

Hammond, Miller, Maddox

SSB 3096
Judiciary

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

Succeeded By
SF/HF 2201

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

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

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

1 Section 1. Section 7E.5, subsection 1, paragraph h, Code
2 2001, is amended to read as follows:

3 h. The Iowa department of economic development, created in
4 section ~~15-104~~ 15.105, which has primary responsibility for
5 programs for carrying out the economic development policies of
6 the state.

7 Sec. 2. Section 10B.1, subsection 2, Code 2001, is amended
8 to read as follows:

9 2. "Cooperative association" means any entity organized on
10 a cooperative basis, including an association of persons
11 organized under chapter 497, 498, or 499; an entity composed
12 of entities organized under those chapters; or a cooperative
13 corporation organized under chapter 501.

14 Sec. 3. Section 15A.7, subsection 3, Code 2001, is amended
15 to read as follows:

16 3. That the employer shall agree to pay wages for the jobs
17 for which the credit is taken of at least the average county
18 wage or average regional wage, whichever is lower, as compiled
19 annually by the department of economic development for the
20 community economic betterment program. For the purposes of
21 this section, the average regional wage shall be compiled
22 based upon the service delivery areas in section 84B.2.
23 Eligibility for the supplemental credit shall be based on a
24 one-time determination of starting wages by the community
25 college.

26 Sec. 4. Section 15A.9, subsection 10, Code Supplement
27 2001, is amended to read as follows:

28 10. LIMITATION ON ASSISTANCE. Economic development
29 assistance under subsections 3 through 9 shall only be
30 available to the primary business or a supporting business.
31 However, if the department of economic development finds that
32 a primary business or a supporting business has a record of
33 violations of the law, including but not limited to
34 environmental and worker safety statutes, rules, and
35 regulations, over a period of time that tends to show a

1 consistent pattern, the primary business or supporting
2 business shall not qualify for economic development assistance
3 under subsections 3 through 9, unless the department of
4 economic development finds that the violations did not
5 seriously affect public health or safety or the environment,
6 or if it did that there were mitigating circumstances. In
7 making the findings and determinations regarding violations,
8 mitigating circumstances, and whether a primary business or a
9 supporting business is eligible for economic development
10 assistance under subsections 3 through 9, the department of
11 economic development shall be exempt from chapter 17A.

12 Sec. 5. Section 15E.111, subsection 8, Code 2001, is
13 amended to read as follows:

14 8. The department of economic development and the office
15 of renewable fuels and coproducts shall prepare a report each
16 six months detailing the progress of the department and other
17 agencies provided in this section. The office of renewable
18 fuels and coproducts, the department of natural resources, and
19 Iowa state university may contribute a summary of their
20 activities. The report shall be delivered to the secretary of
21 the senate and the chief clerk of the house; the legislative
22 service bureau; the chairpersons and ranking members of the
23 senate standing committee on agriculture; the senate standing
24 committee on small business, economic development, and
25 tourism; the house of representatives standing committee on
26 agriculture; and the house of representatives standing
27 committee on ~~small-business, economic development, and trade.~~

28 Sec. 6. Section 15E.117, Code 2001, is amended to read as
29 follows:

30 15E.117 PROMOTION OF IOWA WINE AND BEER.

31 The department of economic development shall consult with
32 the Iowa wine and beer promotion board on the best means to
33 promote wine and beer made in Iowa. The department has the
34 authority to contract with private persons for the promotion
35 of beer and wine made in Iowa. At the direction of the

1 department, the director of revenue and finance shall issue
2 warrants to the department of economic development on the
3 barrel tax fund created in section 123.143 and the wine
4 gallonage tax fund created in section 123.183, which moneys
5 may be used by the department for the purpose of this section,
6 including administrative expenses incurred under this section.

7 Sec. 7. Section 15E.202, subsection 17, paragraph b, Code
8 2001, is amended to read as follows:

9 b. A cooperative corporation organized under chapter 501.

10 Sec. 8. Section 73.10, Code 2001, is amended to read as
11 follows:

12 73.10 EXCEPTIONS.

13 The provisions of sections 73.6 to and 73.9 shall not apply
14 to municipally owned and operated public utilities.

15 Sec. 9. Section 84A.1, subsections 2 and 3, Code 2001, are
16 amended to read as follows:

17 2. The chief executive officer of the department of
18 workforce development is the director who shall be appointed
19 by the governor, subject to confirmation by the senate under
20 the confirmation procedures of section 2.32. The director of
21 the department of workforce development shall serve at the
22 pleasure of the governor. The governor shall set the salary
23 of the director within the applicable salary range established
24 by the general assembly. The director shall be selected
25 solely on the ability to administer the duties and functions
26 granted to the director and the department and shall devote
27 full time to the duties of the director. If the office of
28 director becomes vacant, the vacancy shall be filled in the
29 same manner as the original appointment was made.

30 The director of the department of workforce development
31 shall, subject to the requirements of section 84A.1B, prepare,
32 administer, and control the budget of the department and its
33 divisions and shall approve the employment of all personnel of
34 the department and its divisions.

35 The director of the department of workforce development

1 shall direct the administrative and compliance functions and
2 control the docket of the division of workers' compensation.

3 3. The department of workforce development shall include
4 the division of labor services, the division of workers'
5 compensation, and other divisions as appropriate.

6 Sec. 10. Section 84A.1A, Code Supplement 2001, is amended
7 to read as follows:

8 84A.1A WORKFORCE DEVELOPMENT BOARD.

9 1. An Iowa workforce development board is created,
10 consisting of nine voting members appointed by the governor
11 and eight ex officio nonvoting members. The ex officio
12 nonvoting members are four legislative members; one president
13 or the president's designee of the university of northern
14 Iowa, the university of Iowa, or Iowa state university of
15 science and technology, designated by the state board of
16 regents on a rotating basis; one representative from the
17 largest statewide public employees' organization representing
18 state employees; one president or the president's designee of
19 an independent Iowa college, appointed by the Iowa association
20 of independent colleges and universities; and one
21 superintendent or the superintendent's designee of a community
22 college, appointed by the Iowa association of community
23 college presidents. The legislative members are two state
24 senators, one appointed by the president of the senate, after
25 consultation with the majority leader of the senate, and one
26 appointed by the minority leader of the senate, after
27 consultation with the president of the senate, from their
28 respective parties; and two state representatives, appointed
29 by the speaker after consultation with the majority and
30 minority leaders of the house of representatives from their
31 respective parties. Not more than five of the voting members
32 shall be from the same political party. Of the nine voting
33 members, one member shall represent a nonprofit organization
34 involved in workforce development services, four members shall
35 represent employers, and four members shall represent

1 nonsupervisory employees. Of the members appointed by the
2 governor to represent nonsupervisory employees, two members
3 shall be from statewide labor organizations, one member shall
4 be an employee representative of a labor management council,
5 and one member shall be a person with experience in worker
6 training programs. The governor shall consider
7 recommendations from statewide labor organizations for the
8 members representing nonsupervisory employees. The governor
9 shall appoint the nine voting members of the workforce
10 development board for a term of four years beginning and
11 ending as provided by section 69.19, subject to confirmation
12 by the senate, and the governor's appointments shall include
13 persons knowledgeable in the area of workforce development.

14 2. A vacancy on the workforce development board shall be
15 filled in the same manner as regular appointments are made for
16 the unexpired portion of the regular term.

17 3. The workforce development board shall meet in May of
18 each year for the purpose of electing one of its voting
19 members as chairperson and one of its voting members as vice
20 chairperson. However, the chairperson and the vice
21 chairperson shall not be from the same political party. The
22 workforce development board shall meet at the call of the
23 chairperson or when any five members of the workforce
24 development board file a written request with the chairperson
25 for a meeting. Written notice of the time and place of each
26 meeting shall be given to each member of the workforce
27 development board. A majority of the voting members
28 constitutes a quorum.

29 4. Members of the workforce development board, the
30 director of the department of workforce development, and other
31 employees of the department of workforce development shall be
32 allowed their actual and necessary expenses incurred in the
33 performance of their duties. All expenses shall be paid from
34 appropriations for those purposes and the department of
35 workforce development is subject to the budget requirements of

1 chapter 8. Each member of the workforce development board may
2 also be eligible to receive compensation as provided in
3 section 7E.6.

4 5. If a member of the workforce development board has an
5 interest, either direct or indirect, in a contract to which
6 the department of workforce development is or is to be a
7 party, the interest shall be disclosed to the workforce
8 development board in writing and shall be set forth in the
9 minutes of a meeting of the workforce development board. The
10 member having the interest shall not participate in action by
11 the workforce development board with respect to the contract.
12 This subsection does not limit the right of a member of the
13 workforce development board to acquire an interest in bonds,
14 or limit the right of a member to have an interest in a bank
15 or other financial institution in which the funds of the
16 department of workforce development are deposited or which is
17 acting as trustee or paying agent under a trust indenture to
18 which the department of workforce development is a party.

19 Sec. 11. Section 84A.5, Code Supplement 2001, is amended
20 to read as follows:

21 84A.5 DEPARTMENT'S DEPARTMENT OF WORKFORCE DEVELOPMENT --
22 PRIMARY RESPONSIBILITIES.

23 The department of workforce development, in consultation
24 with the workforce development board and the regional advisory
25 boards, has the primary responsibilities set out in this
26 section.

27 1. The department of workforce development shall develop
28 and implement a workforce development system which increases
29 the skills of the Iowa workforce, fosters economic growth and
30 the creation of new high skill and high wage jobs through job
31 placement and training services, increases the competitiveness
32 of Iowa businesses by promoting high performance workplaces,
33 and encourages investment in workers.

34 The workforce development system shall strive to provide
35 high quality services to its customers including workers,

1 families, and businesses. The department of workforce
2 development shall maintain a common intake, assessment, and
3 customer tracking system and to the extent practical provide
4 one-stop services to customers at workforce development
5 centers and other service access points.

6 The system shall include an accountability system to
7 measure program performance, identify accomplishments, and
8 evaluate programs to ensure goals and standards are met. The
9 accountability system shall use information obtained from the
10 customer tracking system, the department of economic
11 development, the department of education, and training
12 providers to evaluate the effectiveness of programs. The
13 department of economic development, the department of
14 education, and training providers shall report information
15 concerning the use of any state or federal training or
16 retraining funds to the department of workforce development in
17 a form as required by the department of workforce development.

18 The accountability system shall evaluate all of the following:

19 a. The impact of services on wages earned by individuals.

20 b. The effectiveness of training services providers in
21 raising the skills of the Iowa workforce.

22 c. The impact of placement and training services on Iowa's
23 families, communities, and economy.

24 The department of workforce development shall make
25 information from the customer tracking and accountability
26 system available to the department of economic development,
27 the department of education, and other appropriate public
28 agencies for the purpose of assisting with the evaluation of
29 programs administered by those departments and agencies and
30 for planning and researching public policies relating to
31 education and economic development.

32 2. The department of workforce development is responsible
33 for administration of unemployment compensation benefits and
34 collection of employer contributions under chapter 96,
35 providing for the delivery of free public employment services

1 established pursuant to chapter 96, other job placement and
2 training programs established pursuant to section 84A.6, and
3 the delivery of services located throughout the state.

4 3. The division of labor services is responsible for the
5 administration of the laws of this state under chapters 88,
6 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 92, and
7 94A, and sections 30.7 and 85.68. The executive head of the
8 division is the labor commissioner, appointed pursuant to
9 section 91.2.

10 4. The division of workers' compensation is responsible
11 for the administration of the laws of this state relating to
12 workers' compensation under chapters 85, 85A, 85B, 86, and 87.
13 The executive head of the division is the workers'
14 compensation commissioner, appointed pursuant to section 86.1.

15 5. The director of the department of workforce development
16 shall form a coordinating committee composed of the director
17 of the department of workforce development, the labor
18 commissioner, the workers' compensation commissioner, and
19 other administrators. The committee shall monitor federal
20 compliance issues relating to coordination of functions among
21 the divisions.

22 6. The department of workforce development shall
23 administer the following programs:

24 a. The Iowa conservation corps established under section
25 84A.7.

26 b. The workforce investment program established under
27 section 84A.8.

28 c. The statewide mentoring program established under
29 section 84A.9.

30 d. The workforce development centers established under
31 chapter 84B.

32 7. The department of workforce development shall work with
33 the department of economic development to incorporate
34 workforce development as a component of community-based
35 economic development.

1 8. The department of workforce development, in
2 consultation with the applicable regional advisory board,
3 shall select service providers, subject to approval by the
4 workforce development board for each service delivery area. A
5 service provider in each service delivery area shall be
6 identified to coordinate the services throughout the service
7 delivery area. The department of workforce development shall
8 select service providers that, to the extent possible, meet or
9 have the ability to meet the following criteria:

10 a. The capacity to deliver services uniformly throughout
11 the service delivery area.

12 b. The experience to provide workforce development
13 services.

14 c. The capacity to cooperate with other public and private
15 agencies and entities in the delivery of education, workforce
16 training, retraining, and workforce development services
17 throughout the service delivery area.

18 d. The demonstrated capacity to understand and comply with
19 all applicable state and federal laws, rules, ordinances,
20 regulations, and orders, including fiscal requirements.

21 9. The department of workforce development shall provide
22 access to information and documents necessary for employers
23 and payors of income, as defined in sections 252D.16 and
24 252G.1, to comply with child support reporting and payment
25 requirements. Access to the information and documents shall
26 be provided at the central location of the department of
27 workforce development and at each workforce development
28 center.

29 10. The director of the department of workforce
30 development may adopt rules pursuant to chapter 17A to charge
31 and collect fees for enhanced or value-added services provided
32 by the department of workforce development which are not
33 required by law to be provided by the department and are not
34 generally available from the department of the department of
35 workforce development. Fees shall not be charged to provide a

1 free public labor exchange. Fees established by the director
2 of the department of workforce development shall be based upon
3 the costs of administering the service, with due regard to the
4 anticipated time spent, and travel costs incurred, by
5 personnel performing the service. The collection of fees
6 authorized by this subsection shall be treated as repayment
7 receipts as defined in section 8.2.

8 Sec. 12. Section 84A.6, subsections 2 and 3, Code 2001,
9 are amended to read as follows:

10 2. The director of the department of workforce
11 development, in cooperation with the department of human
12 services, shall provide job placement and training to persons
13 referred by the department of human services under the
14 promoting independence and self-sufficiency through employment
15 job opportunities and basic skills program established
16 pursuant to chapter 239B and the food stamp employment and
17 training program.

18 3. The director of the department of workforce
19 development, in cooperation with the department of human
20 rights and the vocational rehabilitation services division of
21 the department of education, shall establish a program to
22 provide job placement and training to persons with
23 disabilities.

24 Sec. 13. Section 84A.7, subsections 3 and 4, Code 2001,
25 are amended to read as follows:

26 3. FUNDING. Corps projects shall be funded by
27 appropriations to the Iowa conservation corps account and by
28 cash, services, and material contributions made by other state
29 agencies or local public and private agencies. Public and
30 private entities who benefit from a corps project shall
31 contribute at least thirty-five percent of the total project
32 budget. The contributions may be in the form of cash,
33 materials, or services. Materials and services shall be
34 intended for the project and acceptable to the department of
35 workforce development. Minimum levels of contributions shall

1 be prescribed in rules adopted by the department of workforce
2 development.

3 4. ACCOUNT CREATED. The Iowa conservation corps account
4 is established within and administered by the department of
5 workforce development. The account shall include all
6 appropriations made to programs administered by the corps, and
7 may also include moneys contributed by a private individual or
8 organization, or a public entity for the purpose of
9 implementing corps programs and projects. The department of
10 workforce development may establish an escrow account within
11 the department and obligate moneys within that escrow account
12 for tuition payments to be made beyond the term of any fiscal
13 year. Interest earned on moneys in the Iowa conservation
14 corps account shall be credited to the account.

15 Sec. 14. Section 85.38, subsection 4, Code 2001, is
16 amended to read as follows:

17 4. LIEN FOR HOSPITAL AND MEDICAL SERVICES UNDER CHAPTER
18 249A. In the event any hospital or medical services as
19 defined provided in section 85.27 are paid by the state
20 department of human services on behalf of an employee who is
21 entitled to such benefits under the provisions of this chapter
22 or chapter 85A or 85B, a lien shall exist as respects the
23 right of such employee to benefits as described in section
24 85.27.

25 Sec. 15. Section 123.183, subsection 3, paragraph b, Code
26 Supplement 2001, is amended to read as follows:

27 b. The remaining revenue collected from the wine gallonage
28 tax on wine imported into this state for sale at wholesale and
29 sold in this state at wholesale shall be deposited in the beer
30 and liquor control fund created in section 123.53.

31 Sec. 16. Section 135C.2, subsection 3, paragraph d, Code
32 Supplement 2001, is amended to read as follows:

33 d. Notwithstanding the limitations set out in this
34 subsection regarding rules for intermediate care facilities
35 for persons with mental retardation, the department shall

1 consider the federal interpretive guidelines issued by the
2 federal health-care-financing-administration centers for
3 Medicare and Medicaid services when interpreting the
4 department's rules for intermediate care facilities for
5 persons with mental retardation. This use of the guidelines
6 is not subject to the rulemaking provisions of sections 17A.4
7 and 17A.5, but the guidelines shall be published in the Iowa
8 administrative bulletin and the Iowa administrative code.

9 Sec. 17. Section 135C.33, subsection 2, Code Supplement
10 2001, is amended to read as follows:

11 2. If the department of public safety determines that a
12 person has committed a crime and is to be employed in a
13 facility licensed under this chapter, the department of public
14 safety shall notify the licensee that an evaluation, if
15 requested by the facility, will be conducted by the department
16 of human services to determine whether prohibition of the
17 person's employment is warranted. If a department of human
18 services child or dependent adult abuse records check
19 determines shows that the person has a record of founded child
20 or dependent adult abuse, the department of human services
21 shall inform the licensee that an evaluation, if requested by
22 the facility, will be conducted to determine whether
23 prohibition of the person's employment is warranted.

24 Sec. 18. Section 136.3, subsection 7, Code Supplement
25 2001, is amended to read as follows:

26 7. Adopt, promulgate, amend, and repeal rules and
27 regulations consistent with law for the protection of the
28 public health and prevention of substance abuse, and for the
29 guidance of the department. All rules which have been or are
30 hereafter adopted by the department shall be subject to
31 approval by the board. However, rules adopted by the
32 commission on substance abuse for section 125.7, subsections 1
33 and 7, and rules adopted by the department pursuant to section
34 135.130 are not subject to approval by the state board of
35 health.

1 Sec. 19. Section 207.13, subsection 2, Code 2001, is
2 amended to read as follows:

3 2. The inspections by the division shall:

4 a. One Occur at a frequency of one complete inspection per
5 calendar quarter and at least one partial inspection on an
6 irregular basis in those months where a complete inspection is
7 not performed.

8 b. Occur without prior notice to the permittee, agents or
9 employees except for necessary on-site meetings with the
10 permittee.

11 c. Include the filing of inspection reports adequate to
12 enforce the requirements of and to carry out the terms and
13 purposes of this chapter.

14 Sec. 20. Section 229.42, Code Supplement 2001, is amended
15 to read as follows:

16 229.42 COSTS PAID BY COUNTY.

