

Miller, King, Fraise

SSB 3099  
Judiciary

Succeeded By  
SF/HF 2275

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

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

A BILL FOR

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

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

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DIVISION I

1  
2 Section 1. Section 7A.20, subsection 1, Code Supplement  
3 2001, is amended by striking the subsection.

4 Sec. 2. Section 9E.15, Code Supplement 2001, is amended to  
5 read as follows:

6 9E.15 SHORT FORMS.

7 The following short form certificates of notarial acts are  
8 sufficient for the purposes indicated, if completed with the  
9 information required by section 9E.14, subsection 1.

10 1. For an acknowledgment in an individual capacity:

11 State of .....

12 (County) of .....

13 This instrument was acknowledged before me on

14 ..... by .....

15 (date) (name(s) of person(s))

16 .....

17 (signature of notarial officer)

18 (Stamp or Seal)

19 .....

20 Title (and Rank)

21 {My-commission-expires:---}

22 2. For an acknowledgment in a representative capacity:

23 State of .....

24 (County) of .....

25 This instrument was acknowledged before me on (date) by

26 (name(s) of person(s)) as (type of authority, e.g., officer,

27 trustee, etc.) of (name of party on behalf of whom instrument

28 was executed).

29 .....

30 (signature of notarial officer)

31 (Stamp or Seal)

32 .....

33 Title (and Rank)

34 {My-commission-expires:---}

35 3. For a verification upon oath or affirmation:

1 State of .....

2 (County) of .....

3 Signed and sworn to (or affirmed) before me on

4 ..... by .....

5 (date) (name(s) of person(s)

6 making statement)

7 .....

8 (signature of notarial officer)

9 (Stamp or Seal)

10 .....

11 Title (and Rank)

12 {My-commission-expires:---}

13 4. For witnessing or attesting a signature:

14 State of .....

15 (County) of .....

16 Signed or attested before me on

17 ..... by .....

18 (date) (name(s) of person(s))

19 .....

20 (signature of notarial officer)

21 (Stamp or Seal)

22 .....

23 Title (and Rank)

24 {My-commission-expires:---}

25 5. For attestation of a copy of a document:

26 State of .....

27 (County) of .....

28 I certify that this is a true and correct copy of a

29 document in the possession of .....

30 Dated .....

31 .....

32 (signature of notarial officer)

33 (Stamp or Seal)

34 .....

35 Title (and Rank)

1 ~~{My-commission-expires--}~~

2 Sec. 3. Section 12.72, subsection 4, paragraph d, Code  
3 Supplement 2001, is amended to read as follows:

4 d. To assure the continued solvency of any bonds secured  
5 by the bond reserve fund, provision is made in paragraph "a"  
6 for the accumulation in each bond reserve fund of an amount  
7 equal to the bond reserve fund requirement for the fund. In  
8 order further to assure maintenance of the bond reserve funds,  
9 the treasurer shall, on or before January 1 of each calendar  
10 year, make and deliver to the governor the treasurer's  
11 certificate stating the sum, if any, required to restore each  
12 bond reserve fund to the bond reserve fund requirement for  
13 that fund. Within thirty days after the beginning of the  
14 session of the general assembly next following the delivery of  
15 the certificate, the governor shall submit to both houses  
16 printed copies of a budget including the sum, if any, required  
17 to restore each bond reserve fund to the bond reserve fund  
18 requirement for that fund. Any sums appropriated by the  
19 general assembly and paid to the treasurer pursuant to this  
20 subsection shall be deposited by the ~~authority~~ treasurer in  
21 the applicable bond reserve fund.

22 Sec. 4. Section 12.82, subsection 4, paragraph d, Code  
23 Supplement 2001, is amended to read as follows:

24 d. To assure the continued solvency of any bonds secured  
25 by the bond reserve fund, provision is made in paragraph "a"  
26 for the accumulation in each bond reserve fund of an amount  
27 equal to the bond reserve fund requirement for the fund. In  
28 order further to assure maintenance of the bond reserve funds,  
29 the treasurer shall, on or before January 1 of each calendar  
30 year, make and deliver to the governor the treasurer's  
31 certificate stating the sum, if any, required to restore each  
32 bond reserve fund to the bond reserve fund requirement for  
33 that fund. Within thirty days after the beginning of the  
34 session of the general assembly next following the delivery of  
35 the certificate, the governor shall submit to both houses

1 printed copies of a budget including the sum, if any, required  
2 to restore each bond reserve fund to the bond reserve fund  
3 requirement for that fund. Any sums appropriated by the  
4 general assembly and paid to the treasurer pursuant to this  
5 subsection shall be deposited by the authority treasurer in  
6 the applicable bond reserve fund.

7 Sec. 5. Section 15.333, subsections 1 and 2, Code  
8 Supplement 2001, are amended to read as follows:

9 1. An eligible business may claim a corporate tax credit  
10 up to a maximum of ten percent of the new investment which is  
11 directly related to new jobs created by the location or  
12 expansion of an eligible business under the program. Any  
13 credit in excess of the tax liability for the tax year may be  
14 credited to the tax liability for the following seven years or  
15 until depleted, whichever occurs earlier. Subject to prior  
16 approval by the department of economic development in  
17 consultation with the department of revenue and finance, an  
18 eligible business whose project primarily involves the  
19 production of value-added agricultural products may elect to  
20 receive a refund of all or a portion of an unused tax credit.  
21 For purposes of this section, an eligible business includes a  
22 cooperative described in section 521 of the Internal Revenue  
23 Code which is not required to file an Iowa corporate income  
24 tax return, and whose project primarily involves the  
25 production of ethanol. The refund may be used against a tax  
26 liability imposed under chapter 422, division II, III, or V.  
27 If the business is a partnership, subchapter S corporation,  
28 limited liability company, or estate or trust electing to have  
29 the income taxed directly to the individual, an individual may  
30 claim the tax credit allowed. The amount claimed by the  
31 individual shall be based upon the pro rata share of the  
32 individual's earnings of the partnership, subchapter S  
33 corporation, limited liability company, or estate or trust.  
34 For purposes of this section, "new investment directly related  
35 to new jobs created by the location or expansion of an

1 eligible business under the program" means the cost of  
2 machinery and equipment, as defined in section 427A.1,  
3 subsection 1, paragraphs "e" and "j", purchased for use in the  
4 operation of the eligible business, the purchase price of  
5 which has been depreciated in accordance with generally  
6 accepted accounting principles, and the cost of improvements  
7 made to real property which is used in the operation of the  
8 eligible business.

9     2. An eligible business whose project primarily involves  
10 the production of value-added agricultural products, that  
11 elects to receive a refund of all or a portion of an unused  
12 tax credit, shall apply to the department of economic  
13 development for tax credit certificates. An eligible business  
14 whose project primarily involves the production of value-added  
15 agricultural products shall not claim a tax credit under this  
16 section unless a tax credit certificate issued by the  
17 department of economic development is attached to the  
18 taxpayer's tax return for the tax year ~~during~~ for which the  
19 tax credit is claimed. For purposes of this section, an  
20 eligible business includes a cooperative described in section  
21 521 of the Internal Revenue Code which is not required to file  
22 an Iowa corporate income tax return, and whose project  
23 primarily involves the production of ethanol. A tax credit  
24 certificate shall not be valid until the tax year following  
25 the date of the project completion. A tax credit certificate  
26 shall contain the taxpayer's name, address, tax identification  
27 number, the date of project completion, the amount of the tax  
28 credit, other information required by the department of  
29 revenue and finance. The department of economic development  
30 shall not issue tax credit certificates which total more than  
31 four million dollars during a fiscal year. If the department  
32 receives applications for tax credit certificates in excess of  
33 four million dollars, the applicants shall receive  
34 certificates for a prorated amount. The tax credit  
35 certificates shall not be transferred. For a cooperative

1 described in section 521 of the Internal Revenue Code that is  
2 not required to file an Iowa corporate income tax return, the  
3 department of economic development shall require that the  
4 cooperative submit a list of its members and the share of each  
5 member's interest in the cooperative. The department shall  
6 issue a tax credit certificate to each member contained on the  
7 submitted list.

8 Sec. 6. NEW SECTION. 15E.1 DEFINITION.

9 As used in this chapter, unless the context otherwise  
10 requires, "department" means the Iowa department of economic  
11 development.

12 Sec. 7. Section 15E.193C, subsection 7, paragraph c, Code  
13 Supplement 2001, is amended to read as follows:

14 c. The county or city for which an eligible enterprise  
15 zone is certified may exempt from all property taxation all or  
16 a portion of the value added to the property upon which an  
17 eligible development business constructs, expands, or  
18 rehabilitates property in an enterprise zone. The amount of  
19 value added for purposes of this paragraph shall be the amount  
20 of the increase in assessed valuation of the property  
21 following the construction, expansion, or rehabilitation by  
22 the development business in the enterprise zone. If an  
23 exemption provided pursuant to this paragraph is made  
24 applicable to only a portion of the property within an  
25 enterprise zone, the definition of that subset of eligible  
26 property must be by uniform criteria that further some  
27 planning objective established by the city or county  
28 enterprise zone commission and approved by the city or county.  
29 The exemption may be allowed for a period not to exceed ten  
30 years beginning the year the eligible development business  
31 enters into an agreement with the county or city to construct,  
32 expand, or rehabilitate property in an enterprise zone.

33 Sec. 8. Section 84A.4, subsection 3, Code Supplement 2001,  
34 is amended to read as follows:

35 3. Section 84A.1A, subsections 2, 3, and 5, apply to the

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

10 Sec. 9. Section 85A.20, Code Supplement 2001, is amended  
11 to read as follows:

12 85A.20 INVESTIGATION.

13 The workers' compensation commissioner may designate the  
14 industrial hygiene physician of the Iowa department of public  
15 health and two physicians selected by the dean of the  
16 university of Iowa college of medicine, from the staff of the  
17 college, who shall be qualified to diagnose and report on  
18 occupational diseases. For the purpose of investigating  
19 occupational diseases, the physicians shall have the use,  
20 without charge, of all necessary laboratory and other  
21 facilities of the university of Iowa college of medicine and  
22 of the university hospital at the state university of Iowa,  
23 and of the Iowa department of public health in performing ~~its~~  
24 the physicians' duties.

