exceed the sum of three  
49 million dollars in the fiscal year beginning July 1,  
50 2000, ~~six~~ three million dollars in the fiscal year

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1 beginning July 1, 2001, and six million dollars in the  
2 fiscal year beginning July 1, 2002, and every fiscal  
3 year thereafter. Any increase in program job credits  
4 above the six-million-dollar limitation per fiscal  
5 year shall be developed, based on recommendations in a  
6 study which shall be conducted by the department of  
7 economic development of the needs and performance of  
8 approved programs in the fiscal years beginning July  
9 1, 2000, and July 1, 2001. The study's findings and  
10 recommendations shall be submitted to the general  
11 assembly by the department by December 31, 2002. The  
12 study shall include but not be limited to an  
13 examination of the quality of the programs, the number  
14 of program participant placements, the wages and  
15 benefits in program jobs, the level of employer  
16 contributions, the size of participating employers,  
17 and employer locations. A community college shall  
18 file a copy of each agreement with the department of  
19 economic development. The department shall maintain  
20 an annual record of the proposed program job credits  
21 under each agreement for each fiscal year. Upon  
22 receiving a copy of an agreement, the department shall  
23 allocate any available amount of program job credits  
24 to the community college according to the agreement  
25 sufficient for the fiscal year and for the term of the  
26 agreement. When the total available program job  
27 credits are allocated for a fiscal year, the  
28 department shall notify all community colleges that  
29 the maximum amount has been allocated and that further  
30 program job credits will not be available for the  
31 remainder of the fiscal year. Once program job  
32 credits have been allocated to a community college,  
33 the full allocation shall be received by the community  
34 college throughout the fiscal year and for the term of  
35 the agreement even if the statewide program job credit  
36 maximum amount is subsequently allocated and used.

37 Sec. 33. Section 273.22, subsection 5, as amended  
38 by 2001 Iowa Acts, House File 674, section 4, if  
39 enacted, is amended to read as follows:

40 5. The board of directors of a school district  
41 that is contiguous to a newly reorganized area  
42 education agency may petition the board of directors  
43 of ~~a contiguous~~ their current area education agency  
44 and the newly reorganized area education agency to  
45 join that the newly reorganized area education agency.  
46 If ~~the contiguous~~ both area education agency ~~board~~  
47 approves boards approve the petition, the  
48 reorganization shall take effect on July 1 of the  
49 school year following approval of the petition by the  
50 state board. A school district may appeal to the

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1 state board the decision of an area education agency  
2 board to deny the school district's petition.  
3 Sec. 34. Section 273.22, as amended by 2001 Iowa  
4 Acts, House File 674, section 4, if enacted, is  
5 amended by adding the following new subsection:  
6 NEW SUBSECTION. 6. The board of directors of a  
7 school district that is within a newly reorganized  
8 area education agency and whose school district was  
9 contiguous to another area education agency prior to  
10 the reorganization, may petition the board of  
11 directors of the newly reorganized area education  
12 agency and the contiguous area education agency to  
13 join that area education agency. If both area  
14 education agency boards approve the petition, the  
15 reorganization shall take effect on July 1 of the  
16 school year following approval of the petition by the  
17 state board. A school district may appeal to the  
18 state board the decision of an area education agency  
19 board to deny the school district's petition.

20 Sec. 35. Section 299.8, as amended by 2001 Iowa  
21 Acts, House File 643, section 16, if enacted, is  
22 amended to read as follows:

23 299A.8 DUAL ENROLLMENT.

24 If a parent, guardian, or legal custodian of a  
25 child who is receiving competent private instruction  
26 under this chapter or a child over compulsory age who  
27 is receiving private instruction submits a request,  
28 the child shall also be registered in a public school  
29 for dual enrollment purposes. If the child is  
30 enrolled in a public school district for dual  
31 enrollment purposes, the child shall be permitted to  
32 participate in any academic activities in the district  
33 and shall also be permitted to participate on the same  
34 basis as public school children in any extracurricular  
35 activities available to children in the child's grade  
36 or group, and the parent, guardian, or legal custodian  
37 shall not be required to pay the costs of any annual  
38 evaluation under this chapter. If the child is  
39 enrolled for dual enrollment purposes, the child shall  
40 be included in the public school's basic enrollment  
41 under section 257.6. A pupil who is participating  
42 only in extracurricular activities shall be counted  
43 under section 257.6, subsection 1, paragraph "f". A  
44 pupil enrolled in grades nine through twelve under  
45 this section shall be counted in the same manner as a  
46 shared-time pupil under section 257.6, subsection 1,  
47 paragraph "c".