17 If a person wishing to make application for voluntary
18 admission to a mental hospital established by chapter 226 is
19 unable to pay the costs of hospitalization or those
20 responsible for the person are unable to pay the costs,
21 application for authorization of voluntary admission must be
22 made through a single entry point process before application
23 for admission is made to the hospital. The person's county of
24 legal settlement shall be determined through the single entry
25 point process and if the admission is approved through the
26 single entry point process, the person's admission to a mental
27 health hospital shall be authorized as a voluntary case. The
28 authorization shall be issued on forms provided by the
29 administrator. The costs of the hospitalization shall be paid
30 by the county of legal settlement to the department of human
31 services and credited to the general fund of the state,
32 providing provided that the mental health hospital rendering
33 the services has certified to the county auditor of the county
34 of legal settlement the amount chargeable to the county and
35 has sent a duplicate statement of the charges to the

1 department of human services. A county shall not be billed
2 for the cost of a patient unless the patient's admission is
3 authorized through the single entry point process. The mental
4 health institute and the county shall work together to locate
5 appropriate alternative placements and services, and to
6 educate patients and family members of patients regarding such
7 alternatives.

8 All the provisions of chapter 230 shall apply to such
9 voluntary patients so far as is applicable.

10 The provisions of this section and of section 229.41 shall
11 apply to all voluntary inpatients or outpatients receiving
12 mental health services either away from or at the institution
13 ~~receiving-mental-health-services~~.

14 If a county fails to pay the billed charges within forty-
15 five days from the date the county auditor received the
16 certification statement from the superintendent, the
17 department of human services shall charge the delinquent
18 county the penalty of one percent per month on and after
19 forty-five days from the date the county received the
20 certification statement until paid. The penalties received
21 shall be credited to the general fund of the state.

22 Sec. 21. Section 232.21, subsection 4, Code Supplement
23 2001, is amended to read as follows:

24 4. A child placed in a shelter care facility under this
25 section shall not be held for a period in excess of forty-
26 eight hours without an oral or written court order authorizing
27 the shelter care. When the action is authorized by an oral
28 court order, the court shall enter a written order before the
29 end of the next day confirming the oral order and indicating
30 the reasons for the order. A child placed in shelter care
31 pursuant to section 232.19, subsection 1, paragraph "c", shall
32 not be held in excess of seventy-two hours in any event. If
33 deemed appropriate by the court, an order authorizing shelter
34 care placement may include a determination that continuation
35 of the child in the child's home is contrary to the child's

1 welfare and that reasonable efforts as defined in section
2 232.57 have been made. The inclusion of such a determination
3 shall not under any circumstances be deemed a prerequisite for
4 entering an order pursuant to this section. However, the
5 inclusion of such a determination, supported by the record,
6 may be used by the department to assist the-department in
7 obtaining federal funding for the child's placement.

8 Sec. 22. Section 232.111, subsection 2, paragraph a,
9 subparagraph (3), Code Supplement 2001, is amended to read as
10 follows:

11 (3) The child is less than twelve months of age and has
12 been judicially determined to ~~meet-the-definition-of~~
13 ~~abandonment-of-a-child~~ have been abandoned or the child is a
14 newborn infant whose parent has voluntarily released custody
15 of the child in accordance with chapter 233.

16 Sec. 23. Section 249A.19, Code 2001, is amended to read as
17 follows:

18 249A.19 HEALTH CARE FACILITIES -- PENALTY.

19 The department shall adopt rules pursuant to chapter 17A to
20 assess and collect, with interest, a civil penalty for each
21 day a health care facility which receives medical assistance
22 reimbursements does not comply with the requirements of the
23 federal Social Security Act, section 1919, as codified in 42
24 U.S.C. § 1396r. A civil penalty shall not exceed the amount
25 authorized under 42 C.F.R. § 488.438 for health care facility
26 violations. Any moneys collected by the department pursuant
27 to this section shall be applied to the protection of the
28 health or property of the residents of the health care
29 facilities which are determined by the state or by the federal
30 health-care-financing-administration centers for Medicare and
31 Medicaid services to be out of compliance. The purposes for
32 which the collected moneys shall be applied may include
33 payment for the costs of relocation of residents to other
34 facilities, maintenance or operation of a health care facility
35 pending correction of deficiencies or closure of the facility,

1 and reimbursing residents for personal funds lost. If a
2 health care facility is assessed a civil penalty under this
3 section, the health care facility shall not be assessed a
4 penalty under section 135C.36 for the same violation.

5 Sec. 24. Section 249A.27, subsection 2, Code 2001, is
6 amended to read as follows:

7 2. If the department is the case management contractor,
8 the state shall be responsible for any costs included within
9 the unit rate for case management services which are
10 disallowed for medical assistance reimbursement by the federal
11 health-care-financing-administration centers for Medicare and
12 Medicaid services. The contracting county shall be credited
13 for the county's share of any amounts overpaid due to the
14 disallowed costs. However, if certain costs are disallowed
15 due to requirements or preferences of a particular county in
16 the provision of case management services, the county shall
17 not receive credit for the amount of the costs.

18 Sec. 25. Section 249H.4, subsection 4, Code 2001, is
19 amended to read as follows:

20 4. The trust fund shall be operated in accordance with the
21 guidelines of the health-care-financing-administration centers
22 for Medicare and Medicaid services of the United States
23 department of health and human services. The trust fund shall
24 be separate from the general fund of the state and shall not
25 be considered part of the general fund of the state. The
26 moneys in the trust fund shall not be considered revenue of
27 the state, but rather shall be funds of the senior living
28 program. The moneys in the trust fund are not subject to
29 section 8.33 and shall not be transferred, used, obligated,
30 appropriated, or otherwise encumbered, except to provide for
31 the purposes of this chapter. Notwithstanding section 12C.7,
32 subsection 2, interest or earnings on moneys deposited in the
33 trust fund shall be credited to the trust fund.

34 Sec. 26. Section 249H.8, subsection 1, Code 2001, is
35 amended to read as follows:

1 1. A person operating a PACE program shall have a PACE
2 program agreement with the health-care-financing
3 administration centers for Medicare and Medicaid services of
4 the United States department of health and human services,
5 shall enter into a contract with the department of human
6 services, and shall comply with 42 U.S.C. § 1396(u)(4) and all
7 regulations promulgated pursuant to that section.

8 Sec. 27. Section 263.9, Code Supplement 2001, is amended
9 to read as follows:

10 263.9 ESTABLISHMENT AND OBJECTIVES.

11 The state board of regents is hereby authorized to
12 establish and maintain in reasonable proximity to Iowa City
13 and in conjunction with the state university of Iowa and the
14 university hospital hospitals and clinics, a center for
15 disabilities and development having as its objects the
16 education and treatment of children with severe disabilities.
17 The center shall be conducted in conjunction with the
18 activities of the university of Iowa children's hospital.
19 Insofar as is practicable, the facilities of the university
20 children's hospital shall be utilized.

21 Sec. 28. Section 263.10, Code Supplement 2001, is amended
22 to read as follows:

23 263.10 PERSONS ADMITTED.

24 Every resident of the state who is not more than twenty-one
25 years of age, who has such severe disabilities as to be unable
26 to acquire an education in the common schools, and every such
27 person who is twenty-one and under thirty-five years of age
28 who has the consent of the state board of regents, shall be
29 entitled to receive an education, care, and training in the
30 university of Iowa hospitals and clinics center for
31 disabilities and development, and nonresidents similarly
32 situated may be entitled to an education and care at the
33 center upon such terms as may be fixed by the state board of
34 regents. The fee for nonresidents shall be not less than the
35 average expense of resident pupils and shall be paid in

1 advance. Residents and persons under the care and control of
2 a director of a division of the department of human services
3 who have severe disabilities may be transferred to the center
4 upon such terms as may be agreed upon by the state board of
5 regents and the director.

6 Sec. 29. Section 263.13, Code Supplement 2001, is amended
7 to read as follows:

8 263.13 GIFTS ACCEPTED.

9 The state board of regents is authorized to accept, for the
10 benefit of the university hospitals and clinics center for
11 disabilities and development, gifts, devises, or bequests of
12 property, real or personal including grants from the federal
13 government. The state board of regents may exercise such
14 powers with reference to the management, sale, disposition,
15 investment, or control of property so given, devised, or
16 bequeathed, as may be deemed essential to its preservation and
17 the purposes for which made. No contribution or grant shall
18 be received or accepted if any condition is attached as to its
19 use or administration other than it be used for aid to the
20 center as provided in this division.

21 Sec. 30. Section 317.25, Code Supplement 2001, is amended
22 to read as follows:

23 317.25 TEASEL, MULTIFLORA ROSE, AND PURPLE LOOSESTRIFE
24 PROHIBITED -- EXCEPTIONS.

25 A person shall not import, sell, offer for sale, or
26 distribute teasel (*Dipsacus*) biennial, the multiflora rose
27 (*rosa* Rosa multiflora), purple loosestrife (*lythrum* Lythrum
28 salicaria), purple loosestrife (*lythrum* Lythrum virgatum), or
29 seeds of them in any form in this state. However, this
30 section does not prohibit the sale, offer for sale, or
31 distribution of the multiflora rose (*rosa* Rosa multiflora)
32 used for understock for either cultivated roses or ornamental
33 shrubs in gardens. Any person violating the provisions of
34 this section is subject to a fine of not exceeding one hundred
35 dollars.

1 Sec. 31. Section 321.20B, subsection 4, paragraph b,
2 subparagraph (2), subparagraph subdivisions (a) and (b), Code
3 Supplement 2001, are amended to read as follows:

4 (a) Sign an admission of violation on the citation and
5 remit to the clerk of court a scheduled fine as provided in
6 section 805-8 805.8A, subsection 2 14, paragraph "f", for a
7 violation of subsection 1. Upon payment of the fine to the
8 clerk of court of the county where the citation was issued,
9 payment of a fifteen dollar administrative fee to the county
10 treasurer of the county in which the motor vehicle is
11 registered, and providing proof of payment of any applicable
12 fine and proof of financial liability coverages to the county
13 treasurer of the county in which the motor vehicle is
14 registered, the treasurer shall issue new license plates and
15 registration to the owner.

16 (b) Request an appearance before the court on the matter.
17 If the matter goes before the court, and the owner or driver
18 is found guilty of a violation of subsection 1, the court may
19 impose a fine as provided in section 805-8 805.8A, subsection
20 2 14, paragraph "f", for a violation of subsection 1, or the
21 court may order the person to perform unpaid community service
22 instead of the fine. Upon the payment of the fine or the
23 entry of the order for unpaid community service, the person
24 shall provide proof of payment or entry of such order and the
25 county treasurer of the county in which the motor vehicle is
26 registered shall issue new license plates and registration to
27 the owner upon the owner providing proof of financial
28 liability coverage and paying a fifteen dollar administrative
29 fee to the county treasurer.

30 Sec. 32. Section 321.215, subsection 2, unnumbered
31 paragraph 1, Code Supplement 2001, is amended to read as
32 follows:

33 Upon conviction and the suspension or revocation of a
34 person's noncommercial driver's license under section 321.209,
35 subsection 5 or 6; section 321.210; 321.210A; or 321.513; or

1 upon revocation pursuant to a court order issued under section
2 901.5, subsection 10; or upon the denial of issuance of a
3 noncommercial driver's license under section 321.560, based
4 solely on offenses enumerated in section 321.555, subsection
5 1, paragraph "c", or section 321.555, subsection 2; or a
6 juvenile, whose license has been suspended or revoked pursuant
7 to a dispositional order under section 232.52, subsection 2,
8 paragraph "a", for a violation of chapter 124 or 453B, or
9 section 126.3, a person may petition the district court having
10 jurisdiction for over the residence of the person for a
11 temporary restricted license to operate a motor vehicle for
12 the limited purpose or purposes specified in subsection 1.
13 The petition shall include a current certified copy of the
14 petitioner's official driving record issued by the department.
15 The application may be granted only if all of the following
16 criteria are satisfied:

17 Sec. 33. Section 321L.3, unnumbered paragraph 3, Code
18 Supplement 2001, is amended to read as follows:

19 Persons with disabilities parking permits may be returned
20 to the department as required by this section either directly
21 to the department, to a driver's license station, or to any
22 law enforcement office.

23 Sec. 34. Section 422.11C, subsection 1, paragraph b, Code
24 Supplement 2001, is amended to read as follows:

25 b. "Gasoline" means gasoline that meets the specifications
26 required by the department of agriculture and land stewardship
27 pursuant to section 214A.2 and that is dispensed through a
28 metered pump.

29 Sec. 35. Section 426B.5, subsection 1, paragraph c,
30 unnumbered paragraph 1, Code Supplement 2001, is amended to
31 read as follows:

32 Moneys available in the per capita expenditure pool for a
33 fiscal year shall be distributed to those counties who that
34 meet all of the following eligibility requirements:

35 Sec. 36. Section 437A.15, subsection 3, paragraph c, Code

1 Supplement 2001, is amended to read as follows:

2 c. If paragraph "b" is applicable, on or before August 1,
3 the director shall notify each distribution electric
4 cooperative member, each municipal utility purchasing member,
5 and each generation and transmission electric cooperative of
6 the amount of electric delivery replacement tax to pay be paid
7 to the generation and transmission electric cooperative. On
8 or before August 1, the director shall notify the generation
9 and transmission electric cooperative of the amount of
10 replacement tax liability attributable to the excess property
11 tax liability that is payable to each county treasurer. The
12 director shall determine the amount of any special utility
13 property tax levy or tax credit attributable to the excess
14 property tax liability which shall be reflected in the amount
15 required to be paid by each distribution electric cooperative
16 member and each municipal utility purchasing member to the
17 generation and transmission electric cooperative.

18 Sec. 37. Section 450.4, subsection 4, Code Supplement
19 2001, is amended to read as follows:

20 4. Bequests On bequests for the care and maintenance of
21 the cemetery or burial lot of the decedent or the decedent's
22 family, and bequests not to exceed five hundred dollars in any
23 estate of a decedent for the performance of a religious
24 service or services by some person regularly ordained,
25 authorized, or licensed by some religious society to perform
26 such service, which service or services are to be performed
27 for or in behalf of the testator or some person named in the
28 testator's last will.

29 Sec. 38. Section 452A.2, subsection 18, paragraphs a and
30 b, Code Supplement 2001, are amended to read as follows:

31 a. All products commonly or commercially known or sold as
32 gasoline, including ethanol blended gasoline, casinghead, and
33 absorption or natural gasoline, regardless of their the
34 products' classifications or uses, and including transmix
35 which serves as a buffer between fuel products in the pipeline

1 distribution process.

2 b. Any liquid advertised, offered for sale, sold for use
3 as, or commonly or commercially used as a fuel for propelling
4 motor vehicles which, when subjected to distillation of
5 gasoline, naphtha, kerosene and similar petroleum products
6 (~~American Society-of-Testing-Materials-Designation~~ society for
7 testing and materials designation D-86), shows not less than
8 ten per centum distilled (recovered) below three hundred
9 forty-seven degrees Fahrenheit (one hundred seventy-five
10 degrees Centigrade) and not less than ninety-five per centum
11 distilled (recovered) below four hundred sixty-four degrees
12 Fahrenheit (two hundred forty degrees Centigrade).

13 Sec. 39. Section 452A.2, subsection 20, Code Supplement
14 2001, is amended to read as follows:

15 20. "Racing fuel" means leaded gasoline of one hundred ten
16 octane or more that does not meet American society of for
17 testing and materials designation D-4814 for gasoline and is
18 sold in bulk for use in nonregistered motor vehicles.

19 Sec. 40. Section 455B.484, subsection 3, Code Supplement
20 2001, is amended to read as follows:

21 3. Administer and coordinate the land quality and waste
22 management trust fund created under this part.

23 Sec. 41. Section 455G.3, subsection 6, unnumbered
24 paragraph 1, Code Supplement 2001, is amended to read as
25 follows:

26 There is appropriated from the unassigned revenue fund
27 administered by the Iowa comprehensive petroleum underground
28 storage tank fund board to the following funds for the fiscal
29 year beginning July 1, 2001, and ending June 30, 2002, the
30 following amounts as specified:

31 Sec. 42. Section 462A.15, subsection 2, Code Supplement
32 2001, is amended to read as follows:

33 ~~2. The-provisions-of-subsections-1-and-2-of-this-section~~
34 do This section does not apply to a performer engaged in a
35 professional exhibition or a person or persons engaged in a

1 professional exhibition or a person or persons engaged in an
2 activity authorized under section 462A.16.

3 Sec. 43. Section 505.11, Code Supplement 2001, is amended
4 to read as follows:

5 505.11 REFUNDS.

6 Whenever it appears to the satisfaction of the commissioner
7 of insurance that, because of error, mistake, or erroneous
8 interpretation of statute, that a foreign or domestic
9 insurance corporation has paid to the state of Iowa taxes,
10 fines, penalties, or license fees in excess of the amount
11 legally chargeable against it, the commissioner of insurance
12 shall have power to refund to such corporation any such excess
13 by applying the amount of the excess payment toward the
14 payment of taxes, fines, penalties, or license fees already
15 due or which may become due, until such excess payments have
16 been fully refunded.

17 Sec. 44. Section 514I.3, subsection 3, Code 2001, is
18 amended to read as follows:

19 3. The department of human services is designated to
20 receive the state and federal funds appropriated or provided
21 for the program, and to submit and maintain the state plan for
22 the program, which is approved by the health-care-financing
23 administration centers for Medicare and Medicaid services of
24 the United States department of health and human services.

25 Sec. 45. Section 518A.35, Code Supplement 2001, is amended
26 to read as follows:

27 518A.35 ANNUAL TAX.

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

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

9 Sec. 46. Section 522B.3, subsection 2, unnumbered
10 paragraph 1, Code Supplement 2001, is amended to read as
11 follows:

12 A license as an insurance producer shall not be required of
13 any of the following:

14 Sec. 47. Section 522B.6, subsection 2, paragraph e, Code
15 Supplement 2001, is amended to read as follows:

16 e. Variable life and variable annuity products insurance
17 ~~providing~~ coverage provided under variable life insurance
18 contracts and variable annuities.

19 Sec. 48. Section 522B.16, unnumbered paragraph 1, Code
20 Supplement 2001, is amended to read as follows:

21 An insurance producer shall report to the commissioner any
22 administrative action taken against the insurance producer in
23 another jurisdiction or by another governmental agency in this
24 state within thirty days of the final disposition of the
25 matter. This report shall include a copy of the order,
26 consent to the order, ~~or~~ and other relevant legal documents.

27 Sec. 49. Section 523A.901, subsection 9, paragraph g, Code
28 Supplement 2001, is amended to read as follows:

29 g. The court shall have summary jurisdiction ~~of~~ in a
30 proceeding by a liquidator to hear and determine the rights of
31 the parties under this section. Reasonable notice of hearing
32 in the proceeding shall be given to all parties in interest,
33 including the obligee of a releasing bond or other like
34 obligation. Where an order is entered for the recovery of
35 indemnifying property in kind or for the avoidance of an

1 indemnifying lien, upon application of any party in interest,
2 the court shall in the same proceeding ascertain the value of
3 the property or lien. If the value is less than the amount
4 for which the property is indemnified or less than the amount
5 of the lien, the transferee or lienholder may elect to retain
6 the property or lien upon payment of its value, as ascertained
7 by the court, to the liquidator within the time as fixed by
8 the court.