25 Sec. 10. Section 88.5, subsection 7, Code Supplement 2001,  
26 is amended to read as follows:

27 7. SPECIAL VARIANCE. Where there are conflicts with  
28 standards, rules, or regulations promulgated by any federal  
29 agency other than the United States department of labor,  
30 special variances from standards, rules, or regulations  
31 promulgated under this chapter may be granted to avoid such  
32 regulatory conflicts. Such variances shall take into  
33 consideration the safety of the employees involved.  
34 Notwithstanding any other provision of this chapter, and with  
35 respect to this paragraph subsection, any employer seeking

1 relief under this provision must file an application with the  
2 commissioner and the commissioner shall forthwith hold a  
3 hearing at which employees or other interested persons,  
4 including representatives of the federal regulatory agencies  
5 involved, may appear and, upon the showing that such a  
6 conflict indeed exists, the commissioner may issue a special  
7 variance until the conflict is resolved.

8 Sec. 11. Section 123.14, subsection 2, Code 2001, is  
9 amended to read as follows:

10 2. The other law enforcement divisions of the department  
11 of public safety, the county attorney, the county sheriff and  
12 the sheriff's deputies, and the police department of every  
13 city, and the alcoholic beverages division of the department  
14 of inspections-and-appeals commerce, shall be supplementary  
15 aids to the division of beer and liquor law enforcement. Any  
16 neglect, misfeasance, or malfeasance shown by any peace  
17 officer included in this section shall be sufficient cause for  
18 the peace officer's removal as provided by law. Nothing in  
19 this section shall be construed to affect the duties and  
20 responsibilities of any county attorney or peace officer with  
21 respect to law enforcement.

22 Sec. 12. Section 124C.1, unnumbered paragraph 1, Code  
23 2001, is amended to read as follows:

24 As used in this section chapter, unless the context clearly  
25 requires otherwise:

26 Sec. 13. Section 135.63, subsection 4, Code 2001, is  
27 amended by striking the subsection.

28 Sec. 14. Section 154.6, Code Supplement 2001, is amended  
29 to read as follows:

30 154.6 EXPIRATION AND RENEWAL OF LICENSES.

31 Every license to practice optometry shall expire in  
32 multiyear intervals as determined by the board. Application  
33 for renewal of such license shall be made in writing to the  
34 Iowa department of public health at least thirty days prior to  
35 the expiration date, accompanied by the required renewal fee

1 and ~~the licensee shall submit~~ accompanied by evidence of the  
2 licensee's attendance of continuing education programs in this  
3 field.

4 Sec. 15. Section 154A.9, Code Supplement 2001, is amended  
5 to read as follows:

6 154A.9 APPLICATIONS.

7 Applications for licensure or for a temporary permit shall  
8 be on forms prescribed and furnished by the board and shall  
9 not require that a recent photograph of the applicant be  
10 attached to the application form. An applicant shall not be  
11 ineligible for certification because of age, citizenship, sex,  
12 race, religion, marital status or national origin although the  
13 application may require citizenship information. The board  
14 may consider the past felony record of an applicant only if  
15 the felony conviction relates directly to the practice of  
16 fitting or selection and sale of hearing aids. Character  
17 references may be required, but shall not be obtained from  
18 licensed hearing aid dispensers.

19 Sec. 16. Section 154A.20, subsection 3, Code Supplement  
20 2001, is amended to read as follows:

21 3. Whenever any of the following conditions are found to  
22 exist either from observations by the licensed hearing aid  
23 dispenser or person holding a temporary permit or on the basis  
24 of information furnished by a prospective hearing aid user,  
25 the hearing aid dispenser or person holding a temporary permit  
26 shall, prior to fitting and selling a hearing aid to any  
27 individual, suggest to that individual in writing that the  
28 individual's best interests would be served if the individual  
29 would consult a licensed physician specializing in diseases of  
30 the ear, or if no such licensed physician is available in the  
31 community, then to a duly licensed physician:

- 32 a. Visible congenital or traumatic deformity of the ear.  
33 b. History of, or active drainage from the ear within the  
34 previous ninety days.  
35 c. History of sudden or rapidly progressive hearing loss

1 within the previous ninety days.

2 d. Acute or chronic dizziness.

3 e. Unilateral hearing loss of sudden or recent onset  
4 within the previous ninety days.

5 f. Significant air-bone gap (greater than or equal to 15dB  
6 ANSI 500, 1000 and 2000 Hz. average).

7 g. Obstruction of the ear canal, either by structures of  
8 undetermined origin, such as foreign bodies, impacted cerumen,  
9 redness, swelling, or tenderness from localized infections of  
10 the otherwise normal ear canal.

11 Sec. 17. Section 154A.20, subsection 5, Code Supplement  
12 2001, is amended to read as follows:

13 5. No hearing aid shall be sold by any individual licensed  
14 under this ~~bill~~ chapter to a person twelve years of age or  
15 younger, unless within the preceding six months a  
16 recommendation for a hearing aid has been made by a physician  
17 specializing in otolaryngology. A replacement of an identical  
18 hearing aid within one year shall be an exception to this  
19 requirement.

20 Sec. 18. Section 154A.23, unnumbered paragraph 1, Code  
21 Supplement 2001, is amended to read as follows:

22 Any person wishing to make a complaint against a licensee  
23 or holder of a temporary permit shall file a written statement  
24 with the board within twelve months from the date of the  
25 action upon which the complaint is based. If the board  
26 determines that the complaint alleges facts which, if proven,  
27 would be cause for the suspension or revocation of the license  
28 of the licensee or the permit of the holder of a temporary  
29 permit, it shall make an order fixing a time and place for a  
30 hearing and requiring the licensee or holder of a temporary  
31 permit complained against to appear and defend. The order  
32 shall contain a copy of the complaint, and the order and copy  
33 of the complaint shall be served upon the licensee or holder  
34 of a temporary permit at least twenty days before the date set  
35 for hearing, either personally or as provided in section

1 154A.21. Continuance or adjournment of a hearing date may be  
2 made for good cause. At the hearing the licensee or holder of  
3 a temporary permit may be represented by counsel. The  
4 licensee or holder of a temporary permit and the board may  
5 take depositions in advance of hearing and after service of  
6 the complaint, and either may compel the attendance of  
7 witnesses by subpoenas issued by the board. The board shall  
8 issue such subpoenas at the request of a licensee or holder of  
9 a temporary permit. Either party taking depositions shall  
10 give at least five days' written notice to the other party of  
11 the time and place of such depositions, and the other party  
12 may attend, with counsel, if desired, and cross-examine.

13 Sec. 19. Section 161B.1, subsection 2, Code 2001, is  
14 amended by striking the subsection.

15 Sec. 20. Section 163.6, subsection 1, paragraph a, Code  
16 Supplement 2001, is amended to read as follows:

17 a. "Department" means the department of agriculture and  
18 land stewardship ~~or unless~~ the United States department of  
19 agriculture is otherwise specified.

20 Sec. 21. Section 163.51, subsection 4, paragraph b, Code  
21 Supplement 2001, is amended to read as follows:

22 b. Upon the request of the executive council, the  
23 department shall develop and submit a plan to the executive  
24 council that compensates an owner ~~of~~ for property, other than  
25 an animal, that is inadvertently destroyed by the department  
26 as a result of the department's regulation of activities in a  
27 quarantined area. The plan shall not be implemented without  
28 the approval of at least three members of the executive  
29 council. The payment of the compensation under the plan shall  
30 be made in the same manner as provided in section 163.15. The  
31 owner may submit a claim for compensation prior to the plan's  
32 implementation. The executive council may apply the plan  
33 retroactively, but not earlier than June 1, 2001.

34 Sec. 22. Section 165A.4, Code Supplement 2001, is amended  
35 to read as follows:

1 165A.4 INFECTED CATTLE.

2 The owner of infected cattle shall mark the cattle by  
3 punching the letter "C" through the right ears of the cattle  
4 as required by the department. A person shall not sell  
5 infected cattle other than directly to a slaughtering  
6 establishment, or to a concentration point for sale directly  
7 to a slaughtering establishment, for immediate slaughter.  
8 Cattle marked with a letter "C" that are kept at a  
9 concentration point ~~must~~ shall be kept separate and apart.

10 Sec. 23. Section 169A.13, Code Supplement 2001, is amended  
11 to read as follows:

12 169A.13 RENEWAL OF BRAND AND FEE.

13 Each owner of a brand which is recorded pursuant to section  
14 169A.4 shall renew the brand ~~each-fifth-year~~ every five years  
15 after originally recording the brand and pay a renewal fee.  
16 The amount of the renewal fee is twenty-five dollars. The  
17 secretary shall notify every owner of a brand of record at  
18 least thirty days prior to the date of the renewal period. If  
19 the owner of a brand of record does not renew the brand and  
20 pay the renewal fee within six months after it is due, the  
21 owner shall forfeit the brand and the brand shall no longer be  
22 recorded. A forfeited brand shall not be issued to any other  
23 person for five years following date of forfeiture.

24 Sec. 24. Section 173.1A, unnumbered paragraph 1, Code  
25 Supplement 2001, is amended to read as follows:

26 As used in this ~~section~~ chapter, unless the context  
27 otherwise requires:

28 Sec. 25. Section 175A.2, subsection 4, Code Supplement  
29 2001, is amended to read as follows:

30 4. Members are not entitled to receive compensation or  
31 reimbursement of expenses from the department ~~as-otherwise~~  
32 provided notwithstanding anything to the contrary in section  
33 7E.6.

34 Sec. 26. Section 175A.3, subsection 2, paragraph e, Code  
35 Supplement 2001, is amended to read as follows:

1 e. Approve Propose rules proposed for adoption by the  
2 department ~~for-adoption~~ pursuant to chapter 17A required for  
3 the administration of this chapter.

4 Sec. 27. Section 216B.4, unnumbered paragraph 1, Code  
5 2001, is amended to read as follows:

6 The ~~administrater~~ director may accept financial aid from  
7 the government of the United States for carrying out  
8 rehabilitation and physical restoration of the blind and for  
9 providing library services to persons who are blind and  
10 persons with physical disabilities.