48 Sec. 36. Section 403.19, subsection 2, Code 2001,  
49 is amended to read as follows:

50 2. That portion of the taxes each year in excess

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1 of such amount shall be allocated to and when  
2 collected be paid into a special fund of the  
3 municipality to pay the principal of and interest on  
4 loans, moneys advanced to, or indebtedness, whether  
5 funded, refunded, assumed, or otherwise, including  
6 bonds issued under the authority of section 403.9,  
7 subsection 1, incurred by the municipality to finance  
8 or refinance, in whole or in part, an urban renewal  
9 project within the area, and to provide assistance for  
10 low and moderate income family housing as provided in  
11 section 403.22, except that taxes for the regular and  
12 voter-approved physical plant and equipment levy of a  
13 school district imposed pursuant to section 298.2 and  
14 taxes for the payment of bonds and interest of each  
15 taxing district must be collected against all taxable  
16 property within the taxing district without limitation  
17 by the provisions of this subsection. However, all or  
18 a portion of the taxes for the physical plant and  
19 equipment levy shall be paid by the school district to  
20 the municipality if the municipality auditor certifies  
21 to the school district by July 1 the amount of such  
22 levy that is necessary to pay the principal and  
23 interest on ~~indebtedness incurred~~ bonds issued by the  
24 municipality to finance an urban renewal project,  
25 which ~~indebtedness was incurred~~ bonds were issued  
26 before July 1, ~~2000~~ 2001. Indebtedness incurred to  
27 refund bonds issued prior to July 1, 2001, shall not  
28 be included in the certification. Such school  
29 district shall pay over the amount certified by  
30 November 1 and May 1 of the fiscal year following  
31 certification to the school district. Unless and  
32 until the total assessed valuation of the taxable  
33 property in an urban renewal area exceeds the total  
34 assessed value of the taxable property in such area as  
35 shown by the last equalized assessment roll referred  
36 to in subsection 1, all of the taxes levied and  
37 collected upon the taxable property in the urban  
38 renewal area shall be paid into the funds for the  
39 respective taxing districts as taxes by or for the  
40 taxing districts in the same manner as all other  
41 property taxes. When such loans, advances,  
42 indebtedness, and bonds, if any, and interest thereon,  
43 have been paid, all moneys thereafter received from  
44 taxes upon the taxable property in such urban renewal  
45 area shall be paid into the funds for the respective  
46 taxing districts in the same manner as taxes on all  
47 other property.

48 Sec. 37. Section 403.19, Code 2001, is amended by  
49 adding the following new subsection:

50 NEW SUBSECTION. 7. For any fiscal year, a

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1 municipality may certify to the county auditor for  
2 physical plant and equipment revenue necessary for  
3 payment of principal and interest on bonds issued  
4 prior to July 1, 2001, only if the municipality  
5 certified for such revenue for the fiscal year  
6 beginning July 1, 2001. A municipality shall not  
7 certify to the county auditor for a school district  
8 more than the amount the municipality certified for  
9 the fiscal year beginning July 1, 2001. If for any  
10 fiscal year a municipality fails to certify to the  
11 county auditor for a school district by July 1 the  
12 amount of physical plant and equipment revenue  
13 necessary for payment of principal and interest on  
14 such bonds, as provided in subsection 2, the school  
15 district is not required to pay over the revenue to  
16 the municipality. If a school district and a  
17 municipality are unable to agree on the amount of  
18 physical plant and equipment revenue certified by the  
19 municipality for the fiscal year beginning July 1,  
20 2002, either party may request that the state appeal  
21 board review and finally pass upon the amount that may  
22 be certified. Such appeals must be presented in  
23 writing to the state appeal board no later than July  
24 31 following certification. The burden shall be on  
25 the municipality to prove that the physical plant and  
26 equipment levy revenue is necessary to pay principal  
27 and interest on bonds issued prior to July 1, 2001. A  
28 final decision must be issued by the state appeal  
29 board no later than the following October 1.