9 Sec. 50. Section 614.1, subsection 2A, paragraph b, Code
10 2001, is amended to read as follows:

11 b. (1) The fifteen-year limitation in paragraph "a" shall
12 not apply to the time period in which to discover a disease
13 that is latent and caused by exposure to a harmful material,
14 in which event the cause of action shall be deemed to have
15 accrued when the disease and such disease's cause have been
16 made known to the person or at the point the person should
17 have been aware of the disease and such disease's cause. This
18 subsection shall not apply to cases governed by ~~section-614-17~~
19 subsection 11 of this section.

20 (2) As used in this paragraph, "harmful material" means
21 ~~silicon~~ silicone gel breast implants, which were implanted
22 prior to July 12, 1992; and chemical substances commonly known
23 as asbestos, dioxins, tobacco, or polychlorinated biphenyls,
24 whether alone or as part of any product; or any substance
25 which is determined to present an unreasonable risk of injury
26 to health or the environment by the United States
27 environmental protection agency pursuant to the federal Toxic
28 Substance Control Act, 15 U.S.C. § 2601 et seq., or by this
29 state, if that risk is regulated by the United States
30 environmental protection agency or this state.

31 Sec. 51. Section 672.1, subsection 2, Code Supplement
32 2001, is amended to read as follows:

33 2. A gleaner, or a restaurant, food establishment, food
34 service establishment, school, manufacturer of foodstuffs,
35 meat and or poultry establishment licensed pursuant to chapter

1 189A, or other person who, in good faith, donates food to a
2 charitable or nonprofit organization for ultimate free
3 distribution to needy individuals is not subject to criminal
4 or civil liability arising from the condition of the food if
5 the donor reasonably inspects the food at the time of the
6 donation and finds the food fit for human consumption. The
7 immunity provided by this subsection does not extend to a
8 donor or gleaner if damages result from the negligence,
9 recklessness, or intentional misconduct of the donor, or if
10 the donor or gleaner has, or should have had, actual or
11 constructive knowledge that the food is tainted, contaminated,
12 or harmful to the health or well-being of the ultimate
13 recipient.

14 Sec. 52. Section 713.6A, subsection 2, Code Supplement
15 2001, is amended to read as follows:

16 2. Burglary in the third degree involving a burglary of an
17 unoccupied motor vehicle or motor truck as defined in section
18 321.1, or a vessel defined in section 462A.2, is an aggravated
19 misdemeanor for a first offense. A second or subsequent
20 conviction under this section subsection is punishable under
21 subsection 1.

22 Sec. 53. Section 713.6B, subsection 2, Code Supplement
23 2001, is amended to read as follows:

24 2. Attempted burglary in the third degree involving an
25 attempted burglary of an unoccupied motor vehicle or motor
26 truck as defined in section 321.1, or a vessel defined in
27 section 462A.2, is a serious misdemeanor for a first offense.
28 A second or subsequent conviction under this section
29 subsection is punishable under subsection 1.

30 Sec. 54. Section 902.9, unnumbered paragraph 2, Code
31 Supplement 2001, is amended to read as follows:

32 The criminal penalty surcharge required by sections 911.2
33 and 911.3 shall be added to a fine imposed on a class "C" or
34 class "D" felon, as provided by that-section those sections,
35 and is not a part of or subject to the maximums set in this

1 section.

2 Sec. 55. Section 907.3, subsection 1, paragraph m, Code
3 Supplement 2001, is amended to read as follows:

4 m. The offense sentence is for a determinate term of
5 confinement or an additional indeterminate term of years as
6 provided in section 902.3A.

7 Sec. 56. Section 907.3, subsection 2, paragraph g, Code
8 Supplement 2001, is amended to read as follows:

9 g. The offense sentence is for a determinate term of
10 confinement or an additional indeterminate term of years as
11 provided in section 902.3A.

12 2001 IOWA ACTS AMENDMENTS

13 Sec. 57. Section 542D.4, subsection 1, as enacted by 2001
14 Iowa Acts, chapter 55, section 4, is amended to read as
15 follows:

16 1. An Iowa accountancy examining board is created within
17 the professional licensing and regulation division of the
18 department of commerce to administer and enforce this chapter.
19 The board shall consist of eight members, appointed by the
20 governor and subject to senate confirmation, all of whom shall
21 be residents of this state. Five of the eight members shall
22 be holders of certificates issued under section 542D.6, one
23 member shall be the holder of a license issued under section
24 542D.8, and two shall not be certified public accountants or
25 licensed public accountants and shall represent the general
26 public. ~~Not-fewer-than~~ At least three of the holders of
27 certificates issued under section 542D.6 shall also be
28 qualified to supervise attest services as provided in section
29 542D.7. A certified or licensed member of the board shall be
30 actively engaged in practice as a certified public accountant
31 or as a licensed public accountant and shall have been so
32 engaged for five years preceding appointment, the last two of
33 which shall have been in this state. Professional
34 associations or societies composed of certified public
35 accountants or licensed public accountants may recommend the

1 names of potential board members to the governor. However,
2 the governor is not bound by the recommendations. A board
3 member is not required to be a member of any professional
4 association or society composed of certified public
5 accountants or licensed public accountants. The term of each
6 member of the board shall be three years, as designated by the
7 governor, and appointments to the board are subject to the
8 requirements of sections 69.16, 69.16A, and 69.19. Members of
9 the board appointed and serving pursuant to chapter 542C, Code
10 2001, on the effective date of this Act shall serve out the
11 terms for which they were appointed. Vacancies occurring
12 during a term shall be filled by appointment by the governor
13 for the unexpired term. Upon the expiration of the member's
14 term of office, a member shall continue to serve until a
15 successor shall have been appointed and taken office. The
16 public members of the board shall be allowed to participate in
17 administrative, clerical, or ministerial functions incident to
18 giving the examinations, but shall not determine the content
19 or determine the correctness of the answers. The licensed
20 public accountant member shall not determine the content of
21 the certified public accountant examination or determine the
22 correctness of the answers. Any member of the board whose
23 certificate under section 542D.6 or license under section
24 542D.8 is revoked or suspended shall automatically cease to be
25 a member of the board, and the governor may, after a hearing,
26 remove any member of the board for neglect of duty or other
27 just cause. A person who has served three successive complete
28 terms shall not be eligible for reappointment, but appointment
29 to fill an unexpired term shall not be considered a complete
30 term for this purpose.

31 Sec. 58. Section 257.14, subsection 1, Code 2001, as
32 amended by 2001 Iowa Acts, chapter 126, section 9, is amended
33 to read as follows:

34 1. For the budget year commencing July 1, 2001, if the
35 department of management determines that the regular program

1 district cost of a school district for a budget year is less
2 than the total of the regular program district cost plus any
3 adjustment added under this section for the base year for that
4 school district, the school district shall be eligible to
5 receive a budget adjustment for that district for that budget
6 year up to an amount equal to the difference. The board of
7 directors of a school district that wishes to receive a budget
8 adjustment pursuant to this subsection shall, notwithstanding
9 the public notice and hearing provisions of chapter 24 or any
10 other provision to the contrary, within thirty days following
11 the effective date of this section of this Act, adopt a
12 resolution to receive the budget adjustment and immediately
13 notify the department of management of the adoption of the
14 resolution and the amount of the budget adjustment to be
15 received.

16 Sec. 59. 2001 Iowa Acts, chapter 153, section 16, is
17 amended to read as follows:

18 SEC. 16. Sections 103A.9, 135I.4, 306C.10, 321.251,
19 331.301, 335.30, 414.28, 422.42, 427.1, 435.22, 435.23,
20 435.24, 435.26, 435.27, 435.28, 435.34, 435.35, 441.17,
21 555B.1, 555C.2, 555C.3, 555C.4, 557B.1, 562B.1, 562B.13,
22 562B.14, ~~562B.15~~, 562B.16, 562B.17, 562B.18, 562B.19, 562B.22,
23 ~~562B.23~~, 562B.24, 562B.32, 648.22A, and 648.22B, Code 2001,
24 are amended by inserting before the words "mobile home park"
25 or "park" the words "manufactured home community or".

26 Sec. 60. 2001 Iowa Acts, chapter 183, section 20, the
27 amending clause, is amended to read as follows:

28 Section ~~169.4~~ 169A.4, Code 2001, is amended to read as
29 follows:

30 Sec. 61. 2001 Iowa Acts, chapter 189, section 11, is
31 amended by striking the section and inserting in lieu thereof
32 the following:

33 SEC. 11. Section 304.13A, subsection 1, Code 2001, is
34 amended to read as follows:

35 1. An agency ~~required-to-compile-and-maintain-a-report,~~

1 which produces or makes available for public inspection
 2 written reports or newsletters on and after July 1, 2001,
 3 shall maintain such report or newsletter in an electronic
 4 form, giving consideration to the standards for electronic
 5 records recommended by the information technology department.
 6 Such agency, by itself, or with the assistance of the
 7 information technology department, shall also make the report
 8 or newsletter accessible to the public through the internet as
 9 provided in subsection 2 and through other electronic means.

10 Sec. 62. 2001 Iowa Acts, chapter 189, is amended by adding
 11 the following new section:

12 NEW SECTION. SEC. 11A. Section 304.13A, subsection 2,
 13 unnumbered paragraph 1, Code 2001, is amended to read as
 14 follows:

15 A copy of all required agency reports or newsletters
 16 maintained pursuant to subsection 1 shall be located at an
 17 internet site maintained by the information technology
 18 department in consultation with the state librarian, and all
 19 required such reports or newsletters shall be placed on
 20 electronic media. The state librarian shall provide for the
 21 distribution of such copies to a public library in this state
 22 requesting such copy.

23 Sec. 63. EFFECTIVE DATES -- RETROACTIVE APPLICABILITY.

24 1. The section of this Act amending section 257.14,
 25 subsection 1, as amended by 2001 Iowa Acts, chapter 126,
 26 section 9, takes effect upon enactment and is retroactively
 27 applicable to May 9, 2001.

28 2. The section of this Act amending 2001 Iowa Acts,
 29 chapter 153, section 16, 2001 Iowa Acts, chapter 183, section
 30 20, and 2001 Iowa Acts, chapter 189, section 11, and amending
 31 2001 Iowa Acts, chapter 189, by adding a new section take
 32 effect upon enactment and are retroactively applicable on and
 33 after July 1, 2001.

34

EXPLANATION

35 This bill makes nonsubstantive corrections to the Code of

1 Iowa.

2 Code section 7E.5, subsection 1, paragraph "h". Replaces a
3 reference to Code section 15.104 with a reference to Code
4 section 15.105. The economic development board is established
5 in Code section 15.105. Code section 15.104 sets out the
6 duties of the economic development board.

7 Code section 10B.1. Corrects a reference to cooperatives
8 organized under Code chapter 501. Cooperatives were formerly
9 referred to as cooperative corporations, but were changed to
10 cooperative associations or cooperatives in 1998 Iowa Acts,
11 chapter 1152.

12 Code sections 15A.7 and 15A.9. Add the words "of economic
13 development" to references to "department" in the chapter
14 entitled "use of public funds to aid economic development".
15 The term "department" is not defined in this chapter, but the
16 department of economic development performs the functions
17 referred to in both of these Code sections.

18 Code section 15E.111. Changes the name of the former house
19 of representatives committee on small business, economic
20 development and trade to the current name of the committee on
21 economic development.

22 Code section 15E.117. Adds the word "wine" to the
23 designation used for the fund created in Code section 123.183.
24 2001 Iowa Acts, chapter 162, section 1, changed the name of
25 that fund to the "wine gallonage tax fund".

26 Code section 15E.202. Corrects a reference to cooperatives
27 organized under Code chapter 501. Cooperatives were formerly
28 referred to as cooperative corporations, but were changed to
29 cooperative associations or cooperatives in 1998 Iowa Acts,
30 chapter 1152.

31 Code section 73.10. Strikes the word "to" and replaces it
32 with "and" between the Code section citations 73.6 and 73.9.
33 Code sections 73.7 and 73.8 were repealed by 1995 Iowa Acts,
34 chapter 71, section 3.

35 Code sections 84A.1, 84A.1A, 84A.5, 84A.6, and 84A.7. Add

1 references to the department of workforce development to
2 specify which "department", "director", and "board" are
3 intended.

4 Code section 85.38. Changes the word "defined" to
5 "provided" in language referring to the provision of medical
6 services. Code section 85.27 does not contain a definition of
7 the term "medical services", but does list the medical
8 services which may be provided.

9 Code section 123.183. Corrects an incorrect reference to
10 the name of the beer and liquor control fund created in Code
11 section 123.53.

12 Code sections 135C.2, 249A.19, 249A.27, 249H.4, 249H.8, and
13 514I.3. Strike references to the federal health care
14 financing administration and replaces the references to the
15 agency's new name: centers for Medicare and Medicaid
16 services.

17 Code section 135C.33. Changes the word "determines" to
18 "shows that" in language relating to when the department of
19 human services is to inform a licensee that an evaluation
20 should be conducted to determine whether the person's
21 employment in a health care facility should be prohibited.

22 Code section 136.3. Corrects a reference to the name of
23 the state board of health by adding the word "state" to the
24 phrase "board of health".

25 Code section 207.13. Strikes the word "one" and adds the
26 words "occur at a frequency of one" to clarify the language
27 relating to inspections and monitoring of coal mines.

28 Code section 229.42. Changes the word "providing" to
29 "provided that" and moves the words "receiving mental health
30 services" from after the words "at the institution" to after
31 the word "outpatient", as it is the outpatient receiving
32 mental health services, not the institution.

33 Code section 232.21. Strikes the words "the department"
34 and adds the words "be used by the department" in language
35 referring to juvenile justice and placement in shelter care.

1 Code section 232.111. Strikes the words "meet the
2 definition of abandonment of a child" and inserts the words
3 "have been abandoned" in language referring to the termination
4 of parental rights to a child of less than 12 months of age.

5 Code section 263.9. Changes "hospital" to "hospitals and
6 clinics" to correct the name of the university hospitals and
7 clinics' center for disabilities and development.

8 Code sections 263.10 and 263.13. Add the words "university
9 hospitals and clinics" before the word "center for
10 disabilities and development" to conform with the correct name
11 of the "university hospitals and clinics' center for
12 disabilities and development".

13 Code section 317.25. Corrects capitalization of genus of
14 botanical names related to multiflora rose and purple
15 loosestrife.

16 Code section 321.20B. Corrects a reference to the location
17 of the scheduled violation provision applicable to a violation
18 of the requirements of this section. Iowa Code section 805.8
19 was amended by 2001 Iowa Acts, chapter 137, and the schedules
20 previously contained in that section were moved to several
21 other sections of the Code.

22 Code section 321.215. Strikes the word "for" and adds the
23 word "over" as it applies to jurisdiction of the district
24 court to hear a petition for a temporary restricted driver's
25 license.

26 Code section 321L.3. Strikes the word "either", adds
27 commas, and adds the word "to" before "any law enforcement
28 officer" because there are three items mentioned within the
29 series in a sentence relating to persons with disabilities
30 parking permit returns.

31 Code section 422.11C. Adds the word "and" to clarify that
32 gasoline is being dispensed through the metered pump, and not
33 department of agriculture and land stewardship specifications
34 pertaining to the gasoline.

35 Code section 426B.5. Strikes the word "who" and replaces

1 it with the word "that", in language relating to counties
2 meeting eligibility requirements for moneys available in the
3 per capita expenditure pool for mental health and disabilities
4 services.

5 Code section 437A.15. Grammatical change strikes the word
6 "pay" and adds the words "be paid", relating to the amount of
7 electric delivery replacement tax to be paid by an electric
8 cooperative member, a municipal utility purchasing member, and
9 each generation and transmission electric cooperative.

10 Code section 450.4. Grammatical change strikes the word
11 "Bequests" and adds the words "On bequests" to conform to the
12 introductory phrase relating to inheritance tax exemptions.

13 Code section 452A.2. Strikes the pronoun "their" and
14 replaces it with the more specific "the product's" in language
15 relating to the definition of motor fuel. Also corrects the
16 name of the American society for testing and materials.

17 Code section 455B.484. Corrects the name of a fund
18 relating to land quality and waste management.

19 Code section 455G.3. Corrects a reference to the name of
20 the Iowa comprehensive petroleum underground storage tank fund
21 board in subsection 6 of this section by adding the word
22 "petroleum" between the words "comprehensive" and
23 "underground".

24 Code section 462A.15. The words "The provisions of
25 subsections 1 and 2 of this section do" are stricken, and the
26 words "This section does" are added in language relating to
27 use of water skis and surfboards by persons engaged in a
28 professional activity. The former subsection 2 was stricken
29 in 1982 Iowa Acts, chapter 1028, section 19, and there are now
30 only two subsections in total in the section.

31 Code section 505.11. A comma is added and the word "that"
32 is stricken, to improve grammar in provisions relating to the
33 refund by the commissioner of insurance of excess payments
34 made by foreign or domestic insurance companies.

35 Code section 518A.35. Strikes the words "the department

1 of" to correct the title of the director of revenue and
2 finance.

3 Code section 522B.3. Corrects grammar by adding the word
4 "of" to the phrase "any of the following".

5 Code section 522B.6. Strikes the word "providing" in
6 language describing the providing of insurance coverage
7 through variable life insurance contracts and variable
8 annuities. This conforms the language to the original model
9 Act used to prepare new Code chapter 522B.

10 Code section 522B.16. Changes the word "or" to "and" in
11 language relating to the types of information to be provided
12 by an insurance producer to the commissioner regarding
13 administrative actions against the producer in other
14 jurisdictions or by other governmental agencies in this state.
15 This conforms the language to similar language in this same
16 Code section.

17 Code section 523A.901. Strikes the words "for at least"
18 and replaces them with "within" to clarify when, in a
19 liquidation proceeding regarding an establishment that
20 advertises, sells, promotes, or offers cemetery or funeral
21 merchandise, funeral services, or a combination of those items
22 or services, an action against establishment may be commenced.

23 Code section 614.1. Deletes a reference to Code section
24 614.1 and replaces it with a reference to "this section". The
25 spelling of the word "silicone" is also corrected.

26 Code section 672.1. Strikes the word "and" and adds the
27 word "or" in the language describing the establishments
28 inspected under Code chapter 189A and relating to donations of
29 perishable foods, and the exemption from liability for certain
30 persons or entities.

31 Code section 713.6A. Strikes the word "section" and adds
32 the word "subsection" relating to punishment for cumulative
33 offenses for burglary in the third degree.

34 Code section 713.6B. Strikes the word "section" and adds
35 the word "subsection" as relates to punishment for cumulative

1 offenses for attempted burglary in the third degree.

2 Code section 902.3A. Strikes the word "or" and adds the
3 word "and" to language regarding the procedures for violations
4 of parole or work release under Code chapters 905, 908, and
5 rules adopted under those chapters.

6 Code section 902.9. Strikes the words "that section" and
7 adds the words "those sections" because two sections are cited
8 and referred to in the text of the section.

9 Code section 907.3. Strikes the word "offense" and adds
10 the word "sentence" in language describing a sentence to a
11 determinate term of confinement.

12 2001 Iowa Acts, chapter 55, section 4. Strikes the words
13 "Not fewer than" and adds "At least" to clarify what
14 qualifications certain members of the accountancy examining
15 board must hold. Code section 542D.4, subsection 3, is
16 effective July 1, 2002.

17 2001 Iowa Acts, chapter 126. Amends section 9 by adding
18 the words "this section". Sections 4 and 9 had separate
19 effective dates from the balance of the Act contained in
20 chapter 126. Sections 4 and 9 were effective May 9, 2001,
21 whereas the rest of the Act was effective July 1, 2001. This
22 section takes effect upon enactment and is retroactively
23 applicable to May 9, 2001.