11 Sec. 28. Section 225.12, Code 2001, is amended to read as  
12 follows:

13 225.12 VOLUNTARY PUBLIC PATIENT -- PHYSICIAN'S REPORT.

14 A physician filing ~~an~~ information under section 225.10  
15 shall include a written report to the judge, giving such a  
16 history of the case as will be likely to aid in the  
17 observation, treatment, and hospital care of the person named  
18 in the information and describing the same in detail.

19 Sec. 29. Section 225.30, Code Supplement 2001, is amended  
20 to read as follows:

21 225.30 BLANKS -- AUDIT.

22 The medical faculty of the university of Iowa college of  
23 medicine shall prepare blanks containing such questions and  
24 requiring such information as may be necessary and proper to  
25 be obtained by the physician who examines a person or  
26 respondent whose referral to the state psychiatric hospital is  
27 contemplated. A judge may request that a physician who  
28 examines a respondent as required by section 229.10 complete  
29 such blanks in duplicate in the course of the examination. A  
30 physician who proposes to file ~~an~~ information under section  
31 225.10 shall obtain and complete such blanks in duplicate and  
32 file them with the information. The blanks shall be printed  
33 by the state and a supply thereof shall be sent to the clerk  
34 of each district court of the state. The director of revenue  
35 and finance shall audit, allow, and pay the cost of the blanks

1 as other bills for public printing are allowed and paid.

2 Sec. 30. Section 225B.7, subsection 2, Code Supplement  
3 2001, is amended by striking the subsection.

4 Sec. 31. Section 229.14, subsection 2, paragraph d, Code  
5 Supplement 2001, is amended to read as follows:

6 d. If the court orders treatment of the respondent on an  
7 outpatient or other appropriate basis as described in the  
8 chief medical officer's report pursuant to subsection 1,  
9 paragraph "c", the order shall provide that, should the  
10 respondent fail or refuse to submit to treatment in accordance  
11 with the court's order, the court may order that the  
12 respondent be taken into immediate custody as provided by  
13 section 229.11 and, following notice and hearing held in  
14 accordance with the procedures of section 229.12, may order  
15 the respondent treated as on an inpatient basis requiring  
16 full-time custody, care, and treatment in a hospital until  
17 such time as the chief medical officer reports that the  
18 respondent does not require further treatment for serious  
19 mental impairment or has indicated the respondent is willing  
20 to submit to treatment on another basis as ordered by the  
21 court. If a patient is transferred for treatment to another  
22 provider under this paragraph, the treatment provider who will  
23 be providing the outpatient or other appropriate treatment  
24 shall be provided with copies of relevant court orders by the  
25 former treatment provider.

26 Sec. 32. Section 233.1, subsection 2, paragraph a, Code  
27 Supplement 2001, is amended to read as follows:

28 a. "Institutional health facility" means a hospital as  
29 defined in section 135B.1, including a facility providing  
30 medical or health services that is open twenty-four hours per  
31 day, seven days per week and is a hospital emergency room, or  
32 a health care facility as defined in section 135C.1.

33 Sec. 33. Section 233.6, subsection 2, Code Supplement  
34 2001, is amended to read as follows:

35 2. Educational materials, public information

1 announcements, and other resources to develop awareness of the  
2 availability of the newborn safe haven Act, among adolescents,  
3 young parents, and others who might avail themselves of the  
4 Act this chapter.

5 Sec. 34. Section 235B.16, subsection 5, paragraph e, Code  
6 Supplement 2001, is amended to read as follows:

7 e. A person required to complete both child abuse and  
8 dependent adult abuse mandatory reporter training may complete  
9 the training through a program which combines child abuse and  
10 dependent adult abuse curricula and thereby meet the training  
11 requirements of both this subsection and section 232.69  
12 simultaneously. A person who is a mandatory reporter for both  
13 child abuse and dependent adult abuse may satisfy the combined  
14 training requirements of this subsection and section 232.69  
15 through completion of a two-hour training program, if the  
16 training program curriculum is approved by the appropriate  
17 licensing or examining board or the abuse education review  
18 panel established by the director of public health pursuant to  
19 section 135.11.

20 Sec. 35. Section 236.3, unnumbered paragraph 2, Code  
21 Supplement 2001, is amended to read as follows:

22 The filing fee and court costs for an order for protection  
23 under this chapter shall be waived for the plaintiff. The  
24 clerk of court, the sheriff of any county in this state, and  
25 other law enforcement and corrections officers shall perform  
26 their duties relating to service of process without charge to  
27 the petitioner plaintiff. When an order for protection is  
28 entered by the court, the court may direct the defendant to  
29 pay to the clerk of court the plaintiff's-filing fees for the  
30 filing of the petition and reasonable costs of service of  
31 process if the court determines the defendant has the ability  
32 to pay the plaintiff's fees and costs.

33 Sec. 36. Section 263A.2, Code 2001, is amended to read as  
34 follows:

35 263A.2 ~~LEGISLATIVE-APPROVAL-BEFORE-ACTING-HEREUNDER~~

1 AUTHORIZATION OF GENERAL ASSEMBLY AND GOVERNOR.

2 Subject to and in accordance with the provisions of this  
3 chapter, the state board of regents after authorization by a  
4 constitutional majority of the general assembly and approval  
5 by the governor may undertake and carry out any project as  
6 defined in this chapter at the state university of Iowa. The  
7 state board of regents is authorized to operate, control,  
8 maintain, and manage buildings and facilities and additions to  
9 such buildings and facilities at said institution. All  
10 contracts for the construction, reconstruction, completion,  
11 equipment, improvement, repair, or remodeling of any  
12 buildings, additions, or facilities shall be let in accordance  
13 with the provisions of section 262.34. The title to all real  
14 estate acquired under the provisions of this chapter and the  
15 improvements erected thereon shall be taken and held in the  
16 name of the state of Iowa.

17 Sec. 37. Section 294A.14, unnumbered paragraph 12, Code  
18 Supplement 2001, is amended to read as follows:

19 For purposes of this section, "comprehensive school  
20 transformation" means activities which focus on the  
21 improvement of student achievement and the attainment of  
22 student achievement goals under section 256.7, subsection 21,  
23 and section 280.12. A comprehensive school transformation  
24 plan submitted by a school district shall demonstrate the  
25 manner in which the components of the plan are integrated with  
26 a school's student achievement goals. Components of the plan  
27 may include, but are not limited to, providing salary  
28 increases to teachers who implement site-based shared decision  
29 making, building-based goal-oriented compensation mechanism,  
30 or approved innovative educational programs; who focus on  
31 student outcomes; who direct accountability for student  
32 achievement or accountability for organizational success; and  
33 who work to foster relationships between a school and  
34 businesses or public agencies which provide health and social  
35 services.

1 Sec. 38. Section 303.2, subsection 2, paragraph k, Code  
2 Supplement 2001, is amended to read as follows:

3 k. Administer, preserve, and interpret the battle flag  
4 collection assembled by the state in consultation and  
5 coordination with the department commission of veterans  
6 affairs and the department of general services. A portion of  
7 the battle flag collection shall be on display at the state  
8 capitol and the state historical building at all times, unless  
9 on loan approved by the department of cultural affairs.

10 Sec. 39. Section 309.1, Code 2001, is amended by adding  
11 the following new subsections:

12 NEW SUBSECTION. 1A. "Bridge" includes any structure  
13 including supports, erected over a depression or an  
14 obstruction, as water, a highway, or railway. A bridge has a  
15 track or passageway for carrying traffic or other moving loads  
16 and has an opening measured along the center of the roadway of  
17 more than twenty feet. The measurement shall be between the  
18 inside faces of abutments, the inside faces of the exterior  
19 walls of multiple box culverts, the spring lines of arches,  
20 and the horizontal measurement of circular or elliptical  
21 structures.

22 a. The length of a bridge is the overall measurement from  
23 back to back of backwalls and abutments measured along the  
24 center of the roadway.

25 b. Multiple pipes, where the distance between openings is  
26 less than half the smaller contiguous opening, may be included  
27 as a bridge, provided the pipes meet the other definitional  
28 requirements for bridges in this subsection.

29 NEW SUBSECTION. 1B. "Culvert" includes any structure not  
30 classified as a bridge which provides an opening under any  
31 roadway, except that this term does not include tile crossing  
32 the road, or intakes thereto, where the tile are a part of a  
33 tile line or system designed to aid subsurface drainage.

34 Sec. 40. Section 309.41, unnumbered paragraph 1, Code  
35 2001, is amended to read as follows:

1 Contracts not embraced within the provisions of section  
2 309.40 or 309.40A shall be either advertised and let at a  
3 public letting; or, where the cost does not exceed the  
4 engineer's estimate, let through informal bid procedure by  
5 contacting at least three qualified bidders prior to letting  
6 the contract. The informal bids received together with a  
7 statement setting forth the reasons for use of the informal  
8 procedure and bid acceptance shall be entered in the minutes  
9 of the board of supervisors meeting at which such action was  
10 taken.

11 Sec. 41. Section 321.34, subsection 12A, unnumbered  
12 paragraph 1, Code Supplement 2001, is amended to read as  
13 follows:

14 An owner of a vehicle referred to in subsection 12 who  
15 applies for any type of special registration plates associated  
16 with service in the United States armed forces shall be issued  
17 one set of the special registration plates at no charge, but  
18 shall be subject to the annual registration fee of fifteen  
19 dollars, if all of the following conditions are met:

20 Sec. 42. Section 321.46, subsection 2, Code Supplement  
21 2001, is amended to read as follows:

22 2. Upon filing the application for a new registration and  
23 a new title, the applicant shall pay a title fee of ten  
24 dollars and a registration fee prorated for the remaining  
25 unexpired months of the registration year. A manufacturer  
26 applying for a certificate of title pursuant to section  
27 322G.12 shall pay a title fee of two dollars. However, a  
28 title fee shall not be charged to a manufactured or mobile  
29 home retailer applying for a certificate of title for a used  
30 mobile home or manufactured home, titled in Iowa, as required  
31 under section 321.45, subsection 4. The county treasurer, if  
32 satisfied of the genuineness and regularity of the  
33 application, and in the case of a mobile home or manufactured  
34 home, that taxes are not owing under chapter 435, and that  
35 applicant has complied with all the requirements of this

1 chapter, shall issue a new certificate of title and, except  
2 for a mobile home, manufactured home, or a vehicle returned to  
3 and accepted by a manufacturer as described in section  
4 322G.12, a registration card to the purchaser or transferee,  
5 shall cancel the prior registration for the vehicle, and shall  
6 forward the necessary copies to the department on the date of  
7 issuance, as prescribed in section 321.24. Mobile homes or  
8 manufactured homes titled under chapter 448 that have been  
9 subject under section 446.18 to a public bidder sale in a  
10 county shall be titled in the county's name, with no fee, and  
11 the county treasurer shall issue the title.