30 Sec. 38. Section 427.1, subsection 19, Code 2001,  
31 as amended by 2001 Iowa Acts, Senate File 514, is  
32 amended by adding the following new unnumbered  
33 paragraph:

34 NEW UNNUMBERED PARAGRAPH. For purposes of  
35 establishing the valuation limitation under this  
36 subsection, if more than one person has an ownership  
37 interest in the property, the multiple owners shall be  
38 considered one owner so that the two hundred thousand  
39 dollar limitation cannot be exceeded as a result of  
40 multiple ownership. For purposes of applying the  
41 valuation limitation to multiple properties owned by  
42 the same person, the two hundred thousand dollar  
43 limitation shall apply per owner on a statewide basis.

44 Sec. 39. Section 483A.27, Code 2001, is amended by  
45 adding the following new subsection:

46 NEW SUBSECTION. 11. A hunter safety and ethics  
47 instructor certified by the department shall be  
48 allowed to conduct an approved hunter safety and  
49 ethics education course on public school property with  
50 the approval of a majority of the board of directors

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1 of the school district. The conduct of an approved  
2 hunter safety and ethics education course is not a  
3 violation of any public policy, rule, regulation,  
4 resolution, or ordinance which prohibits the  
5 possession, display, or use of a firearm, bow and  
6 arrow, or other hunting weapon on public school  
7 property or other public property in this state.

8 Sec. 40. EFFECTIVE AND APPLICABILITY DATES.

9 Sections 36 and 37 of this division of this Act, being  
10 deemed of immediate importance, take effect upon  
11 enactment and apply to property taxes due and payable  
12 in fiscal years beginning on or after July 1, 2002.

13 Sec. 41. CONTINGENT EFFECTIVE DATE. Section 38 of  
14 this Act shall take effect only if 2001 Iowa Acts,  
15 Senate File 514 is enacted without adoption of  
16 amendment H-1883 or, in the alternative, Senate File  
17 514 is enacted without adoption of H-1914 to amendment  
18 H-1897 to Senate File 514.

## DIVISION VI

## SCHEDULED VIOLATIONS

21 Sec. 42. Section 321.17, Code 2001, is amended to  
22 read as follows:

23 321.17 MISDEMEANOR TO VIOLATE REGISTRATION  
24 PROVISIONS.

25 It is a simple misdemeanor punishable as a  
26 scheduled violation under section 805.8A, subsection  
27 2, paragraph "b", for any person to drive or move or  
28 for an owner knowingly to permit to be driven or moved  
29 upon the highway a vehicle of a type required to be  
30 registered under this chapter which is not registered,  
31 or for which the appropriate fee has not been paid,  
32 except as provided in section 321.109, subsection 3.

33 Sec. 43. Section 321.98, Code 2001, is amended to  
34 read as follows:

35 321.98 OPERATION WITHOUT REGISTRATION.

36 ~~No~~ A person shall not operate, ~~nor shall~~ and an  
37 owner shall not knowingly permit to be operated upon  
38 any highway any vehicle required to be registered and  
39 titled hereunder unless there shall be attached  
40 thereto and displayed thereon when and as required by  
41 this chapter a valid registration card and  
42 registration plate or plates issued therefor for the  
43 current registration year and unless a certificate of  
44 title has been issued for such vehicle except as  
45 otherwise expressly permitted in this chapter. Any  
46 violation of this section is a simple misdemeanor  
47 punishable as a scheduled violation under section  
48 805.8A, subsection 2, paragraph "b".

49 Sec. 44. Section 321.193, unnumbered paragraph 4,  
50 Code 2001, is amended to read as follows:

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1 It is a simple misdemeanor punishable as a  
2 scheduled violation under section 805.8A, subsection  
3 4, paragraph "a", for a person to operate a motor  
4 vehicle in any manner in violation of the restrictions  
5 imposed on a restricted license issued to that person  
6 under this section.

7 Sec. 45. Section 321.216, unnumbered paragraph 1,  
8 Code 2001, is amended to read as follows:

9 It is a simple misdemeanor punishable as a  
10 scheduled violation under section 805.8A, subsection  
11 4, paragraph "b", for any person:

12 Sec. 46. Section 321.216B, Code 2001, is amended  
13 to read as follows:

14 321.216B USE OF DRIVER'S LICENSE OR NONOPERATOR'S  
15 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN  
16 ALCOHOL.