24 2001 Iowa Acts, chapter 153. Amends section 16 by striking
25 references to Code sections 562B.15 and 562B.23. The
26 terminology that was to be corrected pursuant to the directive
27 in this Act section did not exist in either Code section.
28 This section takes effect upon enactment and is retroactively
29 applicable to July 1, 2001.

30 2001 Iowa Acts, chapter 183, section 20. Changes the Code
31 section referred to in the lead-in of this Act's provision
32 from 169.4 to 169A.4, to correspond with the Code section
33 actually amended in the Act. This section takes effect upon
34 enactment and applies retroactively on and after July 1, 2001.

35 2001 Iowa Acts, chapter 189. Strikes section 11 of the Act

1 and replaces it with amendments to subsection 1 of Code
2 section 304.13A. A new section is also added to the Act to
3 include the amendments which were made in the first paragraph
4 of subsection 2. The second paragraph of Code section
5 304.13A, subsection 2, was inadvertently omitted during the
6 drafting of House File 719, which became Iowa Acts, chapter
7 189. This section takes effect upon enactment and is
8 retroactively applicable to July 1, 2001.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

A 2/27/02 Judiciary
H. 3/7/02 Do Pass

FILED FEB 15 2002

SENATE FILE 2201
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3096)

Passed Senate, ^(p. 434) Date 2/27/02 Passed House, ^(p. 129) Date 3-18-01
Vote: Ayes 48 Nays 0 Vote: Ayes 91 Nays 0
Approved 4-1-02

A BILL FOR

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

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

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

SENATE FILE 2201
S-5046
1 Amend Senate File 2201 as follows:
2 1. Page 9, line 34, by striking the words "of the
3 department".
By JOHNIE HAMMOND
S-5046 FILED FEBRUARY 18, 2002
Adopted
2/27/02 (p. 433)

SF 2201

1 Section 1. Section 7E.5, subsection 1, paragraph h, Code
2 2001, is amended to read as follows:

3 h. The Iowa department of economic development, created in
4 section ~~15-104~~ 15.105, which has primary responsibility for
5 programs for carrying out the economic development policies of
6 the state.

7 Sec. 2. Section 10B.1, subsection 2, Code 2001, is amended
8 to read as follows:

9 2. "Cooperative association" means any entity organized on
10 a cooperative basis, including an association of persons
11 organized under chapter 497, 498, or 499; an entity composed
12 of entities organized under those chapters; or a cooperative
13 corporation organized under chapter 501.

14 Sec. 3. Section 15A.7, subsection 3, Code 2001, is amended
15 to read as follows:

16 3. That the employer shall agree to pay wages for the jobs
17 for which the credit is taken of at least the average county
18 wage or average regional wage, whichever is lower, as compiled
19 annually by the department of economic development for the
20 community economic betterment program. For the purposes of
21 this section, the average regional wage shall be compiled
22 based upon the service delivery areas in section 84B.2.
23 Eligibility for the supplemental credit shall be based on a
24 one-time determination of starting wages by the community
25 college.

26 Sec. 4. Section 15A.9, subsection 10, Code Supplement
27 2001, is amended to read as follows:

28 10. LIMITATION ON ASSISTANCE. Economic development
29 assistance under subsections 3 through 9 shall only be
30 available to the primary business or a supporting business.
31 However, if the department of economic development finds that
32 a primary business or a supporting business has a record of
33 violations of the law, including but not limited to
34 environmental and worker safety statutes, rules, and
35 regulations, over a period of time that tends to show a

1 consistent pattern, the primary business or supporting
2 business shall not qualify for economic development assistance
3 under subsections 3 through 9, unless the department of
4 economic development finds that the violations did not
5 seriously affect public health or safety or the environment,
6 or if it did that there were mitigating circumstances. In
7 making the findings and determinations regarding violations,
8 mitigating circumstances, and whether a primary business or a
9 supporting business is eligible for economic development
10 assistance under subsections 3 through 9, the department of
11 economic development shall be exempt from chapter 17A.

12 Sec. 5. Section 15E.111, subsection 8, Code 2001, is
13 amended to read as follows:

14 8. The department of economic development and the office
15 of renewable fuels and coproducts shall prepare a report each
16 six months detailing the progress of the department and other
17 agencies provided in this section. The office of renewable
18 fuels and coproducts, the department of natural resources, and
19 Iowa state university may contribute a summary of their
20 activities. The report shall be delivered to the secretary of
21 the senate and the chief clerk of the house; the legislative
22 service bureau; the chairpersons and ranking members of the
23 senate standing committee on agriculture; the senate standing
24 committee on small business, economic development, and
25 tourism; the house of representatives standing committee on
26 agriculture; and the house of representatives standing
27 committee on ~~small-business~~, economic development, ~~and-trade~~.

28 Sec. 6. Section 15E.117, Code 2001, is amended to read as
29 follows:

30 15E.117 PROMOTION OF IOWA WINE AND BEER.

31 The department of economic development shall consult with
32 the Iowa wine and beer promotion board on the best means to
33 promote wine and beer made in Iowa. The department has the
34 authority to contract with private persons for the promotion
35 of beer and wine made in Iowa. At the direction of the

1 department, the director of revenue and finance shall issue
2 warrants to the department of economic development on the
3 barrel tax fund created in section 123.143 and the wine
4 gallonage tax fund created in section 123.183, which moneys
5 may be used by the department for the purpose of this section,
6 including administrative expenses incurred under this section.

7 Sec. 7. Section 15E.202, subsection 17, paragraph b, Code
8 2001, is amended to read as follows:

9 b. A cooperative corporation organized under chapter 501.

10 Sec. 8. Section 73.10, Code 2001, is amended to read as
11 follows:

12 73.10 EXCEPTIONS.

13 The provisions of sections 73.6 to and 73.9 shall not apply
14 to municipally owned and operated public utilities.

15 Sec. 9. Section 84A.1, subsections 2 and 3, Code 2001, are
16 amended to read as follows:

17 2. The chief executive officer of the department of
18 workforce development is the director who shall be appointed
19 by the governor, subject to confirmation by the senate under
20 the confirmation procedures of section 2.32. The director of
21 the department of workforce development shall serve at the
22 pleasure of the governor. The governor shall set the salary
23 of the director within the applicable salary range established
24 by the general assembly. The director shall be selected
25 solely on the ability to administer the duties and functions
26 granted to the director and the department and shall devote
27 full time to the duties of the director. If the office of
28 director becomes vacant, the vacancy shall be filled in the
29 same manner as the original appointment was made.

30 The director of the department of workforce development
31 shall, subject to the requirements of section 84A.1B, prepare,
32 administer, and control the budget of the department and its
33 divisions and shall approve the employment of all personnel of
34 the department and its divisions.

35 The director of the department of workforce development

1 shall direct the administrative and compliance functions and
2 control the docket of the division of workers' compensation.

3 3. The department of workforce development shall include
4 the division of labor services, the division of workers'
5 compensation, and other divisions as appropriate.

6 Sec. 10. Section 84A.1A, Code Supplement 2001, is amended
7 to read as follows:

8 84A.1A WORKFORCE DEVELOPMENT BOARD.

9 1. An Iowa workforce development board is created,
10 consisting of nine voting members appointed by the governor
11 and eight ex officio nonvoting members. The ex officio
12 nonvoting members are four legislative members; one president
13 or the president's designee of the university of northern
14 Iowa, the university of Iowa, or Iowa state university of
15 science and technology, designated by the state board of
16 regents on a rotating basis; one representative from the
17 largest statewide public employees' organization representing
18 state employees; one president or the president's designee of
19 an independent Iowa college, appointed by the Iowa association
20 of independent colleges and universities; and one
21 superintendent or the superintendent's designee of a community
22 college, appointed by the Iowa association of community
23 college presidents. The legislative members are two state
24 senators, one appointed by the president of the senate, after
25 consultation with the majority leader of the senate, and one
26 appointed by the minority leader of the senate, after
27 consultation with the president of the senate, from their
28 respective parties; and two state representatives, appointed
29 by the speaker after consultation with the majority and
30 minority leaders of the house of representatives from their
31 respective parties. Not more than five of the voting members
32 shall be from the same political party. Of the nine voting
33 members, one member shall represent a nonprofit organization
34 involved in workforce development services, four members shall
35 represent employers, and four members shall represent

1 nonsupervisory employees. Of the members appointed by the
2 governor to represent nonsupervisory employees, two members
3 shall be from statewide labor organizations, one member shall
4 be an employee representative of a labor management council,
5 and one member shall be a person with experience in worker
6 training programs. The governor shall consider
7 recommendations from statewide labor organizations for the
8 members representing nonsupervisory employees. The governor
9 shall appoint the nine voting members of the workforce
10 development board for a term of four years beginning and
11 ending as provided by section 69.19, subject to confirmation
12 by the senate, and the governor's appointments shall include
13 persons knowledgeable in the area of workforce development.

14 2. A vacancy on the workforce development board shall be
15 filled in the same manner as regular appointments are made for
16 the unexpired portion of the regular term.

17 3. The workforce development board shall meet in May of
18 each year for the purpose of electing one of its voting
19 members as chairperson and one of its voting members as vice
20 chairperson. However, the chairperson and the vice
21 chairperson shall not be from the same political party. The
22 workforce development board shall meet at the call of the
23 chairperson or when any five members of the workforce
24 development board file a written request with the chairperson
25 for a meeting. Written notice of the time and place of each
26 meeting shall be given to each member of the workforce
27 development board. A majority of the voting members
28 constitutes a quorum.

29 4. Members of the workforce development board, the
30 director of the department of workforce development, and other
31 employees of the department of workforce development shall be
32 allowed their actual and necessary expenses incurred in the
33 performance of their duties. All expenses shall be paid from
34 appropriations for those purposes and the department of
35 workforce development is subject to the budget requirements of

1 chapter 8. Each member of the workforce development board may
2 also be eligible to receive compensation as provided in
3 section 7E.6.

4 5. If a member of the workforce development board has an
5 interest, either direct or indirect, in a contract to which
6 the department of workforce development is or is to be a
7 party, the interest shall be disclosed to the workforce
8 development board in writing and shall be set forth in the
9 minutes of a meeting of the workforce development board. The
10 member having the interest shall not participate in action by
11 the workforce development board with respect to the contract.
12 This subsection does not limit the right of a member of the
13 workforce development board to acquire an interest in bonds,
14 or limit the right of a member to have an interest in a bank
15 or other financial institution in which the funds of the
16 department of workforce development are deposited or which is
17 acting as trustee or paying agent under a trust indenture to
18 which the department of workforce development is a party.

19 Sec. 11. Section 84A.5, Code Supplement 2001, is amended
20 to read as follows:

21 84A.5 ~~DEPARTMENT'S~~ DEPARTMENT OF WORKFORCE DEVELOPMENT --
22 PRIMARY RESPONSIBILITIES.

23 The department of workforce development, in consultation
24 with the workforce development board and the regional advisory
25 boards, has the primary responsibilities set out in this
26 section.

27 1. The department of workforce development shall develop
28 and implement a workforce development system which increases
29 the skills of the Iowa workforce, fosters economic growth and
30 the creation of new high skill and high wage jobs through job
31 placement and training services, increases the competitiveness
32 of Iowa businesses by promoting high performance workplaces,
33 and encourages investment in workers.

34 The workforce development system shall strive to provide
35 high quality services to its customers including workers,

1 families, and businesses. The department of workforce
2 development shall maintain a common intake, assessment, and
3 customer tracking system and to the extent practical provide
4 one-stop services to customers at workforce development
5 centers and other service access points.

6 The system shall include an accountability system to
7 measure program performance, identify accomplishments, and
8 evaluate programs to ensure goals and standards are met. The
9 accountability system shall use information obtained from the
10 customer tracking system, the department of economic
11 development, the department of education, and training
12 providers to evaluate the effectiveness of programs. The
13 department of economic development, the department of
14 education, and training providers shall report information
15 concerning the use of any state or federal training or
16 retraining funds to the department of workforce development in
17 a form as required by the department of workforce development.

18 The accountability system shall evaluate all of the following:

19 a. The impact of services on wages earned by individuals.

20 b. The effectiveness of training services providers in
21 raising the skills of the Iowa workforce.

22 c. The impact of placement and training services on Iowa's
23 families, communities, and economy.

24 The department of workforce development shall make
25 information from the customer tracking and accountability
26 system available to the department of economic development,
27 the department of education, and other appropriate public
28 agencies for the purpose of assisting with the evaluation of
29 programs administered by those departments and agencies and
30 for planning and researching public policies relating to
31 education and economic development.

32 2. The department of workforce development is responsible
33 for administration of unemployment compensation benefits and
34 collection of employer contributions under chapter 96,
35 providing for the delivery of free public employment services

1 established pursuant to chapter 96, other job placement and
2 training programs established pursuant to section 84A.6, and
3 the delivery of services located throughout the state.

4 3. The division of labor services is responsible for the
5 administration of the laws of this state under chapters 88,
6 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 92, and
7 94A, and sections 30.7 and 85.68. The executive head of the
8 division is the labor commissioner, appointed pursuant to
9 section 91.2.

10 4. The division of workers' compensation is responsible
11 for the administration of the laws of this state relating to
12 workers' compensation under chapters 85, 85A, 85B, 86, and 87.
13 The executive head of the division is the workers'
14 compensation commissioner, appointed pursuant to section 86.1.

15 5. The director of the department of workforce development
16 shall form a coordinating committee composed of the director
17 of the department of workforce development, the labor
18 commissioner, the workers' compensation commissioner, and
19 other administrators. The committee shall monitor federal
20 compliance issues relating to coordination of functions among
21 the divisions.

22 6. The department of workforce development shall
23 administer the following programs:

24 a. The Iowa conservation corps established under section
25 84A.7.

26 b. The workforce investment program established under
27 section 84A.8.

28 c. The statewide mentoring program established under
29 section 84A.9.

30 d. The workforce development centers established under
31 chapter 84B.

32 7. The department of workforce development shall work with
33 the department of economic development to incorporate
34 workforce development as a component of community-based
35 economic development.

1 8. The department of workforce development, in
2 consultation with the applicable regional advisory board,
3 shall select service providers, subject to approval by the
4 workforce development board for each service delivery area. A
5 service provider in each service delivery area shall be
6 identified to coordinate the services throughout the service
7 delivery area. The department of workforce development shall
8 select service providers that, to the extent possible, meet or
9 have the ability to meet the following criteria:

10 a. The capacity to deliver services uniformly throughout
11 the service delivery area.

12 b. The experience to provide workforce development
13 services.

14 c. The capacity to cooperate with other public and private
15 agencies and entities in the delivery of education, workforce
16 training, retraining, and workforce development services
17 throughout the service delivery area.

18 d. The demonstrated capacity to understand and comply with
19 all applicable state and federal laws, rules, ordinances,
20 regulations, and orders, including fiscal requirements.

21 9. The department of workforce development shall provide
22 access to information and documents necessary for employers
23 and payors of income, as defined in sections 252D.16 and
24 252G.1, to comply with child support reporting and payment
25 requirements. Access to the information and documents shall
26 be provided at the central location of the department of
27 workforce development and at each workforce development
28 center.

29 10. The director of the department of workforce
30 development may adopt rules pursuant to chapter 17A to charge
31 and collect fees for enhanced or value-added services provided
32 by the department of workforce development which are not
33 required by law to be provided by the department and are not
34 generally available from the department of the department of
35 workforce development. Fees shall not be charged to provide a

1 free public labor exchange. Fees established by the director
2 of the department of workforce development shall be based upon
3 the costs of administering the service, with due regard to the
4 anticipated time spent, and travel costs incurred, by
5 personnel performing the service. The collection of fees
6 authorized by this subsection shall be treated as repayment
7 receipts as defined in section 8.2.

8 Sec. 12. Section 84A.6, subsections 2 and 3, Code 2001,
9 are amended to read as follows:

10 2. The director of the department of workforce
11 development, in cooperation with the department of human
12 services, shall provide job placement and training to persons
13 referred by the department of human services under the
14 promoting independence and self-sufficiency through employment
15 job opportunities and basic skills program established
16 pursuant to chapter 239B and the food stamp employment and
17 training program.

18 3. The director of the department of workforce
19 development, in cooperation with the department of human
20 rights and the vocational rehabilitation services division of
21 the department of education, shall establish a program to
22 provide job placement and training to persons with
23 disabilities.

24 Sec. 13. Section 84A.7, subsections 3 and 4, Code 2001,
25 are amended to read as follows:

26 3. FUNDING. Corps projects shall be funded by
27 appropriations to the Iowa conservation corps account and by
28 cash, services, and material contributions made by other state
29 agencies or local public and private agencies. Public and
30 private entities who benefit from a corps project shall
31 contribute at least thirty-five percent of the total project
32 budget. The contributions may be in the form of cash,
33 materials, or services. Materials and services shall be
34 intended for the project and acceptable to the department of
35 workforce development. Minimum levels of contributions shall

1 be prescribed in rules adopted by the department of workforce
2 development.

3 4. ACCOUNT CREATED. The Iowa conservation corps account
4 is established within and administered by the department of
5 workforce development. The account shall include all
6 appropriations made to programs administered by the corps, and
7 may also include moneys contributed by a private individual or
8 organization, or a public entity for the purpose of
9 implementing corps programs and projects. The department of
10 workforce development may establish an escrow account within
11 the department and obligate moneys within that escrow account
12 for tuition payments to be made beyond the term of any fiscal
13 year. Interest earned on moneys in the Iowa conservation
14 corps account shall be credited to the account.

15 Sec. 14. Section 85.38, subsection 4, Code 2001, is
16 amended to read as follows:

17 4. LIEN FOR HOSPITAL AND MEDICAL SERVICES UNDER CHAPTER
18 249A. In the event any hospital or medical services as
19 defined provided in section 85.27 are paid by the state
20 department of human services on behalf of an employee who is
21 entitled to such benefits under the provisions of this chapter
22 or chapter 85A or 85B, a lien shall exist as respects the
23 right of such employee to benefits as described in section
24 85.27.

25 Sec. 15. Section 123.183, subsection 3, paragraph b, Code
26 Supplement 2001, is amended to read as follows:

27 b. The remaining revenue collected from the wine gallonage
28 tax on wine imported into this state for sale at wholesale and
29 sold in this state at wholesale shall be deposited in the beer
30 and liquor control fund created in section 123.53.

31 Sec. 16. Section 135.83, Code Supplement 2001, is amended
32 to read as follows:

33 135.83 CONTRACTS FOR ASSISTANCE WITH ANALYSES, STUDIES,
34 AND DATA.

35 In furtherance of the department's responsibilities under

1 sections 135.76 and 135.78, the director may contract with the
2 Iowa hospital association and third-party payers, the Iowa
3 health care facilities association and third-party payers, or
4 the Iowa association of homes for the aging and third-party
5 payers for the establishment of pilot programs dealing with
6 prospective rate review in hospitals or health care
7 facilities, or both. Such contract shall be subject to the
8 approval of the executive council and shall provide for an
9 equitable representation of health care providers, third-party
10 payers, and health care consumers in the determination of
11 criterion criteria for rate review. No third-party payer
12 shall be excluded from positive financial incentives based
13 upon volume of gross patient revenues. No state or federal
14 funds appropriated or available to the department shall be
15 used for any such pilot program.