12 Sec. 43. Section 321.49, subsection 3, Code Supplement  
13 2001, is amended to read as follows:

14 3. A manufactured or mobile home retailer who acquires a  
15 used mobile home or manufactured home, titled in Iowa, and who  
16 does not apply for and obtain a certificate of title from the  
17 county treasurer of the manufactured or mobile home retailer's  
18 county of residence within thirty days of the date of  
19 acquisition, as required under section 321.45, subsection 4,  
20 is subject to a penalty of ten dollars. A certificate of  
21 title shall not be issued to the manufactured or mobile home  
22 retailer until the penalty is paid.

23 Sec. 44. Section 321.56, subsection 1, unnumbered  
24 paragraph 1, Code Supplement 2001, is amended to read as  
25 follows:

26 The operator of a commercial motor vehicle which is not  
27 registered within the state as required pursuant to this  
28 chapter or chapter 326 or which does not have an interstate  
29 fuel permit, as required under chapter 452A, may enter the  
30 state and travel to a commercial vehicle dealer or repair  
31 facility and exit the state under if all of the following  
32 circumstances apply:

33 Sec. 45. Section 321.104, subsection 6, Code Supplement  
34 2001, is amended to read as follows:

35 6. For a ~~dealer~~ manufactured or mobile home retailer to

1 sell or transfer a mobile home or manufactured home without  
2 delivering to the purchaser or transferee a certificate of  
3 title or a manufacturer's or importer's certificate properly  
4 assigned to the purchaser, or to transfer a mobile home or  
5 manufactured home without disclosing to the purchaser the  
6 owner of the mobile home or manufactured home in a manner  
7 prescribed by the department pursuant to rules, ~~or to fail to~~  
8 ~~certify within seven days to the proper county treasurer the~~  
9 ~~information required under section 321.457, subsection 4,~~ or to  
10 fail to apply for and obtain a certificate of title for a used  
11 mobile home or manufactured home, titled in Iowa, acquired by  
12 the ~~dealer~~ manufacturer or mobile home retailer within thirty  
13 days from the date of acquisition as required under section  
14 321.45, subsection 4.

15 Sec. 46. Section 321.445, subsection 2, unnumbered  
16 paragraph 3, Code Supplement 2001, is amended by striking the  
17 unnumbered paragraph.

18 Sec. 47. Section 336.16, unnumbered paragraph 1, Code  
19 Supplement 2001, is amended to read as follows:

20 A city may withdraw from the library district upon a  
21 majority vote in favor of withdrawal by the electorate of the  
22 city in an election held on a motion by the city council. The  
23 election shall be held simultaneously with a general or city  
24 election. Notice of a favorable vote to withdraw shall be  
25 sent by certified mail to the board of library trustees of the  
26 library district and the county auditor or city ~~auditor~~ clerk,  
27 as appropriate, prior to January 10, and the withdrawal shall  
28 be effective on July 1.

29 Sec. 48. Section 384.84A, subsection 2, unnumbered  
30 paragraph 1, Code Supplement 2001, is amended to read as  
31 follows:

32 If, before the date fixed for taking action to authorize  
33 the issuance of revenue bonds for the storm water drainage  
34 construction project, a petition signed by eligible electors  
35 residing within the city equal in number to at least three

1 percent of the registered voters of the city is filed, asking  
2 that the question of issuing revenue bonds for the storm water  
3 drainage construction project be submitted to the registered  
4 voters of the city, the council, by resolution, shall declare  
5 the project abandoned or shall direct the county commissioner  
6 of elections to call a special election upon the question of  
7 issuing the bonds for the storm water drainage construction  
8 project if the cost of the project and population of the city  
9 meet one of the following criteria:

10 Sec. 49. Section 422A.2, subsection 4, paragraph f,  
11 unnumbered paragraph 2, Code Supplement 2001, is amended to  
12 read as follows:

13 If at any time before the date fixed for taking action for  
14 the issuance of the bonds, a petition signed by eligible  
15 electors residing in the city or the unincorporated area equal  
16 in number to at least three percent of the registered voters  
17 of the city or unincorporated area is filed, asking that the  
18 question of issuing the bonds be submitted to the registered  
19 voters of the city or unincorporated area, the council or  
20 board of supervisors acting on behalf of an unincorporated  
21 area shall either by resolution declare the proposal to issue  
22 the bonds to have been abandoned or shall direct the county  
23 commissioner of elections to call a special election upon the  
24 question of issuing the bonds.

25 Sec. 50. Section 426.6, unnumbered paragraph 1, Code  
26 Supplement 2001, is amended to read as follows:

27 The agricultural land tax credit allowed each year shall be  
28 computed as follows: On or before April 1, the county auditor  
29 shall list by school districts all tracts of agricultural  
30 lands which ~~they~~ are entitled to credit, together with the  
31 taxable value for the previous year, together with the budget  
32 from each school district for the previous year, and the tax  
33 rate determined for the general fund of the district in the  
34 manner prescribed in section 444.3 for the previous year, and  
35 if such tax rate is in excess of five dollars and forty cents

1 per thousand dollars of assessed value, the auditor shall  
2 multiply the tax levy which is in excess of five dollars and  
3 forty cents per thousand dollars of assessed value by the  
4 total taxable value of the agricultural lands entitled to  
5 credit in the district, and on or before April 1, certify the  
6 amount to the department of revenue and finance.

7 Sec. 51. Section 427.1, subsection 14, unnumbered  
8 paragraph 1, Code Supplement 2001, is amended to read as  
9 follows:

10 A society or organization claiming an exemption under  
11 subsection 5, ~~or-subsection 8, or 33~~ shall file with the  
12 assessor not later than February 1 a statement upon forms to  
13 be prescribed by the director of revenue and finance,  
14 describing the nature of the property upon which the exemption  
15 is claimed and setting out in detail any uses and income from  
16 the property derived from the rentals, leases, or other uses  
17 of the property not solely for the appropriate objects of the  
18 society or organization. Upon the filing and allowance of the  
19 claim, the claim shall be allowed on the property for  
20 successive years without further filing as long as the  
21 property is used for the purposes specified in the original  
22 claim for exemption. When the property is sold or  
23 transferred, the county recorder shall provide notice of the  
24 transfer to the assessor. The notice shall describe the  
25 property transferred and the name of the person to whom title  
26 to the property is transferred.

27 Sec. 52. Section 427.1, subsection 16, Code Supplement  
28 2001, is amended to read as follows:

29 16. REVOKING OR MODIFYING EXEMPTION. Any taxpayer or any  
30 taxing district may make application to the director of  
31 revenue and finance for revocation or modification ~~for~~ of any  
32 exemption, based upon alleged violations of this chapter. The  
33 director of revenue and finance may also on the director's own  
34 motion set aside or modify any exemption which has been  
35 granted upon property for which exemption is claimed under

1 this chapter. The director of revenue and finance shall give  
2 notice by mail to the taxpayer or taxing district applicant  
3 and to the societies or organizations claiming an exemption  
4 upon property, exemption of which is questioned before or by  
5 the director of revenue and finance, and shall hold a hearing  
6 prior to issuing any order for revocation or modification. An  
7 order made by the director of revenue and finance revoking or  
8 modifying an exemption shall be applicable to the tax year  
9 commencing with the tax year in which the application is made  
10 to the director or the tax year commencing with the tax year  
11 in which the director's own motion is filed. An order made by  
12 the director of revenue and finance revoking or modifying an  
13 exemption is subject to judicial review in accordance with  
14 chapter 17A, the Iowa administrative procedure Act.

15 Notwithstanding the terms of ~~that Act~~ chapter 17A, petitions  
16 for judicial review may be filed in the district court having  
17 jurisdiction in the county in which the property is located,  
18 and must be filed within thirty days after any order revoking  
19 or modifying an exemption is made by the director of revenue  
20 and finance.

21 Sec. 53. Section 435.27, subsection 1, Code Supplement  
22 2001, is amended to read as follows:

23 1. A mobile home or manufactured home converted to real  
24 estate under section 435.26 may be reconverted to a home as  
25 provided in this section when it is moved to a manufactured  
26 home community or mobile home park or a manufactured or mobile  
27 home retailer's inventory. When the home is located within a  
28 manufactured home community or mobile home park, the home  
29 shall be taxed pursuant to section 435.22, subsection 1.

30 Sec. 54. Section 437A.3, subsection 17, paragraph d, Code  
31 Supplement 2001, is amended to read as follows:

32 d. Any property described in section 437A.16 in this state  
33 acquired by a person not previously subject to taxation under  
34 this chapter.

35 Sec. 55. Section 453A.42, subsection 14, Code 2001, is

1 amended to read as follows:

2 14. "Tobacco products" means cigars; little cigars as  
3 defined herein; cheroots; stogies; periques; granulated, plug  
4 cut, crimp cut, ready rubbed, and other smoking tobacco;  
5 snuff; snuff flour; cavendish; plug and twist tobacco; fine-  
6 cut and other chewing tobaccos; shorts; refuse scraps,  
7 clippings, cuttings and sweepings to of tobacco, and other  
8 kinds and forms of tobacco, prepared in such manner as to be  
9 suitable for chewing or smoking in a pipe or otherwise, or  
10 both for chewing and smoking; but shall not include cigarettes  
11 as defined in section 453A.1, subsection 3.