17 A person who is under the age of twenty-one, who  
18 alters or displays or has in the person's possession a  
19 fictitious or fraudulently altered driver's license or  
20 nonoperator's identification card and who uses the  
21 license to violate or attempt to violate section  
22 123.47, commits a simple misdemeanor punishable ~~by a~~  
23 ~~fine of one hundred dollars~~ as a scheduled violation  
24 under section 805.8A, subsection 4, paragraph "c".  
25 The court shall forward a copy of the conviction to  
26 the department.

27 Sec. 47. Section 321.216C, Code 2001, is amended  
28 to read as follows:

29 321.216C USE OF DRIVER'S LICENSE OR NONOPERATOR'S  
30 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN  
31 CIGARETTES OR TOBACCO PRODUCTS.

32 A person who is under the age of eighteen, who  
33 alters or displays or has in the person's possession a  
34 fictitious or fraudulently altered driver's license or  
35 nonoperator's identification card and who uses the  
36 license or card to violate or attempt to violate  
37 section 453A.2, subsection 2, commits a simple  
38 misdemeanor punishable ~~by a fine of one hundred~~  
39 ~~dollars~~ as a scheduled violation under section 805.8A,  
40 subsection 4, paragraph "c". The court shall forward  
41 a copy of the conviction to the department.

42 Sec. 48. Section 321L.3, unnumbered paragraph 2,  
43 Code 2001, is amended to read as follows:

44 A person who fails to return the persons with  
45 disabilities parking permit and subsequently misuses  
46 the permit by illegally parking in a persons with  
47 disabilities parking space is guilty of a simple  
48 misdemeanor ~~and subject to a fine of up to one hundred~~  
49 ~~dollars~~ punishable as a scheduled violation under  
50 section 805.8A, subsection 1, paragraph "c".

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1 Sec. 49. Section 321L.7, Code 2001, is amended to  
2 read as follows:

3 321L.7 PENALTY FOR FAILING TO PROVIDE PERSONS WITH  
4 DISABILITIES PARKING SPACES AND SIGNS.

5 Failure to provide proper persons with disabilities  
6 parking spaces as provided in section 321L.5 or to  
7 properly display persons with disabilities parking  
8 signs as provided in section 321L.6 is a simple  
9 ~~misdemeanor for which a fine of one hundred dollars~~  
10 ~~shall be imposed for each violation punishable as a~~  
11 scheduled violation under section 805.8A, subsection  
12 1, paragraph "c".

13 Sec. 50. Section 452A.52, unnumbered paragraph 2,  
14 Code 2001, is amended to read as follows:

15 Any person who is unable to display either of the  
16 permits or the license provided in section 452A.53 and  
17 brings into the state in the fuel supply tanks of a  
18 commercial motor vehicle more than thirty gallons of  
19 motor fuel or special fuel in violation of ~~the~~  
20 ~~provisions of the preceding paragraph is guilty of~~  
21 subsection 1 commits a simple misdemeanor punishable  
22 as a scheduled violation under section 805.8A,  
23 subsection 13, paragraph "c".

24 Sec. 51. CONFLICTING LEGISLATION. If both 2001  
25 Iowa Acts, Senate File 499 and 2001 Iowa Acts, House  
26 File 561 are enacted by the Seventy-ninth General  
27 Assembly and if House File 561 maintains the scheduled  
28 fine for a violation of section 321.234A at one  
29 hundred dollars, the scheduled fine of fifty dollars,  
30 as enacted in Senate File 499, shall prevail and the  
31 scheduled fine of one hundred dollars, as enacted in  
32 House File 561, shall be void.

33 Sec. 52. CONTINGENT EFFECTIVENESS. This division  
34 of this Act takes effect only if 2001 Iowa Acts,  
35 Senate File 499 is enacted.

#### 36 DIVISION VII

#### 37 CORRECTIVE AMENDMENTS

38 Sec. 53. Section 103A.3, subsections 10, 11, 20,  
39 and 25, Code 2001, are amended to read as follows:

40 10. "Ground anchoring system" means any device or  
41 combination of devices used to securely anchor a  
42 manufactured or mobile home to the ground.

43 11. "Ground support system" means any device or  
44 combination of devices placed beneath a manufactured  
45 or mobile home and used to provide support.