16 Sec. 17. Section 135C.2, subsection 3, paragraph d, Code
17 Supplement 2001, is amended to read as follows:

18 d. Notwithstanding the limitations set out in this
19 subsection regarding rules for intermediate care facilities
20 for persons with mental retardation, the department shall
21 consider the federal interpretive guidelines issued by the
22 federal ~~health-care-financing-administration~~ centers for
23 Medicare and Medicaid services when interpreting the
24 department's rules for intermediate care facilities for
25 persons with mental retardation. This use of the guidelines
26 is not subject to the rulemaking provisions of sections 17A.4
27 and 17A.5, but the guidelines shall be published in the Iowa
28 administrative bulletin and the Iowa administrative code.

29 Sec. 18. Section 135C.33, subsection 2, Code Supplement
30 2001, is amended to read as follows:

31 2. If the department of public safety determines that a
32 person has committed a crime and is to be employed in a
33 facility licensed under this chapter, the department of public
34 safety shall notify the licensee that an evaluation, if
35 requested by the facility, will be conducted by the department

1 of human services to determine whether prohibition of the
2 person's employment is warranted. If a department of human
3 services child or dependent adult abuse records check
4 determines shows that the person has a record of founded child
5 or dependent adult abuse, the department of human services
6 shall inform the licensee that an evaluation, if requested by
7 the facility, will be conducted to determine whether
8 prohibition of the person's employment is warranted.

9 Sec. 19. Section 136.3, subsection 7, Code Supplement
10 2001, is amended to read as follows:

11 7. Adopt, promulgate, amend, and repeal rules and
12 regulations consistent with law for the protection of the
13 public health and prevention of substance abuse, and for the
14 guidance of the department. All rules which have been or are
15 hereafter adopted by the department shall be subject to
16 approval by the board. However, rules adopted by the
17 commission on substance abuse for section 125.7, subsections 1
18 and 7, and rules adopted by the department pursuant to section
19 135.130 are not subject to approval by the state board of
20 health.

21 Sec. 20. Section 207.13, subsection 2, Code 2001, is
22 amended to read as follows:

23 2. The inspections by the division shall:

24 a. One Occur at a frequency of one complete inspection per
25 calendar quarter and at least one partial inspection on an
26 irregular basis in those months where a complete inspection is
27 not performed.

28 b. Occur without prior notice to the permittee, agents or
29 employees except for necessary on-site meetings with the
30 permittee.

31 c. Include the filing of inspection reports adequate to
32 enforce the requirements of and to carry out the terms and
33 purposes of this chapter.

34 Sec. 21. Section 229.42, Code Supplement 2001, is amended
35 to read as follows:

1 229.42 COSTS PAID BY COUNTY.

2 If a person wishing to make application for voluntary
3 admission to a mental hospital established by chapter 226 is
4 unable to pay the costs of hospitalization or those
5 responsible for the person are unable to pay the costs,
6 application for authorization of voluntary admission must be
7 made through a single entry point process before application
8 for admission is made to the hospital. The person's county of
9 legal settlement shall be determined through the single entry
10 point process and if the admission is approved through the
11 single entry point process, the person's admission to a mental
12 health hospital shall be authorized as a voluntary case. The
13 authorization shall be issued on forms provided by the
14 administrator. The costs of the hospitalization shall be paid
15 by the county of legal settlement to the department of human
16 services and credited to the general fund of the state,
17 providing provided that the mental health hospital rendering
18 the services has certified to the county auditor of the county
19 of legal settlement the amount chargeable to the county and
20 has sent a duplicate statement of the charges to the
21 department of human services. A county shall not be billed
22 for the cost of a patient unless the patient's admission is
23 authorized through the single entry point process. The mental
24 health institute and the county shall work together to locate
25 appropriate alternative placements and services, and to
26 educate patients and family members of patients regarding such
27 alternatives.

28 All the provisions of chapter 230 shall apply to such
29 voluntary patients so far as is applicable.

30 The provisions of this section and of section 229.41 shall
31 apply to all voluntary inpatients or outpatients receiving
32 mental health services either away from or at the institution
33 ~~receiving-mental-health-services~~.

34 If a county fails to pay the billed charges within forty-
35 five days from the date the county auditor received the

1 certification statement from the superintendent, the
2 department of human services shall charge the delinquent
3 county the penalty of one percent per month on and after
4 forty-five days from the date the county received the
5 certification statement until paid. The penalties received
6 shall be credited to the general fund of the state.

7 Sec. 22. Section 232.21, subsection 4, Code Supplement
8 2001, is amended to read as follows:

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

28 Sec. 23. Section 232.111, subsection 2, paragraph a,
29 subparagraph (3), Code Supplement 2001, is amended to read as
30 follows:

31 (3) The child is less than twelve months of age and has
32 been judicially determined to ~~meet-the-definition-of~~
33 ~~abandonment-of-a-child~~ have been abandoned or the child is a
34 newborn infant whose parent has voluntarily released custody
35 of the child in accordance with chapter 233.

1 Sec. 24. Section 249A.19, Code 2001, is amended to read as
2 follows:

3 249A.19 HEALTH CARE FACILITIES -- PENALTY.

4 The department shall adopt rules pursuant to chapter 17A to
5 assess and collect, with interest, a civil penalty for each
6 day a health care facility which receives medical assistance
7 reimbursements does not comply with the requirements of the
8 federal Social Security Act, section 1919, as codified in 42
9 U.S.C. § 1396r. A civil penalty shall not exceed the amount
10 authorized under 42 C.F.R. § 488.438 for health care facility
11 violations. Any moneys collected by the department pursuant
12 to this section shall be applied to the protection of the
13 health or property of the residents of the health care
14 facilities which are determined by the state or by the federal
15 health-care-financing-administration centers for Medicare and
16 Medicaid services to be out of compliance. The purposes for
17 which the collected moneys shall be applied may include
18 payment for the costs of relocation of residents to other
19 facilities, maintenance or operation of a health care facility
20 pending correction of deficiencies or closure of the facility,
21 and reimbursing residents for personal funds lost. If a
22 health care facility is assessed a civil penalty under this
23 section, the health care facility shall not be assessed a
24 penalty under section 135C.36 for the same violation.

25 Sec. 25. Section 249A.27, subsection 2, Code 2001, is
26 amended to read as follows:

27 2. If the department is the case management contractor,
28 the state shall be responsible for any costs included within
29 the unit rate for case management services which are
30 disallowed for medical assistance reimbursement by the federal
31 health-care-financing-administration centers for Medicare and
32 Medicaid services. The contracting county shall be credited
33 for the county's share of any amounts overpaid due to the
34 disallowed costs. However, if certain costs are disallowed
35 due to requirements or preferences of a particular county in

1 the provision of case management services, the county shall
2 not receive credit for the amount of the costs.

3 Sec. 26. Section 249H.4, subsection 4, Code 2001, is
4 amended to read as follows:

5 4. The trust fund shall be operated in accordance with the
6 guidelines of the health-care-financing-administration centers
7 for Medicare and Medicaid services of the United States
8 department of health and human services. The trust fund shall
9 be separate from the general fund of the state and shall not
10 be considered part of the general fund of the state. The
11 moneys in the trust fund shall not be considered revenue of
12 the state, but rather shall be funds of the senior living
13 program. The moneys in the trust fund are not subject to
14 section 8.33 and shall not be transferred, used, obligated,
15 appropriated, or otherwise encumbered, except to provide for
16 the purposes of this chapter. Notwithstanding section 12C.7,
17 subsection 2, interest or earnings on moneys deposited in the
18 trust fund shall be credited to the trust fund.

19 Sec. 27. Section 249H.8, subsection 1, Code 2001, is
20 amended to read as follows:

21 1. A person operating a PACE program shall have a PACE
22 program agreement with the health-care-financing
23 administration centers for Medicare and Medicaid services of
24 the United States department of health and human services,
25 shall enter into a contract with the department of human
26 services, and shall comply with 42 U.S.C. § 1396(u)(4) and all
27 regulations promulgated pursuant to that section.

28 Sec. 28. Section 263.9, Code Supplement 2001, is amended
29 to read as follows:

30 263.9 ESTABLISHMENT AND OBJECTIVES.

31 The state board of regents is hereby authorized to
32 establish and maintain in reasonable proximity to Iowa City
33 and in conjunction with the state university of Iowa and the
34 university ~~hospital~~ hospitals and clinics, a center for
35 disabilities and development having as its objects the

1 education and treatment of children with severe disabilities.
2 The center shall be conducted in conjunction with the
3 activities of the university of Iowa children's hospital.
4 Insofar as is practicable, the facilities of the university
5 children's hospital shall be utilized.

6 Sec. 29. Section 263.10, Code Supplement 2001, is amended
7 to read as follows:

8 263.10 PERSONS ADMITTED.

9 Every resident of the state who is not more than twenty-one
10 years of age, who has such severe disabilities as to be unable
11 to acquire an education in the common schools, and every such
12 person who is twenty-one and under thirty-five years of age
13 who has the consent of the state board of regents, shall be
14 entitled to receive an education, care, and training in the
15 university of Iowa hospitals and clinics center for
16 disabilities and development, and nonresidents similarly
17 situated may be entitled to an education and care at the
18 center upon such terms as may be fixed by the state board of
19 regents. The fee for nonresidents shall be not less than the
20 average expense of resident pupils and shall be paid in
21 advance. Residents and persons under the care and control of
22 a director of a division of the department of human services
23 who have severe disabilities may be transferred to the center
24 upon such terms as may be agreed upon by the state board of
25 regents and the director.

26 Sec. 30. Section 263.13, Code Supplement 2001, is amended
27 to read as follows:

28 263.13 GIFTS ACCEPTED.

29 The state board of regents is authorized to accept, for the
30 benefit of the university hospitals and clinics center for
31 disabilities and development, gifts, devises, or bequests of
32 property, real or personal including grants from the federal
33 government. The state board of regents may exercise such
34 powers with reference to the management, sale, disposition,
35 investment, or control of property so given, devised, or

1 bequeathed, as may be deemed essential to its preservation and
2 the purposes for which made. No contribution or grant shall
3 be received or accepted if any condition is attached as to its
4 use or administration other than it be used for aid to the
5 center as provided in this division.

6 Sec. 31. Section 317.25, Code Supplement 2001, is amended
7 to read as follows:

8 317.25 TEASEL, MULTIFLORA ROSE, AND PURPLE LOOSESTRIFE
9 PROHIBITED -- EXCEPTIONS.

10 A person shall not import, sell, offer for sale, or
11 distribute teasel (*Dipsacus*) biennial, the multiflora rose
12 (~~rosa~~ Rosa multiflora), purple loosestrife (~~lythrum~~ Lythrum
13 salicaria), purple loosestrife (~~lythrum~~ Lythrum virgatum), or
14 seeds of them in any form in this state. However, this
15 section does not prohibit the sale, offer for sale, or
16 distribution of the multiflora rose (~~rosa~~ Rosa multiflora)
17 used for understock for either cultivated roses or ornamental
18 shrubs in gardens. Any person violating the provisions of
19 this section is subject to a fine of not exceeding one hundred
20 dollars.

21 Sec. 32. Section 321.20B, subsection 4, paragraph b,
22 subparagraph (2), subparagraph subdivisions (a) and (b), Code
23 Supplement 2001, are amended to read as follows:

24 (a) Sign an admission of violation on the citation and
25 remit to the clerk of court a scheduled fine as provided in
26 section ~~805-8~~ 805.8A, subsection 2 14, paragraph "f", for a
27 violation of subsection 1. Upon payment of the fine to the
28 clerk of court of the county where the citation was issued,
29 payment of a fifteen dollar administrative fee to the county
30 treasurer of the county in which the motor vehicle is
31 registered, and providing proof of payment of any applicable
32 fine and proof of financial liability coverages to the county
33 treasurer of the county in which the motor vehicle is
34 registered, the treasurer shall issue new license plates and
35 registration to the owner.

1 (b) Request an appearance before the court on the matter.
2 If the matter goes before the court, and the owner or driver
3 is found guilty of a violation of subsection 1, the court may
4 impose a fine as provided in section 805-8 805.8A, subsection
5 2 14, paragraph "f", for a violation of subsection 1, or the
6 court may order the person to perform unpaid community service
7 instead of the fine. Upon the payment of the fine or the
8 entry of the order for unpaid community service, the person
9 shall provide proof of payment or entry of such order and the
10 county treasurer of the county in which the motor vehicle is
11 registered shall issue new license plates and registration to
12 the owner upon the owner providing proof of financial
13 liability coverage and paying a fifteen dollar administrative
14 fee to the county treasurer.

15 Sec. 33. Section 321.215, subsection 2, unnumbered
16 paragraph 1, Code Supplement 2001, is amended to read as
17 follows:

18 Upon conviction and the suspension or revocation of a
19 person's noncommercial driver's license under section 321.209,
20 subsection 5 or 6; section 321.210; 321.210A; or 321.513; or
21 upon revocation pursuant to a court order issued under section
22 901.5, subsection 10; or upon the denial of issuance of a
23 noncommercial driver's license under section 321.560, based
24 solely on offenses enumerated in section 321.555, subsection
25 1, paragraph "c", or section 321.555, subsection 2; or a
26 juvenile, whose license has been suspended or revoked pursuant
27 to a dispositional order under section 232.52, subsection 2,
28 paragraph "a", for a violation of chapter 124 or 453B, or
29 section 126.3, a person may petition the district court having
30 jurisdiction ~~for~~ over the residence of the person for a
31 temporary restricted license to operate a motor vehicle for
32 the limited purpose or purposes specified in subsection 1.
33 The petition shall include a current certified copy of the
34 petitioner's official driving record issued by the department.
35 The application may be granted only if all of the following

1 criteria are satisfied:

2 Sec. 34. Section 321L.3, unnumbered paragraph 3, Code
3 Supplement 2001, is amended to read as follows:

4 Persons with disabilities parking permits may be returned
5 to the department as required by this section ~~either~~ directly
6 to the department, to a driver's license station, or to any
7 law enforcement office.

8 Sec. 35. Section 422.11C, subsection 1, paragraph b, Code
9 Supplement 2001, is amended to read as follows:

10 b. "Gasoline" means gasoline that meets the specifications
11 required by the department of agriculture and land stewardship
12 pursuant to section 214A.2 and that is dispensed through a
13 metered pump.

14 Sec. 36. Section 426B.5, subsection 1, paragraph c,
15 unnumbered paragraph 1, Code Supplement 2001, is amended to
16 read as follows:

17 Moneys available in the per capita expenditure pool for a
18 fiscal year shall be distributed to those counties ~~who~~ that
19 meet all of the following eligibility requirements:

20 Sec. 37. Section 437A.15, subsection 3, paragraph c, Code
21 Supplement 2001, is amended to read as follows:

22 c. If paragraph "b" is applicable, on or before August 1,
23 the director shall notify each distribution electric
24 cooperative member, each municipal utility purchasing member,
25 and each generation and transmission electric cooperative of
26 the amount of electric delivery replacement tax to pay be paid
27 to the generation and transmission electric cooperative. On
28 or before August 1, the director shall notify the generation
29 and transmission electric cooperative of the amount of
30 replacement tax liability attributable to the excess property
31 tax liability that is payable to each county treasurer. The
32 director shall determine the amount of any special utility
33 property tax levy or tax credit attributable to the excess
34 property tax liability which shall be reflected in the amount
35 required to be paid by each distribution electric cooperative

1 member and each municipal utility purchasing member to the
2 generation and transmission electric cooperative.

3 Sec. 38. Section 450.4, subsection 4, Code Supplement
4 2001, is amended to read as follows:

5 4. ~~Bequests~~ On bequests for the care and maintenance of
6 the cemetery or burial lot of the decedent or the decedent's
7 family, and bequests not to exceed five hundred dollars in any
8 estate of a decedent for the performance of a religious
9 service or services by some person regularly ordained,
10 authorized, or licensed by some religious society to perform
11 such service, which service or services are to be performed
12 for or in behalf of the testator or some person named in the
13 testator's last will.

14 Sec. 39. Section 452A.2, subsection 18, paragraphs a and
15 b, Code Supplement 2001, are amended to read as follows:

16 a. All products commonly or commercially known or sold as
17 gasoline, including ethanol blended gasoline, casinghead, and
18 absorption or natural gasoline, regardless of ~~their~~ the
19 products' classifications or uses, and including transmix
20 which serves as a buffer between fuel products in the pipeline
21 distribution process.

22 b. Any liquid advertised, offered for sale, sold for use
23 as, or commonly or commercially used as a fuel for propelling
24 motor vehicles which, when subjected to distillation of
25 gasoline, naphtha, kerosene and similar petroleum products
26 (~~American Society of Testing Materials Designation~~ society for
27 testing and materials designation D-86), shows not less than
28 ten per centum distilled (recovered) below three hundred
29 forty-seven degrees Fahrenheit (one hundred seventy-five
30 degrees Centigrade) and not less than ninety-five per centum
31 distilled (recovered) below four hundred sixty-four degrees
32 Fahrenheit (two hundred forty degrees Centigrade).

33 Sec. 40. Section 452A.2, subsection 20, Code Supplement
34 2001, is amended to read as follows:

35 20. "Racing fuel" means leaded gasoline of one hundred ten

1 octane or more that does not meet American society of for
2 testing and materials designation D-4814 for gasoline and is
3 sold in bulk for use in nonregistered motor vehicles.

4 Sec. 41. Section 455B.484, subsection 3, Code Supplement
5 2001, is amended to read as follows:

6 3. Administer and coordinate the land quality and waste
7 management trust fund created under this part.

8 Sec. 42. Section 455G.3, subsection 6, unnumbered
9 paragraph 1, Code Supplement 2001, is amended to read as
10 follows:

11 There is appropriated from the unassigned revenue fund
12 administered by the Iowa comprehensive petroleum underground
13 storage tank fund board to the following funds for the fiscal
14 year beginning July 1, 2001, and ending June 30, 2002, the
15 following amounts as specified:

16 Sec. 43. Section 462A.15, subsection 2, Code Supplement
17 2001, is amended to read as follows:

18 ~~2. The provisions of subsections 1 and 2 of this section~~
19 do This section does not apply to a performer engaged in a
20 professional exhibition or a person or persons engaged in a
21 professional exhibition or a person or persons engaged in an
22 activity authorized under section 462A.16.

23 Sec. 44. Section 505.11, Code Supplement 2001, is amended
24 to read as follows:

25 505.11 REFUNDS.

26 Whenever it appears to the satisfaction of the commissioner
27 of insurance that, because of error, mistake, or erroneous
28 interpretation of statute, ~~that~~ a foreign or domestic
29 insurance corporation has paid to the state of Iowa taxes,
30 fines, penalties, or license fees in excess of the amount
31 legally chargeable against it, the commissioner of insurance
32 shall have power to refund to such corporation any such excess
33 by applying the amount of the excess payment toward the
34 payment of taxes, fines, penalties, or license fees already
35 due or which may become due, until such excess payments have

1 been fully refunded.

2 Sec. 45. Section 514I.3, subsection 3, Code 2001, is
3 amended to read as follows:

4 3. The department of human services is designated to
5 receive the state and federal funds appropriated or provided
6 for the program, and to submit and maintain the state plan for
7 the program, which is approved by the ~~health-care-financing~~
8 administration centers for Medicare and Medicaid services of
9 the United States department of health and human services.

10 Sec. 46. Section 518A.35, Code Supplement 2001, is amended
11 to read as follows:

12 518A.35 ANNUAL TAX.