12 Sec. 56. Section 455B.473, subsection 8, unnumbered  
13 paragraph 1, Code Supplement 2001, is amended to read as  
14 follows:

15 It shall be unlawful to deposit or accept a regulated  
16 substance in an underground storage tank which has not been  
17 registered and issued permanent and annual tank management fee  
18 renewal tags pursuant to subsections 1 through 6. ~~It shall~~  
19 ~~also be unlawful to~~ A person shall not deposit a regulated  
20 substance in an underground storage tank after receiving  
21 notice from the department that the underground storage tank  
22 is not covered by an approved form of financial responsibility  
23 in accordance with section 455B.474, subsection 2.

24 Sec. 57. Section 455B.484, subsections 10, 12, and 13,  
25 Code Supplement 2001, are amended by striking the subsections.

26 Sec. 58. Section 476.27, subsection 1, paragraph g,  
27 subparagraph (2), Code Supplement 2001, is amended to read as  
28 follows:

29 (2) A right-of-way or other interest in real estate that  
30 is occupied or managed by or on behalf of a railroad  
31 corporation, the trustees of a railroad corporation, or the  
32 successor in interest ~~or~~ of a railroad corporation, including  
33 an abandoned railroad right-of-way that has not otherwise  
34 reverted pursuant to chapter 327G.

35 Sec. 59. Section 483A.7, subsection 3, Code Supplement

1 2001, is amended to read as follows:

2 3. A nonresident wild turkey hunter is required to have a  
3 nonresident hunting license and a nonresident wild turkey  
4 hunting license and pay the wildlife habitat fee. The  
5 commission shall annually limit to two thousand three hundred  
6 licenses the number of nonresidents allowed to have wild  
7 turkey hunting licenses. Of the two thousand three hundred  
8 licenses, one hundred fifty licenses shall be valid for  
9 hunting with muzzle loading shotguns only. ~~The number of~~  
10 ~~nonresident-wild-turkey-hunting-licenses-shall-be-determined~~  
11 ~~as-provided-in-section-481A-38.~~ The commission shall allocate  
12 the nonresident wild turkey hunting licenses issued among the  
13 zones based on the populations of wild turkey. A nonresident  
14 applying for a wild turkey hunting license must exhibit proof  
15 of having successfully completed a hunter safety and ethics  
16 education program as provided in section 483A.27 or its  
17 equivalent as determined by the department before the license  
18 is issued.

19 Sec. 60. Section 483A.8, subsections 3 and 5, Code  
20 Supplement 2001, are amended to read as follows:

21 3. A nonresident hunting deer is required to have a  
22 nonresident hunting license and a nonresident deer license and  
23 must pay the wildlife habitat fee. The commission shall  
24 annually limit to eight thousand five hundred licenses the  
25 number of nonresidents allowed to have deer hunting licenses.  
26 Of the first six thousand nonresident deer licenses issued,  
27 not more than thirty-five percent of the licenses shall be bow  
28 season licenses and, after the first six thousand nonresident  
29 deer licenses have been issued, all additional licenses shall  
30 be issued for antlerless deer only. ~~The number of nonresident~~  
31 ~~deer-hunting-licenses-shall-be-determined-as-provided-in~~  
32 ~~section-481A-38.~~ The commission shall allocate the  
33 nonresident deer hunting licenses issued among the zones based  
34 on the populations of deer. However, a nonresident applicant  
35 may request one or more hunting zones, in order of preference,

1 in which the applicant wishes to hunt. If the request cannot  
2 be fulfilled, the applicable fees shall be returned to the  
3 applicant. A nonresident applying for a deer hunting license  
4 must exhibit proof of having successfully completed a hunter  
5 safety and ethics education program as provided in section  
6 483A.27 or its equivalent as determined by the department  
7 before the license is issued.

8 5. A nonresident owning land in this state may apply for  
9 one of the first six thousand nonresident deer licenses not  
10 limited to antlerless deer, and the provisions of subsection 3  
11 shall apply. However, if a nonresident owning land in this  
12 state is unsuccessful in the-drawing obtaining one of the  
13 first six thousand nonresident deer licenses, the landowner  
14 shall be given preference for one of the two thousand five  
15 hundred antlerless only nonresident deer licenses. A  
16 nonresident owning land in this state shall pay the fee for a  
17 nonresident antlerless only deer license and the license shall  
18 be valid to hunt on the nonresident's land only. A  
19 nonresident owning land in this state is eligible for only one  
20 nonresident deer license annually. If one or more parcels of  
21 land have multiple nonresident owners, only one of the  
22 nonresident owners is eligible for a nonresident antlerless  
23 only deer license. If a nonresident jointly owns land in this  
24 state with a resident, the nonresident shall not be given  
25 preference for a nonresident antlerless only deer license.  
26 The department may require proof of land ownership from a  
27 nonresident landowner applying for a nonresident antlerless  
28 only deer license.

29 Sec. 61. Section 513C.5, subsection 2, Code Supplement  
30 2001, is amended to read as follows:

31 2. Notwithstanding subsection 1, the commissioner, with  
32 the concurrence of the board ~~of-the-Iowa-individual-health~~  
33 ~~benefit-reinsurance-association~~ established under chapter  
34 514E, may by order reduce or eliminate the allowed rating  
35 bands provided under subsection 1, paragraphs "a", "b", "c",

1 and "e", or otherwise limit or eliminate the use of experience  
2 rating.

3 Sec. 62. Section 513C.10, subsection 2, unnumbered  
4 paragraph 1, Code Supplement 2001, is amended to read as  
5 follows:

6 Rates for basic and standard coverages as provided in this  
7 chapter shall be determined by each carrier or organized  
8 delivery system as the product of a basic and standard factor  
9 and the lowest rate available for issuance by that carrier or  
10 organized delivery system adjusted for rating characteristics  
11 and benefits. Basic and standard factors shall be established  
12 annually by the Iowa ~~individual-health-benefit-reinsurance~~  
13 comprehensive health insurance association board with the  
14 approval of the commissioner. Multiple basic and standard  
15 factors for a distinct grouping of basic and standard policies  
16 may be established. A basic and standard factor is limited to  
17 a minimum value defined as the ratio of the average of the  
18 lowest rate available for issuance and the maximum rate  
19 allowable by law divided by the lowest rate available for  
20 issuance. A basic and standard factor is limited to a maximum  
21 value defined as the ratio of the maximum rate allowable by  
22 law divided by the lowest rate available for issuance. The  
23 maximum rate allowable by law and the lowest rate available  
24 for issuance is determined based on the rate restrictions  
25 under this chapter. For policies written after January 1,  
26 2002, rates for the basic and standard coverages as provided  
27 in this chapter shall be calculated using the basic and  
28 standard factors and shall be no lower than the maximum rate  
29 allowable by law. However, to maintain assessable loss  
30 assessments at or below one percent of total health insurance  
31 premiums or payments as determined in accordance with  
32 subsection 6, the Iowa ~~individual-health-benefit-reinsurance~~  
33 comprehensive health insurance association board with the  
34 approval of the commissioner may increase the value for any  
35 basic and standard factor greater than the maximum value.

1 Sec. 63. Section 513C.11, subsection 1, Code 2001, is  
2 amended to read as follows:

3 1. A self-funded employer-sponsored health benefit plan  
4 qualified under the federal Employee Retirement Income  
5 Security Act of 1974 may voluntarily elect to participate in  
6 the Iowa individual health benefit reinsurance association  
7 established in section 513C.10 in accordance with the plan of  
8 operation and subject to such terms and conditions adopted by  
9 the board of the association established in section 514E.2 to  
10 provide portability and continuity to its covered employees  
11 and their covered spouses and dependents subject to the same  
12 terms and conditions as a participating insurer.

13 Sec. 64. Section 514A.3, subsection 1, paragraph m, Code  
14 Supplement 2001, is amended to read as follows:

15 m. A provision as follows:

16 RIGHT TO RETURN POLICY: The insured has the right, within  
17 ten days after receipt of this policy, to return it to the  
18 company at its home office or branch office or to the agent  
19 through whom it was purchased, and if so returned the premium  
20 paid will be refunded and the policy will be void from the  
21 beginning and the parties shall be in the same position as if  
22 a policy had not been issued.

23 The foregoing provision shall be prominently printed on the  
24 first page of the policy or attached to the policy.

25 The provisions of this paragraph "m" ~~and-section-507B-4,~~  
26 ~~subsections-12-and-13~~ shall apply to any insurance policy  
27 which is delivered or issued for delivery or renewed in this  
28 state on or after July 1, 1978.

29 Sec. 65. Section 514J.5, subsection 3, Code Supplement  
30 2001, is amended to read as follows:

31 3. The carrier or organized delivery system has three  
32 business days from the date of receipt to contest the  
33 commissioner's certification decision. If the commissioner  
34 finds that the request for external review is not eligible for  
35 certification, the commissioner, within two business days of

1 the date of the request, shall notify the enrollee, or the  
2 enrollee's treating health care provider acting on behalf of  
3 the enrollee, in writing of the reasons that the request for  
4 external review is not eligible for certification.

5 If the commissioner finds that the request for external  
6 review is eligible for certification, notwithstanding the  
7 contest by the carrier or organized delivery system, the  
8 commissioner shall promptly notify the carrier or organized  
9 delivery system in writing of the reasons for upholding the  
10 certification.

11 Sec. 66. Section 514J.7, subsection 1, paragraph b, Code  
12 Supplement 2001, is amended to read as follows:

13 b. Notify in writing the enrollee, and the enrollee's  
14 treating health care provider, of the name, address, and  
15 telephone number of the independent review entity and of the  
16 enrollee's and treating health care provider's right to submit  
17 additional information.

18 Sec. 67. Section 514J.7, subsection 2, Code Supplement  
19 2001, is amended to read as follows:

20 2. The independent review entity, within three business  
21 days of receipt of the notice, shall select a person to  
22 perform the external review and shall provide notice to the  
23 enrollee of and the carrier containing a brief description of  
24 the person including the reasons the person selected is an  
25 expert in the treatment of the medical condition under review.  
26 The independent review entity does not need to disclose the  
27 name of the person. A copy of the notice shall be sent by  
28 facsimile to the commissioner. If the independent review  
29 entity does not have a person who is an expert in the  
30 treatment of the medical condition under review and certified  
31 by the commissioner to conduct an independent review, the  
32 independent review entity may either decline the review  
33 request or may request from the commissioner additional time  
34 to have such an expert certified. The independent review  
35 entity shall notify the commissioner by facsimile of its

1 choice between these options within three business days of  
2 receipt of the notice from the carrier or organized delivery  
3 system. The commissioner shall provide a notice to the  
4 enrollee and carrier or organized delivery system of the  
5 independent review entity's decision and of the commissioner's  
6 decision as to how to proceed with the external review process  
7 within three business days of receipt of the independent  
8 review entity's decision.