46 20. "Permanent site" means any lot or parcel of  
47 land on which a manufactured or mobile home used as a  
48 dwelling or place of business, is located for ninety  
49 consecutive days except a construction site when the  
50 manufactured or mobile home is used by a commercial

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1 contractor as a construction office or storage room.  
2 25. "Tiedown system" means a ground support system  
3 and a ground anchoring system used in concert to  
4 provide anchoring and support for a manufactured or  
5 mobile home.

6 Sec. 54. Section 103A.26, Code 2001, if enacted by  
7 2001 Iowa Acts, Senate File 185, section 4, is amended  
8 to read as follows:

9 103A.26 MANUFACTURED OR MOBILE HOME INSTALLERS  
10 CERTIFICATION -- VIOLATION -- CIVIL PENALTY.

11 1. a. A person who installs a manufactured or  
12 mobile home for another person shall be certified in  
13 accordance with rules adopted by the commissioner  
14 pursuant to chapter 17A. The commissioner may assess  
15 a fee sufficient to recover the costs of administering  
16 the certification of manufactured or mobile home  
17 installers. The commissioner may suspend or revoke  
18 the certification of a manufactured or mobile home  
19 installer for failure to perform installation of a  
20 manufactured or mobile home, pursuant to certification  
21 standards as provided by rules of the commissioner.

22 b. Notwithstanding section 103A.23, all fees  
23 collected by the commissioner for the administration  
24 of the manufactured or mobile home program shall be  
25 credited to the general fund of the state and are  
26 appropriated to the commissioner for the purpose of  
27 administering this certification program including the  
28 employment of personnel for the enforcement and  
29 administration of this program.

30 2. If a provision of this chapter or a rule  
31 adopted pursuant to this chapter relating to the  
32 manufacture or installation of a manufactured or  
33 mobile home is violated, the commissioner may assess a  
34 civil penalty not to exceed one thousand dollars for  
35 each offense. Each violation involving a separate  
36 manufactured or mobile home, or a separate failure or  
37 refusal to allow an act to be performed or to perform  
38 an act as required by this chapter, or a rule adopted  
39 pursuant to this chapter constitutes a separate  
40 offense. However, the maximum amount of civil  
41 penalties which may be assessed for any series of  
42 violations occurring within one year from the date of  
43 the first violation shall not exceed one million  
44 dollars.

45 Sec. 55. Section 165A.5, subsection 1, as enacted  
46 by 2001 Iowa Acts, Senate File 209, section 5, is  
47 amended to read as follows:

48 1. ~~Except as provided in this subsection, a~~ A  
49 person violating a provision of this chapter or any  
50 rule adopted pursuant to this chapter shall be subject

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1 to a civil penalty of at least one hundred dollars but  
2 not more than one thousand dollars. The proceeding to  
3 assess a civil penalty shall be conducted as a  
4 contested case proceeding under chapter 17A.

5 Sec. 56. Section 172E.1, subsection 3, as enacted  
6 by 2001 Iowa Acts, Senate File 209, section 6, is  
7 amended to read as follows:

8 3. "Livestock market" means any place where  
9 livestock are assembled from two or more sources for  
10 public auction, private sale, or sale on a commission  
11 basis, which is under state or federal supervision,  
12 including a livestock auction market, if such  
13 livestock are kept in the place for ten days or less.

14 Sec. 57. Section 232.21, subsection 4, Code 2001,  
15 as amended by 2001 Acts, Senate File 458, section 5,  
16 if enacted, is amended to read as follows:

17 4. A child placed in a shelter care facility under  
18 this section shall not be held for a period in excess  
19 of forty-eight hours without an oral or written court  
20 order authorizing the shelter care. When the action  
21 is authorized by an oral court order, the court shall  
22 enter a written order before the end of the next day  
23 confirming the oral order and indicating the reasons  
24 for the order. A child placed in shelter care  
25 pursuant to section 232.19, subsection 1, paragraph  
26 "c", shall not be held in excess of seventy-two hours  
27 in any event. If deemed appropriate by the court, an  
28 order authorizing shelter care placement may include a  
29 determination that continuation of the child in the  
30 child's home is contrary to the child's welfare and  
31 that reasonable efforts as defined in section 232.57  
32 have been made. The inclusion of such a determination  
33 shall not under any circumstances be deemed a  
34 prerequisite for entering an order pursuant to this  
35 section. However, the inclusion of such a ~~finding~~  
36 determination, supported by the record, may assist the  
37 department in obtaining federal funding for the  
38 child's placement.