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

29 Sec. 47. Section 522B.3, subsection 2, unnumbered
30 paragraph 1, Code Supplement 2001, is amended to read as
31 follows:

32 A license as an insurance producer shall not be required of
33 any of the following:

34 Sec. 48. Section 522B.6, subsection 2, paragraph e, Code
35 Supplement 2001, is amended to read as follows:

1 e. Variable life and variable annuity products insurance
2 ~~providing~~ coverage provided under variable life insurance
3 contracts and variable annuities.

4 Sec. 49. Section 522B.16, unnumbered paragraph 1, Code
5 Supplement 2001, is amended to read as follows:

6 An insurance producer shall report to the commissioner any
7 administrative action taken against the insurance producer in
8 another jurisdiction or by another governmental agency in this
9 state within thirty days of the final disposition of the
10 matter. This report shall include a copy of the order,
11 consent to the order, ~~or~~ and other relevant legal documents.

12 Sec. 50. Section 523A.901, subsection 9, paragraph g, Code
13 Supplement 2001, is amended to read as follows:

14 g. The court shall have summary jurisdiction ~~of~~ in a
15 proceeding by a liquidator to hear and determine the rights of
16 the parties under this section. Reasonable notice of hearing
17 in the proceeding shall be given to all parties in interest,
18 including the obligee of a releasing bond or other like
19 obligation. Where an order is entered for the recovery of
20 indemnifying property in kind or for the avoidance of an
21 indemnifying lien, upon application of any party in interest,
22 the court shall in the same proceeding ascertain the value of
23 the property or lien. If the value is less than the amount
24 for which the property is indemnified or less than the amount
25 of the lien, the transferee or lienholder may elect to retain
26 the property or lien upon payment of its value, as ascertained
27 by the court, to the liquidator within the time as fixed by
28 the court.

29 Sec. 51. Section 614.1, subsection 2A, paragraph b, Code
30 2001, is amended to read as follows:

31 b. (1) The fifteen-year limitation in paragraph "a" shall
32 not apply to the time period in which to discover a disease
33 that is latent and caused by exposure to a harmful material,
34 in which event the cause of action shall be deemed to have
35 accrued when the disease and such disease's cause have been

1 made known to the person or at the point the person should
2 have been aware of the disease and such disease's cause. This
3 subsection shall not apply to cases governed by ~~section-614-17~~
4 subsection 11 of this section.

5 (2) As used in this paragraph, "harmful material" means
6 ~~silicon~~ silicone gel breast implants, which were implanted
7 prior to July 12, 1992; and chemical substances commonly known
8 as asbestos, dioxins, tobacco, or polychlorinated biphenyls,
9 whether alone or as part of any product; or any substance
10 which is determined to present an unreasonable risk of injury
11 to health or the environment by the United States
12 environmental protection agency pursuant to the federal Toxic
13 Substance Control Act, 15 U.S.C. § 2601 et seq., or by this
14 state, if that risk is regulated by the United States
15 environmental protection agency or this state.

16 Sec. 52. Section 672.1, subsection 2, Code Supplement
17 2001, is amended to read as follows:

18 2. A gleaner, or a restaurant, food establishment, food
19 service establishment, school, manufacturer of foodstuffs,
20 meat and or poultry establishment licensed pursuant to chapter
21 189A, or other person who, in good faith, donates food to a
22 charitable or nonprofit organization for ultimate free
23 distribution to needy individuals is not subject to criminal
24 or civil liability arising from the condition of the food if
25 the donor reasonably inspects the food at the time of the
26 donation and finds the food fit for human consumption. The
27 immunity provided by this subsection does not extend to a
28 donor or gleaner if damages result from the negligence,
29 recklessness, or intentional misconduct of the donor, or if
30 the donor or gleaner has, or should have had, actual or
31 constructive knowledge that the food is tainted, contaminated,
32 or harmful to the health or well-being of the ultimate
33 recipient.

34 Sec. 53. Section 713.6A, subsection 2, Code Supplement
35 2001, is amended to read as follows:

1 public members of the board shall be allowed to participate in
2 administrative, clerical, or ministerial functions incident to
3 giving the examinations, but shall not determine the content
4 or determine the correctness of the answers. The licensed
5 public accountant member shall not determine the content of
6 the certified public accountant examination or determine the
7 correctness of the answers. Any member of the board whose
8 certificate under section 542D.6 or license under section
9 542D.8 is revoked or suspended shall automatically cease to be
10 a member of the board, and the governor may, after a hearing,
11 remove any member of the board for neglect of duty or other
12 just cause. A person who has served three successive complete
13 terms shall not be eligible for reappointment, but appointment
14 to fill an unexpired term shall not be considered a complete
15 term for this purpose.

16 Sec. 59. Section 257.14, subsection 1, Code 2001, as
17 amended by 2001 Iowa Acts, chapter 126, section 9, is amended
18 to read as follows:

19 1. For the budget year commencing July 1, 2001, if the
20 department of management determines that the regular program
21 district cost of a school district for a budget year is less
22 than the total of the regular program district cost plus any
23 adjustment added under this section for the base year for that
24 school district, the school district shall be eligible to
25 receive a budget adjustment for that district for that budget
26 year up to an amount equal to the difference. The board of
27 directors of a school district that wishes to receive a budget
28 adjustment pursuant to this subsection shall, notwithstanding
29 the public notice and hearing provisions of chapter 24 or any
30 other provision to the contrary, within thirty days following
31 the effective date of this section of this Act, adopt a
32 resolution to receive the budget adjustment and immediately
33 notify the department of management of the adoption of the
34 resolution and the amount of the budget adjustment to be
35 received.

1 Sec. 60. 2001 Iowa Acts, chapter 153, section 16, is
2 amended to read as follows:

3 SEC. 16. Sections 103A.9, 135I.4, 306C.10, 321.251,
4 331.301, 335.30, 414.28, 422.42, 427.1, 435.22, 435.23,
5 435.24, 435.26, 435.27, 435.28, 435.34, 435.35, 441.17,
6 555B.1, 555C.2, 555C.3, 555C.4, 557B.1, 562B.1, 562B.13,
7 562B.14, 562B-15, 562B.16, 562B.17, 562B.18, 562B.19, 562B.22,
8 562B-23, 562B.24, 562B.32, 648.22A, and 648.22B, Code 2001,
9 are amended by inserting before the words "mobile home park"
10 or "park" the words "manufactured home community or".

11 Sec. 61. 2001 Iowa Acts, chapter 183, section 20, the
12 amending clause, is amended to read as follows:

13 Section ~~169.4~~ 169A.4, Code 2001, is amended to read as
14 follows:

15 Sec. 62. 2001 Iowa Acts, chapter 185, section 48,
16 subsection 2, is amended to read as follows:

17 2. Until bond proceeds are received by the tobacco
18 settlement authority and deposited in the tax-exempt bond
19 proceeds restricted capital funds account of the tobacco
20 settlement trust fund, payments for costs incurred for
21 projects for which appropriations are made in section 25 of
22 this-division of this Act may be made from the rebuild Iowa
23 infrastructure fund. Upon receipt of bond proceeds and
24 deposit of the proceeds in the tax-exempt bond proceeds
25 restricted capital funds account, such payments shall be
26 reimbursed to the rebuild Iowa infrastructure fund from the
27 tax-exempt bond proceeds restricted capital funds account,
28 subject, however, to any applicable limitations on the use of
29 the proceeds as provided in the Internal Revenue Code and this
30 Act.

31 Sec. 63. 2001 Iowa Acts, chapter 189, section 11, is
32 amended by striking the section and inserting in lieu thereof
33 the following:

34 SEC. 11. Section 304.13A, subsection 1, Code 2001, is
35 amended to read as follows:

1 Code sections 84A.1, 84A.1A, 84A.5, 84A.6, and 84A.7. Adds
2 references to the department of workforce development to
3 specify which "department", "director", and "board" are
4 intended.

5 Code section 85.38. Changes the word "defined" to
6 "provided" in language referring to the provision of medical
7 services. Code section 85.27 does not contain a definition of
8 the term "medical services", but does list the medical
9 services which may be provided.

10 Code section 123.183. Corrects an incorrect reference to
11 the name of the beer and liquor control fund created in Code
12 section 123.53.

13 Code section 135.83. Substitutes the word "criteria" for
14 the word "criterion" in language relating to the establishment
15 of the bases for rate review in the contract for establishment
16 of pilot programs dealing with prospective rate review in
17 hospitals or health care facilities.

18 Code sections 135C.2, 249A.19, 249A.27, 249H.4, 249H.8, and
19 514I.3. Strikes references to the federal health care
20 financing administration and replaces the references to the
21 agency's new name: centers for Medicare and Medicaid
22 services.

23 Code section 135C.33. Changes the word "determines" to
24 "shows that" in language relating to when the department of
25 human services is to inform a licensee that an evaluation
26 should be conducted to determine whether the person's
27 employment in a health care facility should be prohibited.

28 Code section 136.3. Corrects a reference to the name of
29 the state board of health by adding the word "state" to the
30 phrase "board of health".

31 Code section 207.13. Strikes the word "one" and adds the
32 words "occur at a frequency of one" to clarify the language
33 relating to inspections and monitoring of coal mines.

34 Code section 229.42. Changes the word "providing" to
35 "provided that" and moves the words "receiving mental health

1 services" from after the words "at the institution" to after
2 the word "outpatient", as it is the outpatient receiving
3 mental health services, not the institution.

4 Code section 232.21. Strikes the words "the department"
5 and adds the words "be used by the department" in language
6 referring to juvenile justice and placement in shelter care.

7 Code section 232.111. Strikes the words "meet the
8 definition of abandonment of a child" and inserts the words
9 "have been abandoned" in language referring to the termination
10 of parental rights to a child of less than 12 months of age.

11 Code section 263.9. Changes "hospital" to "hospitals and
12 clinics" to correct the name of the university hospitals and
13 clinics' center for disabilities and development.

14 Code sections 263.10 and 263.13. Adds the words
15 "university hospitals and clinics" before the word "center for
16 disabilities and development" to conform with the correct name
17 of the "university hospitals and clinics' center for
18 disabilities and development".

19 Code section 317.25. Corrects capitalization of botanical
20 names related to multiflora rose and purple loosestrife.

21 Code section 321.20B. Corrects a reference to the location
22 of the scheduled violation provision applicable to a violation
23 of the requirements of this section. Iowa Code section 805.8
24 was amended by 2001 Iowa Acts, chapter 137, and the schedules
25 previously contained in that section were moved to several
26 other sections of the Code.

27 Code section 321.215. Strikes the word "for" and adds the
28 word "over" as it applies to jurisdiction of the district
29 court to hear a petition for a temporary restricted driver's
30 license.

31 Code section 321L.3. Strikes the word "either", adds
32 commas, and adds the word "to" before "any law enforcement
33 officer" because there are three items mentioned within the
34 series in a sentence relating to persons with disabilities
35 parking permit returns.

1 Code section 422.11C. Adds the word "and" to clarify that
2 gasoline is being dispensed through the metered pump, and not
3 department of agriculture and land stewardship specifications
4 pertaining to the gasoline.

5 Code section 426B.5. Strikes the word "who" and replaces
6 it with the word "that", in language relating to counties
7 meeting eligibility requirements for moneys available in the
8 per capita expenditure pool for mental health and disabilities
9 services.

10 Code section 437A.15. A grammatical change strikes the
11 word "pay" and adds the words "be paid", relating to the
12 amount of electric delivery replacement tax to be paid by an
13 electric cooperative member, a municipal utility purchasing
14 member, and each generation and transmission electric
15 cooperative.

16 Code section 450.4. A grammatical change strikes the word
17 "Bequests" and adds the words "On bequests" to conform to the
18 introductory phrase relating to inheritance tax exemptions.

19 Code section 452A.2. Strikes the pronoun "their" and
20 replaces it with the more specific "the product's" in language
21 relating to the definition of motor fuel. Also corrects the
22 name of the American society for testing and materials.

23 Code section 455B.484. Corrects the name of a fund
24 relating to land quality and waste management.

25 Code section 455G.3. Corrects a reference to the name of
26 the Iowa comprehensive petroleum underground storage tank fund
27 board in subsection 6 of this section by adding the word
28 "petroleum" between the words "comprehensive" and
29 "underground".

30 Code section 462A.15. The words "The provisions of
31 subsections 1 and 2 of this section do" are stricken, and the
32 words "This section does" are added in language relating to
33 use of water skis and surfboards by persons engaged in a
34 professional activity. The former subsection 2 was stricken
35 in 1982 Iowa Acts, chapter 1028, section 19, and there are now

1 only two subsections in total in the section.

2 Code section 505.11. A comma is added and the word "that"
3 is stricken, to improve grammar in provisions relating to the
4 refund by the commissioner of insurance of excess payments
5 made by foreign or domestic insurance companies.

6 Code section 518A.35. Strikes the words "the department
7 of" to correct the title of the director of revenue and
8 finance.

9 Code section 522B.3. Corrects grammar by adding the word
10 "of" to the phrase "any of the following".

11 Code section 522B.6. Strikes the word "providing" in
12 language describing the providing of insurance coverage
13 through variable life insurance contracts and variable
14 annuities. This conforms the language to the original model
15 Act used to prepare new Code chapter 522B.

16 Code section 522B.16. Changes the word "or" to "and" in
17 language relating to the types of information to be provided
18 by an insurance producer to the commissioner regarding
19 administrative actions against the producer in other
20 jurisdictions or by other governmental agencies in this state.
21 This conforms the language to similar language in this same
22 Code section.

23 Code section 614.1. Deletes a reference to Code section
24 614.1 and replaces it with a reference to "this section". The
25 spelling of the word "silicone" is also corrected.

26 Code section 672.1. Strikes the word "and" and adds the
27 word "or" in the language describing the establishments
28 inspected under Code chapter 189A and relating to donations of
29 perishable foods, and the exemption from liability for certain
30 persons or entities.

31 Code section 713.6A. Strikes the word "section" and adds
32 the word "subsection" relating to punishment for cumulative
33 offenses for burglary in the third degree.

34 Code section 713.6B. Strikes the word "section" and adds
35 the word "subsection" as relates to punishment for cumulative

1 offenses for attempted burglary in the third degree.

2 Code section 902.9. Strikes the words "that section" and
3 adds the words "those sections" because two sections are cited
4 and referred to in the text of the section.

5 Code section 907.3. Strikes the word "offense" and adds
6 the word "sentence" in language describing a sentence to a
7 determinate term of confinement.

8 2001 Iowa Acts, chapter 55, section 4. Strikes the words
9 "Not fewer than" and adds "At least" to clarify what
10 qualifications certain members of the accountancy examining
11 board must hold. Code section 542D.4, subsection 3, is
12 effective July 1, 2002.

13 2001 Iowa Acts, chapter 126. Amends section 9 by adding
14 the words "section of this". Sections 4 and 9 had separate
15 effective dates from the balance of the Act contained in
16 chapter 126. Sections 4 and 9 were effective May 9, 2001,
17 whereas the rest of the Act was effective July 1, 2001. This
18 section takes effect upon enactment and is retroactively
19 applicable to May 9, 2001.

20 2001 Iowa Acts, chapter 153. Amends section 16 by striking
21 references to Code sections 562B.15 and 562B.23. The
22 terminology that was to be corrected pursuant to the directive
23 in this Act section did not exist in either Code section.
24 This section takes effect upon enactment and is retroactively
25 applicable to July 1, 2001.

26 2001 Iowa Acts, chapter 183, section 20. Changes the Code
27 section referred to in the lead-in of this Act's provision
28 from 169.4 to 169A.4, to correspond with the Code section
29 actually amended in the Act. This section takes effect upon
30 enactment and applies retroactively on and after July 1, 2001.

31 2001 Iowa Acts, chapter 185, section 48. Strikes the words
32 "of this division" in language referring to the section of
33 that Act in which appropriations are made for certain
34 projects. Section 25 was not in the same division of the Act
35 as section 48.

1 2001 Iowa Acts, chapter 189. Strikes section 11 of the Act
2 and replaces it with amendments to subsection 1 of Code
3 section 304.13A. A new section is also added to the Act to
4 include the amendments which were made in the first paragraph
5 of subsection 2. The second paragraph of Code section
6 304.13A, subsection 2, was inadvertently omitted during the
7 drafting of House File 719, which became Iowa Acts, chapter
8 189. This section takes effect upon enactment and is
9 retroactively applicable to July 1, 2001.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 2201

AN ACT

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

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

Section 1. Section 7E.5, subsection 1, paragraph h, Code 2001, is amended to read as follows:

h. The Iowa department of economic development, created in section ~~15.104~~ 15.105, which has primary responsibility for programs for carrying out the economic development policies of the state.

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

2. "Cooperative association" means any entity organized on a cooperative basis, including an association of persons organized under chapter 497, 498, or 499; an entity composed of entities organized under those chapters; or a cooperative corporation organized under chapter 501.

Sec. 3. Section 15A.7, subsection 3, Code 2001, is amended to read as follows:

3. That the employer shall agree to pay wages for the jobs for which the credit is taken of at least the average county wage or average regional wage, whichever is lower, as compiled annually by the department of economic development for the community economic betterment program. For the purposes of this section, the average regional wage shall be compiled based upon the service delivery areas in section 84B.2. Eligibility for the supplemental credit shall be based on a one-time determination of starting wages by the community college.

Sec. 4. Section 15A.9, subsection 10, Code Supplement 2001, is amended to read as follows:

10. LIMITATION ON ASSISTANCE. Economic development assistance under subsections 3 through 9 shall only be available to the primary business or a supporting business. However, if the department of economic development finds that a primary business or a supporting business has a record of violations of the law, including but not limited to environmental and worker safety statutes, rules, and regulations, over a period of time that tends to show a consistent pattern, the primary business or supporting business shall not qualify for economic development assistance under subsections 3 through 9, unless the department of economic development finds that the violations did not seriously affect public health or safety or the environment, or if it did that there were mitigating circumstances. In making the findings and determinations regarding violations, mitigating circumstances, and whether a primary business or a supporting business is eligible for economic development assistance under subsections 3 through 9, the department of economic development shall be exempt from chapter 17A.

Sec. 5. Section 15E.111, subsection 8, Code 2001, is amended to read as follows:

8. The department of economic development and the office of renewable fuels and coproducts shall prepare a report each six months detailing the progress of the department and other agencies provided in this section. The office of renewable fuels and coproducts, the department of natural resources, and Iowa state university may contribute a summary of their activities. The report shall be delivered to the secretary of the senate and the chief clerk of the house; the legislative service bureau; the chairpersons and ranking members of the senate standing committee on agriculture; the senate standing committee on small business, economic development, and tourism; the house of representatives standing committee on agriculture; and the house of representatives standing committee on ~~small-business, economic development, and trade.~~

Sec. 6. Section 15E.117, Code 2001, is amended to read as follows:

15E.117 PROMOTION OF IOWA WINE AND BEER.

The department of economic development shall consult with the Iowa wine and beer promotion board on the best means to promote wine and beer made in Iowa. The department has the authority to contract with private persons for the promotion of beer and wine made in Iowa. At the direction of the department, the director of revenue and finance shall issue warrants to the department of economic development on the barrel tax fund created in section 123.143 and the wine gallonage tax fund created in section 123.183, which moneys may be used by the department for the purpose of this section, including administrative expenses incurred under this section.

Sec. 7. Section 15E.202, subsection 17, paragraph b, Code 2001, is amended to read as follows:

b. A cooperative ~~corporation~~ organized under chapter 501.

Sec. 8. Section 73.10, Code 2001, is amended to read as follows:

73.10 EXCEPTIONS.

The provisions of sections 73.6 to and 73.9 shall not apply to municipally owned and operated public utilities.