9 Sec. 68. Section 514J.7, subsection 6, Code Supplement  
10 2001, is amended to read as follows:

11 6. The independent review entity shall notify the enrollee  
12 and the enrollee's treating health care provider of any  
13 additional medical information required to conduct the review  
14 within five business days of receipt of the documentation  
15 required under subsection 4. The enrollee or the enrollee's  
16 treating health care provider shall provide the requested  
17 information to the independent review entity within five days  
18 after receipt of the notification requesting additional  
19 medical information. The independent review entity may  
20 reasonably decide whether it is reasonable to consider any  
21 information provided by the enrollee or the enrollee's  
22 treating health care provider after the five-day period. The  
23 independent review entity shall notify the commissioner and  
24 the carrier or organized delivery system of this request.

25 Sec. 69. Section 518A.41, Code 2001, is amended to read as  
26 follows:

27 518A.41 AGENTS TO BE LICENSED.

28 No person or corporation shall solicit any application for  
29 insurance for any association in this state without having  
30 procured from the commissioner of insurance a license  
31 authorizing the person or corporation to act as agent an  
32 insurance producer. Violation of this provision shall  
33 constitute a serious misdemeanor.

34 Sec. 70. Section 518A.43, Code 2001, is amended to read as  
35 follows:

1 518A.43 CANCELLATION OF LICENSE.

2 The commissioner of insurance may, for a just and  
3 reasonable cause, cancel the license of ~~such-agent~~ an  
4 insurance producer after due notice and hearing.

5 Sec. 71. Section 522B.1, subsections 6 and 9, Code  
6 Supplement 2001, are amended to read as follows:

7 6. "Insurer" means a person engaged in the business of  
8 insurance who is ~~licensed~~ regulated under chapter 508, 512B,  
9 515, or 520.

10 9. "Limited lines producer" means a person authorized  
11 licensed by the commissioner to sell, solicit, or negotiate  
12 limited lines insurance.

13 Sec. 72. Section 522B.3, subsection 2, paragraph b,  
14 subparagraph (1), Code Supplement 2001, is amended to read as  
15 follows:

16 (1) Secures and furnishes information for the purpose of  
17 group life insurance, group property and casualty insurance,  
18 group annuities, or group or blanket accident and health  
19 insurance.

20 Sec. 73. Section 522B.6, subsection 7, Code Supplement  
21 2001, is amended to read as follows:

22 7. A licensee shall inform the commissioner by any means  
23 acceptable to the commissioner of a legal name or change of  
24 address within thirty days of the change. Failure to timely  
25 inform the commissioner of a change in legal name or address  
26 may result in a penalty as specified in section 522B.17.

27 Sec. 74. Section 523A.102, subsection 3, Code Supplement  
28 2001, is amended to read as follows:

29 3. "Burial account" means an account established by a  
30 person with a financial institution for the purpose of funding  
31 the future purchase of cemetery merchandise, funeral  
32 merchandise, funeral services, or a combination thereof  
33 without any related trust agreement.

34 Sec. 75. Section 523A.202, subsection 2, Code Supplement  
35 2001, is amended to read as follows:

1 2. All funds required to be deposited by the purchaser or  
2 the seller for a purpose described in section 523A.201 shall  
3 be deposited consistent with one of the following methods:

4 a. The payments shall be deposited directly into an  
5 interest-bearing burial account in the purchaser's name.

6 b. The purchaser or the seller shall deposit payments  
7 directly into a separate trust account in the purchaser's  
8 name. The account may be made payable to the seller upon the  
9 death of the purchaser or the designated beneficiary, provided  
10 that, until death, the purchaser retains the exclusive power  
11 to hold, manage, pledge, and invest the trust account funds  
12 and may revoke the trust and withdraw the funds, in whole or  
13 in part, at any time during the term of the agreement.

14 c. The purchaser or the seller shall deposit payments  
15 directly into a separate trust account in the name of the  
16 purchaser, as trustee, for the named beneficiary, to be held,  
17 invested, and administered as a trust account for the benefit  
18 and protection of the beneficiary. The depositor shall notify  
19 the financial institution of the existence and terms of the  
20 trust, including at a minimum, the name of each party to the  
21 agreement, the name and address of the trustee, and the name  
22 and address of the beneficiary. The account may be made  
23 payable to the seller upon the beneficiary's death.

24 d. The payments shall be deposited in the name of the  
25 trustee, as trustee, under the terms of a master trust  
26 agreement and the trustee may invest, reinvest, exchange,  
27 retain, sell, and otherwise manage the trust fund for the  
28 benefit and protection of the named beneficiary.

29 Sec. 76. Section 523A.302, Code Supplement 2001, is  
30 amended to read as follows:

31 523A.302 IDENTIFICATION OF MERCHANDISE AND SERVICE  
32 PROVIDER.

33 If a burial trust fund identifies, either in the trust fund  
34 records or in a related purchase agreement, the seller who  
35 will provide the cemetery merchandise, funeral merchandise,

1 funeral services, or a combination thereof, the trust fund  
2 records or the related purchase agreements must contain a  
3 statement signed by an authorized representative of the seller  
4 agreeing to furnish the cemetery merchandise, funeral  
5 merchandise, funeral services, or a combination thereof upon  
6 the death of the beneficiary. The burial trust fund shall not  
7 identify a specific seller as payee unless the trust fund  
8 records or the related purchase agreements, if any, contain  
9 the signature of an authorized representative of the seller  
10 and, if the agreement is for ~~funeral~~ mortuary science services  
11 as mortuary science is defined in ~~chapter-156~~ section 156.1,  
12 the name of a funeral director licensed to deliver those  
13 services. A person may enter into agreements authorizing the  
14 establishment of more than one burial trust fund and agreeing  
15 to furnish the applicable merchandise and services.

16 Sec. 77. Section 523A.402, subsection 5, paragraph a, Code  
17 Supplement 2001, is amended to read as follows:

18 a. Except as necessary and appropriate to satisfy the  
19 requirements regarding burial trust funds under Title XIX of  
20 the federal Social Security Act, the annuity shall not be  
21 owned by the establishment or irrevocably assigned to the  
22 establishment and any designation of the establishment as a  
23 beneficiary shall not be made irrevocable.

24 Sec. 78. Section 523A.501, subsection 6, Code Supplement  
25 2001, is amended to read as follows:

26 ~~6. The commissioner shall grant or deny a permit~~  
27 ~~application within thirty days after receipt, but the~~  
28 ~~commissioner's failure to act within that time period shall~~  
29 ~~not be deemed approval of the application. If no denial order~~  
30 is in effect and no proceeding is pending under section  
31 523A.503, the application becomes effective at noon of the  
32 thirtieth day after a completed application or an amendment  
33 completing the application is filed, unless waived by the  
34 applicant. The administrator may specify an earlier effective  
35 date. Automatic effectiveness under this subsection shall not

1 be deemed approval of the application. If the commissioner  
2 does not grant the permit, the commissioner shall notify the  
3 person in writing of the reasons for the denial. The permit  
4 shall disclose on its face the permit holder's employer or the  
5 establishment on whose behalf the applicant will be making or  
6 attempting to make sales, the permit number, and the  
7 expiration date.

8 Sec. 79. Section 523A.502, subsection 8, Code Supplement  
9 2001, is amended to read as follows:

10 8. ~~The commissioner shall grant or deny a permit~~  
11 ~~application within thirty days after receipt, but the~~  
12 ~~commissioner's failure to act within that time period shall~~  
13 ~~not be deemed approval of the application.~~ If no denial order  
14 is in effect and no proceeding is pending under section  
15 523A.503, the application becomes effective at noon of the  
16 thirtieth day after a completed application or an amendment  
17 completing the application is filed, unless waived by the  
18 applicant. The administrator may specify an earlier effective  
19 date. Automatic effectiveness under this subsection shall not  
20 be deemed approval of the application. If the commissioner  
21 does not grant the permit, the commissioner shall notify the  
22 applicant in writing of the reasons for the denial.

23 Sec. 80. Section 523A.601, subsection 4, Code Supplement  
24 2001, is amended to read as follows:

25 4. A purchase agreement shall be signed by the purchaser,  
26 the seller, and if the agreement is for ~~funeral~~ mortuary  
27 science services as mortuary science is defined in chapter-156  
28 section 156.1, a person licensed to deliver funeral services.

29 Sec. 81. Section 523A.901, subsection 5, paragraph c, Code  
30 Supplement 2001, is amended to read as follows:

31 c. A statute of limitations or defense of laches shall not  
32 run with respect to an action against an establishment between  
33 the filing of a petition for liquidation against the  
34 establishment and the denial of the petition. An action  
35 against the establishment that might have been commenced when

1 the petition was filed may be commenced ~~for-at-least~~ within  
2 sixty days after the petition is denied.

3 Sec. 82. Section 523A.901, subsection 8, paragraph a, Code  
4 Supplement 2001, is amended to read as follows:

5 a. After a petition for liquidation has been filed, a  
6 transfer of real property of the establishment made to a  
7 person acting in good faith is valid against the liquidator if  
8 made for a present fair equivalent value. If the transfer is  
9 not made for a present fair equivalent value, then the  
10 transfer is valid to the extent of the present consideration  
11 actually paid for which amount the transferee shall have a  
12 lien on the property transferred. The commencement of a  
13 proceeding in liquidation is constructive notice upon the  
14 recording of a copy of the petition for or order of  
15 liquidation with the ~~recording-or~~ recorder of deeds in the  
16 county where any real property in question is located. The  
17 exercise by a court of the United States or a state or  
18 jurisdiction to authorize a judicial sale of real property of  
19 the establishment within a county in a state shall not be  
20 impaired by the pendency of a proceeding unless the copy is  
21 recorded in the county prior to the consummation of the  
22 judicial sale.