39 Sec. 58. Section 321.113, subsection 5, paragraph  
40 b, unnumbered paragraph 1, if enacted by 2001 Iowa  
41 Acts, Senate File 350, section 4, is amended to read  
42 as follows:

43 If the title of a 1993 model year or older motor  
44 vehicle is transferred to a new owner or if such a  
45 motor vehicle is brought into the state on or after  
46 January 1, 2002, the registration fee shall not be  
47 based on the weight and list price of the motor  
48 vehicle, but shall be as follows:

49 Sec. 59. Section 322B.2, subsection 4, if enacted  
50 by 2001 Iowa Acts, House File 656, section 2, is

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1 amended to read as follows:

2 4. "Manufactured or mobile home distributor" means  
3 a person who sells or distributes manufactured or  
4 mobile homes to manufactured or mobile home retailers.

5 Sec. 60. Section 331.303, subsection 1, paragraph  
6 b, Code 2001, as amended by 2001 Iowa Acts, Senate  
7 File 453, section 1, is amended to read as follows:

8 b. A "warrant book" which records each warrant  
9 drawn in the order of issuance by number, date,  
10 amount, and name of drawee, and refers to the order in  
11 the minute book authorizing its drawing. The board  
12 may authorize the auditor to issue checks in lieu of  
13 warrants. If the issuance of checks is authorized,  
14 the word "check" shall be substituted for the word  
15 "warrant" in those sections of this chapter and  
16 chapters ~~6B, 11~~ 6B, 11, 35B, 336, 349, 350, 427B, and  
17 468 in which the issuance of a check is authorized in  
18 lieu of a warrant.

19 Sec. 61. Section 351.39, Code 2001, as amended by  
20 2001 Iowa Acts, House File 179, section 1, is amended  
21 to read as follows:

22 351.39 CONFINEMENT.

23 If a local board of health receives information  
24 that an animal has bitten a person or that a dog or  
25 animal is suspected of having rabies, the board shall  
26 order the owner to confine such animal in the manner  
27 it directs. If the owner fails to confine such animal  
28 in the manner directed, the animal shall be  
29 apprehended and impounded by such board, and after ten  
30 days the board may humanely destroy the animal. If  
31 such animal is returned to its owner, the owner shall  
32 pay the cost of impoundment. This section shall not  
33 apply ~~to~~ if a police service dog or a horse used by a  
34 law enforcement agency, ~~that is~~ and acting in the  
35 performance of its duties ~~which~~ has bitten a person.

36 Sec. 62. Section 466.8, unnumbered paragraph 1, as  
37 enacted by 2001 Iowa Acts, Senate File 479, section 2,  
38 is amended to read as follows:

39 The department of natural resources shall establish  
40 an on-site wastewater systems assistance program for  
41 the purpose of providing low-interest loans to  
42 homeowners residing outside the boundaries of a city  
43 for improving on-site wastewater disposal systems.

44 Sec. 63. Section 466.8, subsection 4, as enacted  
45 by 2001 Iowa Acts, Senate File 479, section 2, is  
46 amended to read as follows:

47 4. The department shall report to the general  
48 assembly annually on the progress of the on-site  
49 wastewater systems assistance program.

50 Sec. 64. Section 507B.4A, subsection 2, paragraph

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1 c, as enacted by 2001 Iowa Acts, Senate File 500,  
2 section 8, is amended to read as follows:

3 c. The commissioner shall adopt rules establishing  
4 processes for timely adjudication and payment of  
5 claims by insurers for health care benefits. The  
6 rules shall be consistent with the time frames and  
7 other procedural standards for claims decisions by  
8 group health plans established by the United States  
9 department of labor pursuant to 29 C.F.R. pt. 2560 in  
10 effect ~~at the time of passage of this Act on January~~  
11 1, 2002.

12 Sec. 65. Section 522B.14, subsection 11, as  
13 enacted by 2001 Iowa Acts, Senate File 276, section  
14 28, is amended to read as follows:

15 11. An insurer, the authorized representative of  
16 the insurer, or an insurance producer that fails to  
17 report as required under this section, or that is  
18 found to have reported with actual malice by a court  
19 of competent jurisdiction, after notice and hearing,  
20 may have its license or certificate of authority  
21 suspended or revoked and may be ~~fined~~ penalized as  
22 provided in section 522B.17.