Sec. 9. Section 84A.1, subsections 2 and 3, Code 2001, are amended to read as follows:

2. The chief executive officer of the department of workforce development is the director who shall be appointed by the governor, subject to confirmation by the senate under the confirmation procedures of section 2.32. The director of the department of workforce development shall serve at the pleasure of the governor. The governor shall set the salary of the director within the applicable salary range established by the general assembly. The director shall be selected solely on the ability to administer the duties and functions granted to the director and the department and shall devote full time to the duties of the director. If the office of

director becomes vacant, the vacancy shall be filled in the same manner as the original appointment was made.

The director of the department of workforce development shall, subject to the requirements of section 84A.1B, prepare, administer, and control the budget of the department and its divisions and shall approve the employment of all personnel of the department and its divisions.

The director of the department of workforce development shall direct the administrative and compliance functions and control the docket of the division of workers' compensation.

3. The department of workforce development shall include the division of labor services, the division of workers' compensation, and other divisions as appropriate.

Sec. 10. Section 84A.1A, Code Supplement 2001, is amended to read as follows:

84A.1A WORKFORCE DEVELOPMENT BOARD.

1. An Iowa workforce development board is created, consisting of nine voting members appointed by the governor and eight ex officio nonvoting members. The ex officio nonvoting members are four legislative members; one president or the president's designee of the university of northern Iowa, the university of Iowa, or Iowa state university of science and technology, designated by the state board of regents on a rotating basis; one representative from the largest statewide public employees' organization representing state employees; one president or the president's designee of an independent Iowa college, appointed by the Iowa association of independent colleges and universities; and one superintendent or the superintendent's designee of a community college, appointed by the Iowa association of community college presidents. The legislative members are two state senators, one appointed by the president of the senate, after consultation with the majority leader of the senate, and one appointed by the minority leader of the senate, after consultation with the president of the senate, from their

respective parties; and two state representatives, appointed by the speaker after consultation with the majority and minority leaders of the house of representatives from their respective parties. Not more than five of the voting members shall be from the same political party. Of the nine voting members, one member shall represent a nonprofit organization involved in workforce development services, four members shall represent employers, and four members shall represent nonsupervisory employees. Of the members appointed by the governor to represent nonsupervisory employees, two members shall be from statewide labor organizations, one member shall be an employee representative of a labor management council, and one member shall be a person with experience in worker training programs. The governor shall consider recommendations from statewide labor organizations for the members representing nonsupervisory employees. The governor shall appoint the nine voting members of the workforce development board for a term of four years beginning and ending as provided by section 69.19, subject to confirmation by the senate, and the governor's appointments shall include persons knowledgeable in the area of workforce development.

2. A vacancy on the workforce development board shall be filled in the same manner as regular appointments are made for the unexpired portion of the regular term.

3. The workforce development board shall meet in May of each year for the purpose of electing one of its voting members as chairperson and one of its voting members as vice chairperson. However, the chairperson and the vice chairperson shall not be from the same political party. The workforce development board shall meet at the call of the chairperson or when any five members of the workforce development board file a written request with the chairperson for a meeting. Written notice of the time and place of each meeting shall be given to each member of the workforce development board. A majority of the voting members constitutes a quorum.

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

5. If a member of the workforce development board has an interest, either direct or indirect, in a contract to which the department of workforce development is or is to be a party, the interest shall be disclosed to the workforce development board in writing and shall be set forth in the minutes of a meeting of the workforce development board. The member having the interest shall not participate in action by the workforce development board with respect to the contract. This subsection does not limit the right of a member of the workforce development board to acquire an interest in bonds, or limit the right of a member to have an interest in a bank or other financial institution in which the funds of the department of workforce development are deposited or which is acting as trustee or paying agent under a trust indenture to which the department of workforce development is a party.

Sec. 11. Section 84A.5, Code Supplement 2001, is amended to read as follows:

84A.5 DEPARTMENT'S DEPARTMENT OF WORKFORCE DEVELOPMENT -- PRIMARY RESPONSIBILITIES.

The department of workforce development, in consultation with the workforce development board and the regional advisory boards, has the primary responsibilities set out in this section.

1. The department of workforce development shall develop and implement a workforce development system which increases

the skills of the Iowa workforce, fosters economic growth and the creation of new high skill and high wage jobs through job placement and training services, increases the competitiveness of Iowa businesses by promoting high performance workplaces, and encourages investment in workers.

The workforce development system shall strive to provide high quality services to its customers including workers, families, and businesses. The department of workforce development shall maintain a common intake, assessment, and customer tracking system and to the extent practical provide one-stop services to customers at workforce development centers and other service access points.

The system shall include an accountability system to measure program performance, identify accomplishments, and evaluate programs to ensure goals and standards are met. The accountability system shall use information obtained from the customer tracking system, the department of economic development, the department of education, and training providers to evaluate the effectiveness of programs. The department of economic development, the department of education, and training providers shall report information concerning the use of any state or federal training or retraining funds to the department of workforce development in a form as required by the department of workforce development. The accountability system shall evaluate all of the following:

- a. The impact of services on wages earned by individuals.
- b. The effectiveness of training services providers in raising the skills of the Iowa workforce.
- c. The impact of placement and training services on Iowa's families, communities, and economy.

The department of workforce development shall make information from the customer tracking and accountability system available to the department of economic development, the department of education, and other appropriate public agencies for the purpose of assisting with the evaluation of

programs administered by those departments and agencies and for planning and researching public policies relating to education and economic development.

2. The department of workforce development is responsible for administration of unemployment compensation benefits and collection of employer contributions under chapter 96, providing for the delivery of free public employment services established pursuant to chapter 96, other job placement and training programs established pursuant to section 84A.6, and the delivery of services located throughout the state.

3. The division of labor services is responsible for the administration of the laws of this state under chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 92, and 94A, and sections 30.7 and 85.68. The executive head of the division is the labor commissioner, appointed pursuant to section 91.2.

4. The division of workers' compensation is responsible for the administration of the laws of this state relating to workers' compensation under chapters 85, 85A, 85B, 86, and 87. The executive head of the division is the workers' compensation commissioner, appointed pursuant to section 86.1.

5. The director of the department of workforce development shall form a coordinating committee composed of the director of the department of workforce development, the labor commissioner, the workers' compensation commissioner, and other administrators. The committee shall monitor federal compliance issues relating to coordination of functions among the divisions.

6. The department of workforce development shall administer the following programs:

- a. The Iowa conservation corps established under section 84A.7.
- b. The workforce investment program established under section 84A.8.

c. The statewide mentoring program established under section 84A.9.

d. The workforce development centers established under chapter 84B.

7. The department of workforce development shall work with the department of economic development to incorporate workforce development as a component of community-based economic development.

8. The department of workforce development, in consultation with the applicable regional advisory board, shall select service providers, subject to approval by the workforce development board for each service delivery area. A service provider in each service delivery area shall be identified to coordinate the services throughout the service delivery area. The department of workforce development shall select service providers that, to the extent possible, meet or have the ability to meet the following criteria:

a. The capacity to deliver services uniformly throughout the service delivery area.

b. The experience to provide workforce development services.

c. The capacity to cooperate with other public and private agencies and entities in the delivery of education, workforce training, retraining, and workforce development services throughout the service delivery area.

d. The demonstrated capacity to understand and comply with all applicable state and federal laws, rules, ordinances, regulations, and orders, including fiscal requirements.

9. The department of workforce development shall provide access to information and documents necessary for employers and payors of income, as defined in sections 252D.16 and 252G.1, to comply with child support reporting and payment requirements. Access to the information and documents shall be provided at the central location of the department of workforce development and at each workforce development center.

10. The director of the department of workforce development may adopt rules pursuant to chapter 17A to charge and collect fees for enhanced or value-added services provided by the department of workforce development which are not required by law to be provided by the department and are not generally available from the department of workforce development. Fees shall not be charged to provide a free public labor exchange. Fees established by the director of the department of workforce development shall be based upon the costs of administering the service, with due regard to the anticipated time spent, and travel costs incurred, by personnel performing the service. The collection of fees authorized by this subsection shall be treated as repayment receipts as defined in section 8.2.

Sec. 12. Section 84A.6, subsections 2 and 3, Code 2001, are amended to read as follows:

2. The director of the department of workforce development, in cooperation with the department of human services, shall provide job placement and training to persons referred by the department of human services under the promoting independence and self-sufficiency through employment job opportunities and basic skills program established pursuant to chapter 239B and the food stamp employment and training program.

3. The director of the department of workforce development, in cooperation with the department of human rights and the vocational rehabilitation services division of the department of education, shall establish a program to provide job placement and training to persons with disabilities.

Sec. 13. Section 84A.7, subsections 3 and 4, Code 2001, are amended to read as follows:

3. FUNDING. Corps projects shall be funded by appropriations to the Iowa conservation corps account and by cash, services, and material contributions made by other state

agencies or local public and private agencies. Public and private entities who benefit from a corps project shall contribute at least thirty-five percent of the total project budget. The contributions may be in the form of cash, materials, or services. Materials and services shall be intended for the project and acceptable to the department of workforce development. Minimum levels of contributions shall be prescribed in rules adopted by the department of workforce development.

4. ACCOUNT CREATED. The Iowa conservation corps account is established within and administered by the department of workforce development. The account shall include all appropriations made to programs administered by the corps, and may also include moneys contributed by a private individual or organization, or a public entity for the purpose of implementing corps programs and projects. The department of workforce development may establish an escrow account within the department and obligate moneys within that escrow account for tuition payments to be made beyond the term of any fiscal year. Interest earned on moneys in the Iowa conservation corps account shall be credited to the account.

Sec. 14. Section 85.38, subsection 4, Code 2001, is amended to read as follows:

4. LIEN FOR HOSPITAL AND MEDICAL SERVICES UNDER CHAPTER 249A. In the event any hospital or medical services as defined provided in section 85.27 are paid by the state department of human services on behalf of an employee who is entitled to such benefits under the provisions of this chapter or chapter 85A or 85B, a lien shall exist as respects the right of such employee to benefits as described in section 85.27.

Sec. 15. Section 123.183, subsection 3, paragraph b, Code Supplement 2001, is amended to read as follows:

b. The remaining revenue collected from the wine gallonage tax on wine imported into this state for sale at wholesale and

sold in this state at wholesale shall be deposited in the beer and liquor control fund created in section 123.53.

Sec. 16. Section 135.83, Code Supplement 2001, is amended to read as follows:

135.83 CONTRACTS FOR ASSISTANCE WITH ANALYSES, STUDIES, AND DATA.

In furtherance of the department's responsibilities under sections 135.76 and 135.78, the director may contract with the Iowa hospital association and third-party payers, the Iowa health care facilities association and third-party payers, or the Iowa association of homes for the aging and third-party payers for the establishment of pilot programs dealing with prospective rate review in hospitals or health care facilities, or both. Such contract shall be subject to the approval of the executive council and shall provide for an equitable representation of health care providers, third-party payers, and health care consumers in the determination of criterion criteria for rate review. No third-party payer shall be excluded from positive financial incentives based upon volume of gross patient revenues. No state or federal funds appropriated or available to the department shall be used for any such pilot program.

Sec. 17. Section 135C.2, subsection 3, paragraph d, Code Supplement 2001, is amended to read as follows:

d. Notwithstanding the limitations set out in this subsection regarding rules for intermediate care facilities for persons with mental retardation, the department shall consider the federal interpretive guidelines issued by the federal health-care-financing-administration centers for Medicare and Medicaid services when interpreting the department's rules for intermediate care facilities for persons with mental retardation. This use of the guidelines is not subject to the rulemaking provisions of sections 17A.4 and 17A.5, but the guidelines shall be published in the Iowa administrative bulletin and the Iowa administrative code.

Sec. 18. Section 135C.33, subsection 2, Code Supplement 2001, is amended to read as follows:

2. If the department of public safety determines that a person has committed a crime and is to be employed in a facility licensed under this chapter, the department of public safety shall notify the licensee that an evaluation, if requested by the facility, will be conducted by the department of human services to determine whether prohibition of the person's employment is warranted. If a department of human services child or dependent adult abuse records check determines shows that the person has a record of founded child or dependent adult abuse, the department of human services shall inform the licensee that an evaluation, if requested by the facility, will be conducted to determine whether prohibition of the person's employment is warranted.

Sec. 19. Section 136.3, subsection 7, Code Supplement 2001, is amended to read as follows:

7. Adopt, promulgate, amend, and repeal rules and regulations consistent with law for the protection of the public health and prevention of substance abuse, and for the guidance of the department. All rules which have been or are hereafter adopted by the department shall be subject to approval by the board. However, rules adopted by the commission on substance abuse for section 125.7, subsections 1 and 7, and rules adopted by the department pursuant to section 135.130 are not subject to approval by the state board of health.

Sec. 20. Section 207.13, subsection 2, Code 2001, is amended to read as follows:

2. The inspections by the division shall:

a. ~~One~~ Occur at a frequency of one complete inspection per calendar quarter and at least one partial inspection on an irregular basis in those months where a complete inspection is not performed.

b. Occur without prior notice to the permittee, agents or employees except for necessary on-site meetings with the permittee.

c. Include the filing of inspection reports adequate to enforce the requirements of and to carry out the terms and purposes of this chapter.

Sec. 21. Section 229.42, Code Supplement 2001, is amended to read as follows:

229.42 COSTS PAID BY COUNTY.

If a person wishing to make application for voluntary admission to a mental hospital established by chapter 226 is unable to pay the costs of hospitalization or those responsible for the person are unable to pay the costs, application for authorization of voluntary admission must be made through a single entry point process before application for admission is made to the hospital. The person's county of legal settlement shall be determined through the single entry point process and if the admission is approved through the single entry point process, the person's admission to a mental health hospital shall be authorized as a voluntary case. The authorization shall be issued on forms provided by the administrator. The costs of the hospitalization shall be paid by the county of legal settlement to the department of human services and credited to the general fund of the state, providing provided that the mental health hospital rendering the services has certified to the county auditor of the county of legal settlement the amount chargeable to the county and has sent a duplicate statement of the charges to the department of human services. A county shall not be billed for the cost of a patient unless the patient's admission is authorized through the single entry point process. The mental health institute and the county shall work together to locate appropriate alternative placements and services, and to educate patients and family members of patients regarding such alternatives.

All the provisions of chapter 230 shall apply to such voluntary patients so far as is applicable.

The provisions of this section and of section 229.41 shall apply to all voluntary inpatients or outpatients receiving mental health services either away from or at the institution ~~receiving-mental-health-services~~.

If a county fails to pay the billed charges within forty-five days from the date the county auditor received the certification statement from the superintendent, the department of human services shall charge the delinquent county the penalty of one percent per month on and after forty-five days from the date the county received the certification statement until paid. The penalties received shall be credited to the general fund of the state.

Sec. 22. Section 232.21, subsection 4, Code Supplement 2001, is amended to read as follows:

4. A child placed in a shelter care facility under this section shall not be held for a period in excess of forty-eight hours without an oral or written court order authorizing the shelter care. When the action is authorized by an oral court order, the court shall enter a written order before the end of the next day confirming the oral order and indicating the reasons for the order. A child placed in shelter care pursuant to section 232.19, subsection 1, paragraph "c", shall not be held in excess of seventy-two hours in any event. If deemed appropriate by the court, an order authorizing shelter care placement may include a determination that continuation of the child in the child's home is contrary to the child's welfare and that reasonable efforts as defined in section 232.57 have been made. The inclusion of such a determination shall not under any circumstances be deemed a prerequisite for entering an order pursuant to this section. However, the inclusion of such a determination, supported by the record, may be used by the department to assist the department in obtaining federal funding for the child's placement.

Sec. 23. Section 232.111, subsection 2, paragraph a, subparagraph (3), Code Supplement 2001, is amended to read as follows:

(3) The child is less than twelve months of age and has been judicially determined to ~~meet-the-definition-of abandonment-of-a-child~~ have been abandoned or the child is a newborn infant whose parent has voluntarily released custody of the child in accordance with chapter 233.

Sec. 24. Section 249A.19, Code 2001, is amended to read as follows:

249A.19 HEALTH CARE FACILITIES -- PENALTY.

The department shall adopt rules pursuant to chapter 17A to assess and collect, with interest, a civil penalty for each day a health care facility which receives medical assistance reimbursements does not comply with the requirements of the federal Social Security Act, section 1919, as codified in 42 U.S.C. § 1396r. A civil penalty shall not exceed the amount authorized under 42 C.F.R. § 488.438 for health care facility violations. Any moneys collected by the department pursuant to this section shall be applied to the protection of the health or property of the residents of the health care facilities which are determined by the state or by the federal ~~health-care-financing-administration~~ centers for Medicare and Medicaid services to be out of compliance. The purposes for which the collected moneys shall be applied may include payment for the costs of relocation of residents to other facilities, maintenance or operation of a health care facility pending correction of deficiencies or closure of the facility, and reimbursing residents for personal funds lost. If a health care facility is assessed a civil penalty under this section, the health care facility shall not be assessed a penalty under section 135C.36 for the same violation.

Sec. 25. Section 249A.27, subsection 2, Code 2001, is amended to read as follows:

2. If the department is the case management contractor, the state shall be responsible for any costs included within the unit rate for case management services which are disallowed for medical assistance reimbursement by the federal health-care-financing-administration centers for Medicare and Medicaid services. The contracting county shall be credited for the county's share of any amounts overpaid due to the disallowed costs. However, if certain costs are disallowed due to requirements or preferences of a particular county in the provision of case management services, the county shall not receive credit for the amount of the costs.

Sec. 26. Section 249H.4, subsection 4, Code 2001, is amended to read as follows:

4. The trust fund shall be operated in accordance with the guidelines of the health-care-financing-administration centers for Medicare and Medicaid services of the United States department of health and human services. The trust fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys in the trust fund shall not be considered revenue of the state, but rather shall be funds of the senior living program. The moneys in the trust fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except to provide for the purposes of this chapter. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the trust fund shall be credited to the trust fund.

Sec. 27. Section 249H.8, subsection 1, Code 2001, is amended to read as follows:

1. A person operating a PACE program shall have a PACE program agreement with the health-care-financing administration centers for Medicare and Medicaid services of the United States department of health and human services, shall enter into a contract with the department of human services, and shall comply with 42 U.S.C. § 1396(u)(4) and all regulations promulgated pursuant to that section.

Sec. 28. Section 263.9, Code Supplement 2001, is amended to read as follows:

263.9 ESTABLISHMENT AND OBJECTIVES.

The state board of regents is hereby authorized to establish and maintain in reasonable proximity to Iowa City and in conjunction with the state university of Iowa and the university ~~hospital~~ hospitals and clinics, a center for disabilities and development having as its objects the education and treatment of children with severe disabilities. The center shall be conducted in conjunction with the activities of the university of Iowa children's hospital. Insofar as is practicable, the facilities of the university children's hospital shall be utilized.

Sec. 29. Section 263.10, Code Supplement 2001, is amended to read as follows:

263.10 PERSONS ADMITTED.

Every resident of the state who is not more than twenty-one years of age, who has such severe disabilities as to be unable to acquire an education in the common schools, and every such person who is twenty-one and under thirty-five years of age who has the consent of the state board of regents, shall be entitled to receive an education, care, and training in the university of Iowa hospitals and clinics center for disabilities and development, and nonresidents similarly situated may be entitled to an education and care at the center upon such terms as may be fixed by the state board of regents. The fee for nonresidents shall be not less than the average expense of resident pupils and shall be paid in advance. Residents and persons under the care and control of a director of a division of the department of human services who have severe disabilities may be transferred to the center upon such terms as may be agreed upon by the state board of regents and the director.