23 Sec. 83. Section 554.8106, subsection 6, Code Supplement  
24 2001, is amended to read as follows:

25 6. A purchaser who has satisfied the requirements of  
26 subsection 3 or 4 has control, even if the registered owner in  
27 the case of subsection 3, ~~paragraph-"b"~~, or the entitlement  
28 holder in the case of subsection 4, retains the right to make  
29 substitutions for the uncertificated security or security  
30 entitlement, to originate instructions or entitlement orders  
31 to the issuer or securities intermediary, or otherwise to deal  
32 with the uncertificated security or security entitlement.

33 Sec. 84. Section 554.9109, subsection 1, paragraph e, Code  
34 Supplement 2001, is amended to read as follows:

35 e. a security interest arising under section 554.2401,

1 554.2505, 554.2711, subsection 3, ~~section-554.9110~~, or  
2 554.13508, subsection 5 as provided in section 554.9110; and  
3 Sec. 85. Section 554.9521, subsection 2, Code Supplement  
4 2001, is amended to read as follows:

5 2. AMENDMENT FORM. A filing office that accepts written  
6 records may not refuse to accept ~~a-written-record~~ an amendment  
7 in a form and format approved by the secretary of state by  
8 rule adopted pursuant to chapter 17A except for a reason set  
9 forth in section 554.9516, subsection 2. The forms shall be  
10 consistent with those set forth in the final official text of  
11 the 1999 revisions to Article 9 of the Uniform Commercial Code  
12 promulgated by the American law institute and the national  
13 conference of commissioners on uniform state laws.

14 Sec. 86. Section 554.9602, subsection 3, Code Supplement  
15 2001, is amended to read as follows:

16 3. section 554.9607, subsection 3, which deals with  
17 collection and enforcement of as to collateral;

18 Sec. 87. Section 579A.3, unnumbered paragraph 1, Code  
19 Supplement 2001, is amended to read as follows:

20 While the cattle are located at the custom cattle feedlot,  
21 the custom cattle feedlot operator may ~~foreclose~~ enforce a  
22 lien created in section 579A.2 in the manner provided for the  
23 enforcement of an agricultural lien as provided in chapter  
24 554, article 9, part 6. After the cattle have left the custom  
25 cattle feedlot, the custom cattle feedlot operator may enforce  
26 the lien by commencing an action at law for the amount of the  
27 lien against either of the following:

28 Sec. 88. Section 579B.1, subsection 13, Code Supplement  
29 2001, is amended to read as follows:

30 13. "Personal representative" means a person who is  
31 authorized by a contract producer to act on behalf of the  
32 contract producer, including by executing an agreement,  
33 managing a contract operation, ~~or~~ filing a financing statement  
34 perfecting a lien, and enforcing a lien as provided in this  
35 chapter.

1 Sec. 89. Section 579B.3, subsection 2, Code Supplement  
2 2001, is amended to read as follows:

3 2. A contract producer who is a party to a production  
4 contract executed pursuant to section 579B.2 shall have a lien  
5 as provided in this section. The contract producer is a  
6 secured party and the ~~owner-of-the-commodity~~ contractor is a  
7 debtor for purposes of chapter 554, article 9. The amount of  
8 the lien shall be the amount owed to the contract producer  
9 pursuant to the terms of the production contract, which may be  
10 enforced as provided in section 579B.5.

11 Sec. 90. Section 633.231, Code Supplement 2001, is amended  
12 to read as follows:

13 633.231 NOTICE IN INTESTATE ESTATES -- MEDICAL ASSISTANCE  
14 CLAIMS.

15 Upon opening administration of an intestate estate, the  
16 administrator may, in accordance with section 633.410, provide  
17 by ordinary mail to the entity designated by the department of  
18 human services, a notice of opening administration of the  
19 estate and of the appointment of the administrator, which  
20 shall include a notice to file claims with the clerk within  
21 the later to occur of fifteen months from the second  
22 publication of the notice to creditors or two months from the  
23 date of mailing of this notice, or thereafter be forever  
24 barred.

25 The notice shall be in substantially the following form:

26 NOTICE OF OPENING ADMINISTRATION OF ESTATE, OF APPOINTMENT  
27 OF ADMINISTRATOR, AND NOTICE TO CREDITOR

28 In the District Court of Iowa

29 In and for .... County.

30 In the Estate of ....., Deceased

31 Probate No. ...

32 To the Department of Human Services Who May Be Interested  
33 in the Estate of ....., Deceased, who died on or about ....  
34 (date):

35 You are hereby notified that on the ... day of ....

1 (month), ... (year), an intestate estate was opened in the  
2 above-named court and that ..... was appointed administrator  
3 of the estate.

4 You are further notified that the birthdate of the deceased  
5 is .... and the deceased's social security number is ...-...-  
6 ..... The birthdate of the spouse is .... and the spouse's  
7 social security number is ...-...-....., and that the spouse of  
8 the deceased is alive as of the date of this notice, or  
9 deceased as of .... (date).

10 You are further notified that the deceased was/was not a  
11 disabled or a blind child of the medical assistance recipient  
12 by the name of ....., who had a birthdate of .... and a  
13 social security number of ...-...-....., and the medical  
14 assistance debt of that medical assistance recipient was  
15 waived pursuant to section 249A.5, subsection 2, paragraph  
16 "a", subparagraph (1), and is now collectible from this estate  
17 pursuant to section 249A.5, subsection 2, paragraph "b".

18 Notice is hereby given that if the department of human  
19 services has a claim against the estate for the deceased  
20 person or persons named in this notice, the claim shall be  
21 filed with the clerk of the above-named district court, as  
22 provided by law, duly authenticated, for allowance, and unless  
23 so filed by the later to occur of fifteen months from the  
24 second publication of this the notice to creditors or two  
25 months from the date of the mailing of this notice, unless  
26 otherwise allowed or paid, the claim is thereafter forever  
27 barred.

28 Dated this ... day of .... (month), ... (year)

29 .....  
30 Administrator of estate  
31 .....  
32 Address

33 .....

34 Attorney for administrator

35 .....

1 Address  
2 Date of second publication  
3 ... day of .... (month), ... (year)  
4 ~~{Date-to-be-inserted-by-publisher}~~

5 Sec. 91. Section 633.304, unnumbered paragraph 2, Code  
6 2001, is amended to read as follows:

7 As used in this section, "heir" means only such person as  
8 would, in an intestate estate, be entitled to a share under  
9 section 633.219~~7-subsection-17-27-37-or-4~~.

10 Sec. 92. Section 633.304A, Code Supplement 2001, is amended  
11 to read as follows:

12 633.304A NOTICE OF PROBATE OF WILL -- MEDICAL ASSISTANCE  
13 CLAIMS.

14 On admission of a will to probate, the executor may, in  
15 accordance with section 633.410, provide by ordinary mail to  
16 the entity designated by the department of human services, a  
17 notice of admission of the will to probate and of the appointment  
18 of the executor, which shall include a notice to file claims with  
19 the clerk within the later to occur of fifteen months from the  
20 second publication of the notice to creditors or two months from  
21 the date of mailing of this notice, or thereafter be forever  
22 barred.

23 The notice shall be in substantially the following form:

24 NOTICE OF PROBATE OF WILL, OF APPOINTMENT OF EXECUTOR,  
25 AND NOTICE TO CREDITORS

26 In the District Court of Iowa  
27 In and for .... County.  
28 In the Estate of ....., Deceased  
29 Probate No. ...

30 To the Department of Human Services, Who May Be Interested  
31 in the Estate of ....., Deceased, who died on or about ....  
32 (date):

33 You are hereby notified that on the ... day of ....  
34 (month), ... (year), the last will and testament of .....,  
35 deceased, bearing date of the ... day of .... (month), ...

1 (year), was admitted to probate in the above-named court and  
2 that ..... was appointed executor of the estate.

3 You are further notified that the birthdate of the deceased  
4 is .... and the deceased's social security number is ...-...-  
5 .... The birthdate of the spouse is .... and the spouse's  
6 social security number is ...-...-....., and that the spouse of  
7 the deceased is alive as of the date of this notice, or  
8 deceased as of .... (date).

9 You are further notified that the deceased was/was not a  
10 disabled or a blind child of the medical assistance recipient  
11 by the name of ....., who had a birthdate of .... and a  
12 social security number of ...-...-....., and the medical  
13 assistance debt of that medical assistance recipient was  
14 waived pursuant to section 249A.5, subsection 2, paragraph  
15 "a", subparagraph (1), and is now collectible from this estate  
16 pursuant to section 249A.5, subsection 2, paragraph "b".

17 Notice is hereby given that if the department of human  
18 services has a claim against the estate for the deceased  
19 person or persons named in this notice, the claim shall be  
20 filed with the clerk of the above-named district court, as  
21 provided by law, duly authenticated, for allowance, and unless  
22 so filed by the later to occur of fifteen months from the  
23 second publication of this the notice to creditors or two  
24 months from the date of mailing of this notice, unless  
25 otherwise allowed or paid, the claim is thereafter forever  
26 barred.

27 Dated this ... day of .... (month), ... (year)

28 .....

29 Executor of estate

30 .....

31 Address

32 .....

33 Attorney for executor

34 .....

35 Address

1 Date of second publication  
2 ... day of .... (month), ... (year)  
3 ~~{Date-to-be-inserted-by-publisher}~~

4 Sec. 93. Section 633.305, unnumbered paragraph 2, Code  
5 2001, is amended to read as follows:

6 As used in this section, "heir" means only such person as  
7 would, in an intestate estate, be entitled to a share under  
8 section 633.219~~7-subsection-17-27-37-or-4.~~

9 Sec. 94. Section 633.3109, subsection 1, Code 2001, is  
10 amended to read as follows:

11 1. As used in this section, "heir" means only such person  
12 as would, in an intestate estate, be entitled to a share under  
13 section 633.219~~7-subsection-17-27-37-or-4.~~

14 Sec. 95. Section 726.3, Code Supplement 2001, is amended  
15 to read as follows:

16 726.3 NEGLECT OR ABANDONMENT OF A DEPENDENT PERSON.