23 Sec. 66. Section 523A.401, subsection 5, paragraph  
24 c, if enacted by 2001 Iowa Acts, Senate File 473,  
25 section 28, is amended to read as follows:

26 c. The policy shall have an increasing death  
27 benefit or similar feature that provides some means  
28 for increasing the funding as the cost of cemetery  
29 merchandise, funeral merchandise, and cemetery goods  
30 ~~and funeral services~~ increases.

31 Sec. 67. Section 523A.405, subsection 1, if  
32 enacted by 2001 Iowa Acts, Senate File 473, section  
33 32, is amended to read as follows:

34 1. In lieu of trust requirements, a seller may  
35 file with the commissioner a surety bond issued by a  
36 surety company authorized to do business and doing  
37 business within this state. The bond must be  
38 conditioned upon the seller's faithful performance of  
39 purchase agreements subject to this chapter. The  
40 surety's liability extends to each such agreement  
41 executed while the bond is in force and until  
42 performance or rescision of the purchase agreement.  
43 The aggregate liability of the surety for any and all  
44 breaches of the conditions of the bond shall not  
45 exceed the penal sum of the bond. To the extent  
46 expressly agreed to in writing by the surety, the  
47 surety's liability extends to each such agreement  
48 subject to this chapter executed prior to the time the  
49 bond was in force and until performance or rescision of  
50 the agreement. A purchaser aggrieved by a breach of a

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1 condition of the bond covering the purchaser's  
2 agreement may maintain an action against the bond.  
3 If, at the time of the breach, the purchaser is aware  
4 of the purchaser's rights under the bond and how to  
5 file a claim against the bond, the surety shall not be  
6 liable for any breach of condition unless the surety  
7 receives notice of a claim within sixty days following  
8 discovery of the acts, omissions, or conditions  
9 constituting the breach of condition, except as  
10 otherwise provided in this section. A surety bond  
11 shall not be canceled by a surety except upon a  
12 written notice of cancellation given by the surety to  
13 the commissioner by restricted certified mail, and not  
14 prior to the expiration of sixty days after receipt of  
15 the notice by the commissioner. The surety's  
16 liability shall extend to each purchase agreement  
17 subject to this chapter executed prior to cancellation  
18 of the surety bond until the seller has complied with  
19 ~~section~~ subsection 3.

20 Sec. 68. Section 554.9525, subsections 3 and 4, as  
21 enacted by 2000 Iowa Acts, chapter 1149, section 96,  
22 are amended to read as follows:

23 ~~3-~~ 2. NUMBER OF NAMES. The number of names  
24 required to be indexed does not affect the amount of  
25 the fee in ~~subsections~~ subsection 1 and 2.

26 ~~4-~~ 3. RESPONSE TO INFORMATION REQUEST. A rule ~~or~~  
27 ~~ordinance~~ adopted pursuant to subsection 1 must set  
28 the fee for responding to a request for information  
29 from the filing office, including for communicating  
30 whether there is on file any financing statement  
31 naming a particular debtor. A fee for responding to a  
32 request communicated in writing must be not less than  
33 twice the amount of the fee for responding to a  
34 request communicated by another medium authorized by  
35 the office of secretary of state or the board of  
36 supervisors for the filing office where its filing  
37 office is located.

38 Sec. 69. Section 558.39, unnumbered paragraph 1,  
39 Code 2001, as amended by 2001 Iowa Acts, House File  
40 259, is amended to read as follows:

41 The following forms of acknowledgment shall be  
42 sufficient in the cases to which they are respectively  
43 applicable. In each case where one of these forms is  
44 used, the name of the state and county where the  
45 acknowledgment is taken shall precede the body of the  
46 certificate, and the signature and official title of  
47 the officer shall follow it as indicated in the first  
48 form and shall constitute a part of the certificate,  
49 and the stamp or seal of the officer shall be attached  
50 when necessary under the provision of this chapter and

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1 as provided in section ~~9E.6~~ 9E.6A. No certificate of  
2 acknowledgment shall be held to be defective on  
3 account of the failure to show the official title of  
4 the officer making the certificate if such title  
5 appears either in the body of such certificate or in  
6 connection therewith, or with the signature thereto.