Sec. 30. Section 263.13, Code Supplement 2001, is amended to read as follows:

263.13 GIFTS ACCEPTED.

The state board of regents is authorized to accept, for the benefit of the university hospitals and clinics center for disabilities and development, gifts, devises, or bequests of property, real or personal including grants from the federal government. The state board of regents may exercise such powers with reference to the management, sale, disposition, investment, or control of property so given, devised, or bequeathed, as may be deemed essential to its preservation and the purposes for which made. No contribution or grant shall be received or accepted if any condition is attached as to its use or administration other than it be used for aid to the center as provided in this division.

Sec. 31. Section 317.25, Code Supplement 2001, is amended to read as follows:

317.25 TEASEL, MULTIFLORA ROSE, AND PURPLE LOOSESTRIFE PROHIBITED -- EXCEPTIONS.

A person shall not import, sell, offer for sale, or distribute teasel (*Dipsacus*) biennial, the multiflora rose (rose Rosa multiflora), purple loosestrife (~~lythrum~~ Lythrum salicaria), purple loosestrife (~~lythrum~~ Lythrum virgatum), or seeds of them in any form in this state. However, this section does not prohibit the sale, offer for sale, or distribution of the multiflora rose (rose Rosa multiflora) used for understock for either cultivated roses or ornamental shrubs in gardens. Any person violating the provisions of this section is subject to a fine of not exceeding one hundred dollars.

Sec. 32. Section 321.20B, subsection 4, paragraph b, subparagraph (2), subparagraph subdivisions (a) and (b), Code Supplement 2001, are amended to read as follows:

(a) Sign an admission of violation on the citation and remit to the clerk of court a scheduled fine as provided in section 805-8 805.8A, subsection 2 14, paragraph "f", for a violation of subsection 1. Upon payment of the fine to the clerk of court of the county where the citation was issued,

payment of a fifteen dollar administrative fee to the county treasurer of the county in which the motor vehicle is registered, and providing proof of payment of any applicable fine and proof of financial liability coverages to the county treasurer of the county in which the motor vehicle is registered, the treasurer shall issue new license plates and registration to the owner.

(b) Request an appearance before the court on the matter. If the matter goes before the court, and the owner or driver is found guilty of a violation of subsection 1, the court may impose a fine as provided in section 805-8 805.8A, subsection 2 14, paragraph "f", for a violation of subsection 1, or the court may order the person to perform unpaid community service instead of the fine. Upon the payment of the fine or the entry of the order for unpaid community service, the person shall provide proof of payment or entry of such order and the county treasurer of the county in which the motor vehicle is registered shall issue new license plates and registration to the owner upon the owner providing proof of financial liability coverage and paying a fifteen dollar administrative fee to the county treasurer.

Sec. 33. Section 321.215, subsection 2, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

Upon conviction and the suspension or revocation of a person's noncommercial driver's license under section 321.209, subsection 5 or 6; section 321.210; 321.210A; or 321.513; or upon revocation pursuant to a court order issued under section 901.5, subsection 10; or upon the denial of issuance of a noncommercial driver's license under section 321.560, based solely on offenses enumerated in section 321.555, subsection 1, paragraph "c", or section 321.555, subsection 2; or a juvenile, whose license has been suspended or revoked pursuant to a dispositional order under section 232.52, subsection 2, paragraph "a", for a violation of chapter 124 or 453B, or

section 126.3, a person may petition the district court having jurisdiction for over the residence of the person for a temporary restricted license to operate a motor vehicle for the limited purpose or purposes specified in subsection 1. The petition shall include a current certified copy of the petitioner's official driving record issued by the department. The application may be granted only if all of the following criteria are satisfied:

Sec. 34. Section 321L.3, unnumbered paragraph 3, Code Supplement 2001, is amended to read as follows:

Persons with disabilities parking permits may be returned to the department as required by this section either directly to the department, to a driver's license station, or to any law enforcement office.

Sec. 35. Section 422.11C, subsection 1, paragraph b, Code Supplement 2001, is amended to read as follows:

b. "Gasoline" means gasoline that meets the specifications required by the department of agriculture and land stewardship pursuant to section 214A.2 and that is dispensed through a metered pump.

Sec. 36. Section 426B.5, subsection 1, paragraph c, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

Moneys available in the per capita expenditure pool for a fiscal year shall be distributed to those counties who that meet all of the following eligibility requirements:

Sec. 37. Section 437A.15, subsection 3, paragraph c, Code Supplement 2001, is amended to read as follows:

c. If paragraph "b" is applicable, on or before August 1, the director shall notify each distribution electric cooperative member, each municipal utility purchasing member, and each generation and transmission electric cooperative of the amount of electric delivery replacement tax to pay be paid to the generation and transmission electric cooperative. On or before August 1, the director shall notify the generation

and transmission electric cooperative of the amount of replacement tax liability attributable to the excess property tax liability that is payable to each county treasurer. The director shall determine the amount of any special utility property tax levy or tax credit attributable to the excess property tax liability which shall be reflected in the amount required to be paid by each distribution electric cooperative member and each municipal utility purchasing member to the generation and transmission electric cooperative.

Sec. 38. Section 450.4, subsection 4, Code Supplement 2001, is amended to read as follows:

4. Bequests On bequests for the care and maintenance of the cemetery or burial lot of the decedent or the decedent's family, and bequests not to exceed five hundred dollars in any estate of a decedent for the performance of a religious service or services by some person regularly ordained, authorized, or licensed by some religious society to perform such service, which service or services are to be performed for or in behalf of the testator or some person named in the testator's last will.

Sec. 39. Section 452A.2, subsection 18, paragraphs a and b, Code Supplement 2001, are amended to read as follows:

a. All products commonly or commercially known or sold as gasoline, including ethanol blended gasoline, casinghead, and absorption or natural gasoline, regardless of their the products' classifications or uses, and including transmix which serves as a buffer between fuel products in the pipeline distribution process.

b. Any liquid advertised, offered for sale, sold for use as, or commonly or commercially used as a fuel for propelling motor vehicles which, when subjected to distillation of gasoline, naphtha, kerosene and similar petroleum products (~~American Society of Testing Materials Designation~~ society for testing and materials designation D-86), shows not less than ten per centum distilled (recovered) below three hundred

forty-seven degrees Fahrenheit (one hundred seventy-five degrees Centigrade) and not less than ninety-five per centum distilled (recovered) below four hundred sixty-four degrees Fahrenheit (two hundred forty degrees Centigrade).

Sec. 40. Section 452A.2, subsection 20, Code Supplement 2001, is amended to read as follows:

20. "Racing fuel" means leaded gasoline of one hundred ten octane or more that does not meet American society of for testing and materials designation D-4814 for gasoline and is sold in bulk for use in nonregistered motor vehicles.

Sec. 41. Section 455B.484, subsection 3, Code Supplement 2001, is amended to read as follows:

3. Administer and coordinate the land quality and waste management trust fund created under this part.

Sec. 42. Section 455G.3, subsection 6, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

There is appropriated from the unassigned revenue fund administered by the Iowa comprehensive petroleum underground storage tank fund board to the following funds for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts as specified:

Sec. 43. Section 462A.15, subsection 2, Code Supplement 2001, is amended to read as follows:

2. ~~The provisions of subsections 1 and 2 of this section do~~ This section does not apply to a performer engaged in a professional exhibition or a person or persons engaged in a professional exhibition or a person or persons engaged in an activity authorized under section 462A.16.

Sec. 44. Section 505.11, Code Supplement 2001, is amended to read as follows:

505.11 REFUNDS.

Whenever it appears to the satisfaction of the commissioner of insurance that, because of error, mistake, or erroneous interpretation of statute, that a foreign or domestic

insurance corporation has paid to the state of Iowa taxes, fines, penalties, or license fees in excess of the amount legally chargeable against it, the commissioner of insurance shall have power to refund to such corporation any such excess by applying the amount of the excess payment toward the payment of taxes, fines, penalties, or license fees already due or which may become due, until such excess payments have been fully refunded.

Sec. 45. Section 514I.3, subsection 3, Code 2001, is amended to read as follows:

3. The department of human services is designated to receive the state and federal funds appropriated or provided for the program, and to submit and maintain the state plan for the program, which is approved by the health-care-financing administration centers for Medicare and Medicaid services of the United States department of health and human services.

Sec. 46. Section 518A.35, Code Supplement 2001, is amended to read as follows:

518A.35 ANNUAL TAX.

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

Sec. 47. Section 522B.3, subsection 2, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

A license as an insurance producer shall not be required of any of the following:

Sec. 48. Section 522B.6, subsection 2, paragraph e, Code Supplement 2001, is amended to read as follows:

e. Variable life and variable annuity products insurance providing coverage provided under variable life insurance contracts and variable annuities.

Sec. 49. Section 522B.16, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

An insurance producer shall report to the commissioner any administrative action taken against the insurance producer in another jurisdiction or by another governmental agency in this state within thirty days of the final disposition of the matter. This report shall include a copy of the order, consent to the order, or and other relevant legal documents.

Sec. 50. Section 523A.901, subsection 9, paragraph g, Code Supplement 2001, is amended to read as follows:

g. The court shall have summary jurisdiction of in a proceeding by a liquidator to hear and determine the rights of the parties under this section. Reasonable notice of hearing in the proceeding shall be given to all parties in interest, including the obligee of a releasing bond or other like obligation. Where an order is entered for the recovery of indemnifying property in kind or for the avoidance of an indemnifying lien, upon application of any party in interest, the court shall in the same proceeding ascertain the value of the property or lien. If the value is less than the amount for which the property is indemnified or less than the amount of the lien, the transferee or lienholder may elect to retain the property or lien upon payment of its value, as ascertained by the court, to the liquidator within the time as fixed by the court.

Sec. 51. Section 614.1, subsection 2A, paragraph b, Code 2001, is amended to read as follows:

b. (1) The fifteen-year limitation in paragraph "a" shall not apply to the time period in which to discover a disease that is latent and caused by exposure to a harmful material, in which event the cause of action shall be deemed to have accrued when the disease and such disease's cause have been made known to the person or at the point the person should have been aware of the disease and such disease's cause. This subsection shall not apply to cases governed by ~~section 614.1~~ subsection 11 of this section.

(2) As used in this paragraph, "harmful material" means ~~silicon~~ silicone gel breast implants, which were implanted prior to July 12, 1992; and chemical substances commonly known as asbestos, dioxins, tobacco, or polychlorinated biphenyls, whether alone or as part of any product; or any substance which is determined to present an unreasonable risk of injury to health or the environment by the United States environmental protection agency pursuant to the federal Toxic Substance Control Act, 15 U.S.C. § 2601 et seq., or by this state, if that risk is regulated by the United States environmental protection agency or this state.

Sec. 52. Section 672.1, subsection 2, Code Supplement 2001, is amended to read as follows:

2. A gleaner, or a restaurant, food establishment, food service establishment, school, manufacturer of foodstuffs, meat and or poultry establishment licensed pursuant to chapter 189A, or other person who, in good faith, donates food to a charitable or nonprofit organization for ultimate free distribution to needy individuals is not subject to criminal or civil liability arising from the condition of the food if the donor reasonably inspects the food at the time of the donation and finds the food fit for human consumption. The immunity provided by this subsection does not extend to a donor or gleaner if damages result from the negligence,

recklessness, or intentional misconduct of the donor, or if the donor or gleaner has, or should have had, actual or constructive knowledge that the food is tainted, contaminated, or harmful to the health or well-being of the ultimate recipient.

Sec. 53. Section 713.6A, subsection 2, Code Supplement 2001, is amended to read as follows:

2. Burglary in the third degree involving a burglary of an unoccupied motor vehicle or motor truck as defined in section 321.1, or a vessel defined in section 462A.2, is an aggravated misdemeanor for a first offense. A second or subsequent conviction under this section subsection is punishable under subsection 1.

Sec. 54. Section 713.6B, subsection 2, Code Supplement 2001, is amended to read as follows:

2. Attempted burglary in the third degree involving an attempted burglary of an unoccupied motor vehicle or motor truck as defined in section 321.1, or a vessel defined in section 462A.2, is a serious misdemeanor for a first offense. A second or subsequent conviction under this section subsection is punishable under subsection 1.

Sec. 55. Section 902.9, unnumbered paragraph 2, Code Supplement 2001, is amended to read as follows:

The criminal penalty surcharge required by sections 911.2 and 911.3 shall be added to a fine imposed on a class "C" or class "D" felon, as provided by ~~that section~~ those sections, and is not a part of or subject to the maximums set in this section.

Sec. 56. Section 907.3, subsection 1, paragraph m, Code Supplement 2001, is amended to read as follows:

m. The offense sentence is for a determinate term of confinement or an additional indeterminate term of years as provided in section 902.3A.

Sec. 57. Section 907.3, subsection 2, paragraph g, Code Supplement 2001, is amended to read as follows:

g. The offense sentence is for a determinate term of confinement or an additional indeterminate term of years as provided in section 902.3A.

2001 IOWA ACTS AMENDMENTS

Sec. 58. Section 542D.4, subsection 1, as enacted by 2001 Iowa Acts, chapter 55, section 4, is amended to read as follows:

1. An Iowa accountancy examining board is created within the professional licensing and regulation division of the department of commerce to administer and enforce this chapter. The board shall consist of eight members, appointed by the governor and subject to senate confirmation, all of whom shall be residents of this state. Five of the eight members shall be holders of certificates issued under section 542D.6, one member shall be the holder of a license issued under section 542D.8, and two shall not be certified public accountants or licensed public accountants and shall represent the general public. ~~Not fewer than~~ At least three of the holders of certificates issued under section 542D.6 shall also be qualified to supervise attest services as provided in section 542D.7. A certified or licensed member of the board shall be actively engaged in practice as a certified public accountant or as a licensed public accountant and shall have been so engaged for five years preceding appointment, the last two of which shall have been in this state. Professional associations or societies composed of certified public accountants or licensed public accountants may recommend the names of potential board members to the governor. However, the governor is not bound by the recommendations. A board member is not required to be a member of any professional association or society composed of certified public accountants or licensed public accountants. The term of each member of the board shall be three years, as designated by the governor, and appointments to the board are subject to the requirements of sections 69.16, 69.16A, and 69.19. Members of

the board appointed and serving pursuant to chapter 542C, Code 2001, on the effective date of this Act shall serve out the terms for which they were appointed. Vacancies occurring during a term shall be filled by appointment by the governor for the unexpired term. Upon the expiration of the member's term of office, a member shall continue to serve until a successor shall have been appointed and taken office. The public members of the board shall be allowed to participate in administrative, clerical, or ministerial functions incident to giving the examinations, but shall not determine the content or determine the correctness of the answers. The licensed public accountant member shall not determine the content of the certified public accountant examination or determine the correctness of the answers. Any member of the board whose certificate under section 542D.6 or license under section 542D.8 is revoked or suspended shall automatically cease to be a member of the board, and the governor may, after a hearing, remove any member of the board for neglect of duty or other just cause. A person who has served three successive complete terms shall not be eligible for reappointment, but appointment to fill an unexpired term shall not be considered a complete term for this purpose.

Sec. 59. Section 257.14, subsection 1, Code 2001, as amended by 2001 Iowa Acts, chapter 126, section 9, is amended to read as follows:

1. For the budget year commencing July 1, 2001, if the department of management determines that the regular program district cost of a school district for a budget year is less than the total of the regular program district cost plus any adjustment added under this section for the base year for that school district, the school district shall be eligible to receive a budget adjustment for that district for that budget year up to an amount equal to the difference. The board of directors of a school district that wishes to receive a budget adjustment pursuant to this subsection shall, notwithstanding

the public notice and hearing provisions of chapter 24 or any other provision to the contrary, within thirty days following the effective date of this section of this Act, adopt a resolution to receive the budget adjustment and immediately notify the department of management of the adoption of the resolution and the amount of the budget adjustment to be received.

Sec. 60. 2001 Iowa Acts, chapter 153, section 16, is amended to read as follows:

SEC. 16. Sections 103A.9, 135I.4, 306C.10, 321.251, 331.301, 335.30, 414.28, 422.42, 427.1, 435.22, 435.23, 435.24, 435.26, 435.27, 435.28, 435.34, 435.35, 441.17, 555B.1, 555C.2, 555C.3, 555C.4, 557B.1, 562B.1, 562B.13, 562B.14, ~~562B.15~~, 562B.16, 562B.17, 562B.18, 562B.19, 562B.22, ~~562B.23~~, 562B.24, 562B.32, 648.22A, and 648.22B, Code 2001, are amended by inserting before the words "mobile home park" or "park" the words "manufactured home community or".

Sec. 61. 2001 Iowa Acts, chapter 183, section 20, the amending clause, is amended to read as follows:

Section ~~169-4~~ 169A.4, Code 2001, is amended to read as follows:

Sec. 62. 2001 Iowa Acts, chapter 185, section 48, subsection 2, is amended to read as follows:

2. Until bond proceeds are received by the tobacco settlement authority and deposited in the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund, payments for costs incurred for projects for which appropriations are made in section 25 ~~of this division~~ of this Act may be made from the rebuild Iowa infrastructure fund. Upon receipt of bond proceeds and deposit of the proceeds in the tax-exempt bond proceeds restricted capital funds account, such payments shall be reimbursed to the rebuild Iowa infrastructure fund from the tax-exempt bond proceeds restricted capital funds account, subject, however, to any applicable limitations on the use of

the proceeds as provided in the Internal Revenue Code and this Act.

Sec. 63. 2001 Iowa Acts, chapter 189, section 11, is amended by striking the section and inserting in lieu thereof the following:

SEC. 11. Section 304.13A, subsection 1, Code 2001, is amended to read as follows:

1. ~~An agency required to compile and maintain a report which produces or makes available for public inspection written reports or newsletters~~ on and after July 1, 2001, shall maintain such report or newsletter in an electronic form, giving consideration to the standards for electronic records recommended by the information technology department. Such agency, by itself, or with the assistance of the information technology department, shall also make the report or newsletter accessible to the public through the internet as provided in subsection 2 and through other electronic means.

Sec. 64. 2001 Iowa Acts, chapter 189, is amended by adding the following new section:

NEW SECTION. SEC. 11A. Section 304.13A, subsection 2, unnumbered paragraph 1, Code 2001, is amended to read as follows:

A copy of all required agency reports or newsletters maintained pursuant to subsection 1 shall be located at an internet site maintained by the information technology department in consultation with the state librarian, and all required such reports or newsletters shall be placed on electronic media. The state librarian shall provide for the distribution of such copies to a public library in this state requesting such copy.

Sec. 65. EFFECTIVE DATES -- RETROACTIVE APPLICABILITY.

1. The section of this Act amending section 257.14, subsection 1, as amended by 2001 Iowa Acts, chapter 126, section 9, takes effect upon enactment and is retroactively applicable to May 9, 2001.

2. The section of this Act amending 2001 Iowa Acts, chapter 153, section 16, 2001 Iowa Acts, chapter 183, section 20, and 2001 Iowa Acts, chapter 189, section 11, and amending 2001 Iowa Acts, chapter 189, by adding a new section take effect upon enactment and are retroactively applicable on and after July 1, 2001.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2201, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/1, 2002

THOMAS J. VILSACK
Governor