7 Sec. 70. Section 627.6, subsection 8, paragraph f,  
8 subparagraph (3), Code 2001, as amended by 2001 Iowa  
9 Acts, House File 654, section 3, if enacted, is  
10 amended to read as follows:

11 (3) For simplified employee pension plans, self-  
12 employed pension plans (also known as Keogh plans or  
13 H.R. 10 plans), individual retirement accounts  
14 established under section 408(a) of the Internal  
15 Revenue Code, individual retirement annuities  
16 established under section 408(b) of the Internal  
17 Revenue Code, savings incentive matched plans for  
18 employees, salary reduction simplified employee  
19 pension plans (also known as SARSEPs), and similar  
20 plans for retirement investments authorized in the  
21 future under federal law, the exemption for  
22 contributions shall not exceed, for each tax year of  
23 contributions, the actual amount of the contribution  
24 ~~deducted for individual retirement accounts and~~  
25 ~~annuities established under section 408 of the~~  
26 ~~Internal Revenue Code or the maximum amount which~~  
27 ~~could be contributed and deducted in the tax year of~~  
28 ~~the contribution on the debtor's tax return or the~~  
29 maximum amount which could be contributed to an  
30 individual retirement account established under  
31 section 408(a) of the Internal Revenue Code and  
32 deducted in the tax year of the contribution,  
33 whichever is less. The exemption for accumulated  
34 earnings and market increases in value of plans under  
35 this subparagraph shall be limited to an amount  
36 determined by multiplying all the accumulated earnings  
37 and market increases in value by a fraction, the  
38 numerator of which is the total amount of exempt  
39 contributions as determined by this subparagraph, and  
40 the denominator of which is the total of exempt and  
41 nonexempt contributions to the plan.

42 Sec. 71. Section 633.4213, subsection 5, Code  
43 2001, is amended to read as follows:

44 5. A trustee shall prepare and send to the  
45 beneficiaries an account of the trust property,  
46 liabilities, receipts, and disbursements at least  
47 annually, at the termination of the trust, and upon a  
48 change of a trustee. An accounting on behalf of a  
49 former trustee shall be prepared by the former  
50 trustee, or if the trustee's appointment is terminated

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1 by reason of death or incapacity, by the former  
2 trustee's personal representative or guardian or  
3 conservator.

4 Sec. 72. Section 702.11, subsection 2, paragraph  
5 e, as enacted by 2001 Iowa Acts, Senate File 63,  
6 section 1, is amended to read as follows:

7 e. Child endangerment resulting in bodily injury  
8 to a child or a minor in violation of section 726.6,  
9 subsection 2A.

10 Sec. 73. 2001 Iowa Acts, House File 656, section  
11 15, is amended to read as follows:

12 SEC. 15. Sections ~~103A.3~~, 103A.30, 103A.31, 321.1,  
13 321.47, 321.123, 321.251, 321.284A, 321.457, 321E.28,  
14 321E.31, 331.429, 331.653, 422.43, 422A.1, 425.17,  
15 426A.11, 427.11, 435.22, 441.17, 445.1, 445.36A,  
16 445.37, 445.38, 515C.1, 534.605, 562B.2, 562B.13,  
17 631.1, 631.4, and 648.3, Code 2001, are amended by  
18 inserting before the words "mobile home" the words  
19 "manufactured or".

20 Sec. 74. DIRECTION TO CODE EDITOR. In codifying  
21 provisions of 2000 Iowa Acts, chapter 1149, in Code  
22 Supplement 2001, the Code editor may change references  
23 from "this Act" to an appropriate reference, including  
24 but not limited to "this Article", wherever it appears  
25 in the Act, after consultation with the Iowa state bar  
26 association. The Iowa state bar association is  
27 requested to respond to the Code editor's  
28 consultations by no later than July 31, 2001. Nothing  
29 in this section limits the authority of the Code  
30 editor under section 2B.13.

31 Sec. 75. CONTINGENT EFFECTIVENESS. The sections  
32 of this division of this Act amending Code section  
33 103A.3 and Code section 103A.26, if enacted, and Code  
34 section 322B.2, take effect only if 2001 Iowa Acts,  
35 House File 656 is enacted."

By JEFF LAMBERTI

**S-3654** FILED MAY 7, 2001

ADOPTED

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