17 A person who is the father, mother, or some other person  
18 having custody of a child, or of any other person who by  
19 reason of mental or physical disability is not able to care  
20 for the person's self, who knowingly or recklessly exposes  
21 such person to a hazard or danger against which such person  
22 cannot reasonably be expected to protect such person's self or  
23 who deserts or abandons such person, knowing or having reason  
24 to believe that the person will be exposed to such hazard or  
25 danger, commits a class "C" felony. However, a parent ~~or~~ and  
26 any person authorized by the parent ~~who~~ either of whom has, in  
27 accordance with section 233.2, voluntarily released custody of  
28 a newborn infant shall not be prosecuted for a violation of  
29 this section involving abandonment of that newborn infant.

30 Sec. 96. Section 726.6, subsection 2, Code Supplement  
31 2001, is amended to read as follows:

32 2. A parent ~~or~~ and any person authorized by the parent ~~who~~  
33 either of whom has, in accordance with section 233.2,  
34 voluntarily released custody of a newborn infant shall not be  
35 prosecuted for a violation of subsection 1, paragraph "f",

1 relating to abandonment.

2 Sec. 97. Section 902.3A, subsection 1, paragraph d, Code  
3 Supplement 2001, is amended to read as follows:

4 d. A person on parole or work release under a determinate  
5 term of confinement imposed under this section shall be  
6 subject to the terms and conditions of parole or work release  
7 as set out in chapter 906. Violations of parole or work  
8 release shall be subject to the procedures set out in chapters  
9 905 and 908 ~~or~~ and rules adopted under those chapters.

10 Sec. 98. Sections 192.132, 309.75, and 502.612, Code 2001,  
11 are repealed.

12 2001 IOWA ACTS AMENDMENTS

13 Sec. 99. Section 542D.7, subsection 3, paragraph a, as  
14 enacted by 2001 Iowa Acts, chapter 55, section 7, is amended  
15 to read as follows:

16 a. An applicant for initial issuance or renewal of a  
17 permit to practice as a firm ~~must~~ shall show that  
18 notwithstanding any other provision of law, a simple majority  
19 of the ownership of the firm, in terms of financial interests  
20 and voting rights of all partners, officers, shareholders,  
21 members, and managers belongs to holders of a certificate  
22 issued by a state, and that such partners, officers,  
23 shareholders, members, and managers, who perform professional  
24 services in this state or for clients in this state, hold a  
25 certificate issued under section 542D.6 or 542D.19.

26 Sec. 100. Section 542D.13, subsection 9, as enacted by  
27 2001 Iowa Acts, chapter 55, section 13, is amended to read as  
28 follows:

29 9. A person or firm not holding a certificate, permit, or  
30 license issued under section 542D.6, 542D.7, 542D.8, or  
31 542D.19 shall not assume or use any title or designation that  
32 includes the word "accountant", "auditor", or "accounting", in  
33 connection with any other language that implies that such  
34 person or firm holds such a certificate, permit, or license or  
35 has special competence as an accountant or auditor. However,

1 this subsection does not prohibit an officer, partner, member,  
2 manager, or employee of a firm or organization from affixing  
3 that person's own signature to a statement in reference to the  
4 financial affairs of such firm or organization with wording  
5 which designates the position, title, or office that the  
6 person holds, or prohibit any act of a public official or  
7 employee in the performance of such person's duties. This  
8 subsection does not otherwise prohibit the use of the title or  
9 designation "accountant" by persons other than those holding a  
10 certificate or license under this chapter.

11 DIVISION II

12 Sec. 101. Section 10.1, subsection 4, Code 2001, is  
13 amended to read as follows:

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

20 Sec. 102. Section 10.1, subsection 19, paragraph b, Code  
21 2001, is amended to read as follows:

22 b. A general partnership as provided in chapter 486 486A  
23 in which all partners are natural persons actively engaged in  
24 farming.

25 Sec. 103. Section 13B.4, subsection 1, Code 2001, is  
26 amended to read as follows:

27 1. The state public defender shall coordinate the  
28 provision of legal representation of all indigents under  
29 arrest or charged with a crime, seeking postconviction relief,  
30 against whom a contempt action is pending, in proceedings  
31 under chapter 229A, in juvenile proceedings, on appeal in  
32 criminal cases, on appeal in proceedings to obtain  
33 postconviction relief when ordered to do so by the district  
34 court in which the judgment or order was issued, and on a  
35 reopening of a sentence proceeding, and may provide for the

1 representation of indigents in proceedings instituted pursuant  
2 to chapter 908. The state public defender shall not engage in  
3 the private practice of law.

4 Sec. 104. Section 13B.8, subsection 2, Code 2001, is  
5 amended to read as follows:

6 2. The state public defender may appoint and may, for  
7 cause, remove the local public defender, assistant local  
8 public defenders, clerks, investigators, secretaries, or other  
9 employees ~~for-cause~~. Each local public defender, and any  
10 assistant local public defender, must be an attorney admitted  
11 to the practice of law before the Iowa supreme court.

12 Sec. 105. Section 14B.101, Code Supplement 2001, is  
13 amended by adding the following new subsection:

14 NEW SUBSECTION. 1A. "Department" means the information  
15 technology department.

16 Sec. 106. Section 14B.105, subsection 1, paragraph b,  
17 unnumbered paragraph 1, Code Supplement 2001, is amended to  
18 read as follows:

19 The members appointed ~~by-the-governor~~ pursuant to paragraph  
20 "a", subparagraphs (3) through (7), shall serve four-year  
21 staggered terms ~~as-designated-by-the-governor~~ and such  
22 appointments to the information technology council are subject  
23 to the requirements of sections 69.16, 69.16A, and 69.19. The  
24 four-year terms of members appointed by the governor shall be  
25 staggered as designated by the governor. Members appointed by  
26 the governor pursuant to paragraph "a", subparagraphs (3)  
27 through (7), shall not serve consecutive four-year terms.  
28 Members appointed by the governor are subject to senate  
29 confirmation and ~~shall-be-reimbursed-for-actual-and-necessary~~  
30 ~~expenses-incurred-in-performance-of-their-duties---~~Such  
31 members may also be eligible to receive compensation as  
32 provided in section 7E.6. Members shall be reimbursed for  
33 actual and necessary expenses incurred in performance of the  
34 members' duties.

35 Sec. 107. Section 15E.195, subsection 2, unnumbered

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

3 A city with a population of twenty-four thousand or more  
4 which designates an enterprise zone pursuant to section  
5 15E.194, subsection 2, and in which an eligible enterprise  
6 zone is certified shall establish an enterprise zone  
7 commission to review applications from qualified businesses  
8 located within or requesting to locate within an enterprise  
9 zone to receive incentives or assistance as provided in  
10 section 15E.196. The enterprise zone commission shall review  
11 applications from qualified housing businesses requesting to  
12 receive incentives or assistance as provided in section  
13 15E.193B. The enterprise zone commission shall also review  
14 applications from qualified development businesses requesting  
15 to receive incentives or assistance as provided in section  
16 15E.193C. The commission shall consist of nine members. Six  
17 of these members shall consist of one representative of an  
18 international labor organization, one member with economic  
19 development expertise chosen by the department of economic  
20 development, one representative of the city council, one  
21 member of the local community college board of directors, one  
22 member of the city planning and zoning commission, and one  
23 representative of the local workforce development center.  
24 These six members shall select the remaining three members.  
25 If the enterprise zone consists of an area meeting the  
26 requirements for eligibility for an urban enterprise community  
27 under Title XIII of the federal Omnibus Budget Reconciliation  
28 Act of 1993, one of the remaining three members shall be a  
29 representative of that community. If a city contiguous to the  
30 city designating the enterprise zone is included in an  
31 enterprise zone, a representative of the contiguous city,  
32 chosen by the city council, shall be a member of the  
33 commission. A city in which an eligible enterprise zone is  
34 certified shall have only one enterprise zone commission. If  
35 a city has established an enterprise zone commission prior to

1 ~~the-effective-date-of-this-Act~~ July 1, 1998, the city may  
2 petition to the department of economic development to change  
3 the structure of the existing commission.

4 Sec. 108. Section 29A.17, unnumbered paragraph 1, Code  
5 2001, is amended to read as follows:

6 The military staff of the governor shall consist of the  
7 adjutant general, who shall be the chief of staff; the deputy  
8 adjutants general, who shall be the assistant chiefs of staff;  
9 and the any aides, who shall be residents of the state, as the  
10 governor may appoint or detail from the armed forces of the  
11 state.

12 Sec. 109. Section 29A.66, Code 2001, is amended to read as  
13 follows:

14 29A.66 APPLICABLE POWERS AND DUTIES.

15 The powers and duties of the governor, the adjutant  
16 general, and the deputy adjutants general, with relation to  
17 the Iowa state guard, shall be the same as those powers and  
18 duties prescribed in this chapter for the those officers with  
19 relation to the national guard.

20 Sec. 110. Section 48A.31, Code 2001, is amended to read as  
21 follows:

22 48A.31 DECEASED PERSONS RECORD.

23 The state registrar of vital statistics shall transmit or  
24 cause to be transmitted to the state registrar of voters, once  
25 each calendar quarter, a certified list of all persons  
26 seventeen and one-half years of age and older in the state  
27 whose deaths have been reported to the bureau of vital records  
28 ~~and-statistics-division~~ of the Iowa department of public  
29 health since the previous list of decedents was certified to  
30 the state registrar of voters. The list shall be submitted  
31 according to the specifications of the state registrar of  
32 voters, who shall determine whether each listed decedent was  
33 registered to vote in this state. If the decedent was  
34 registered in a county which uses its own data processing  
35 facilities for voter registration recordkeeping, the registrar

1 shall notify the commissioner in that county who shall cancel  
2 the decedent's registration. If the decedent was registered  
3 in a county for which voter registration recordkeeping is  
4 performed under contract by the registrar, the registrar shall  
5 immediately cancel the registration and notify the  
6 commissioner of the county in which the decedent was  
7 registered to vote of the cancellation.

8 Sec. 111. Section 56.2, subsection 14, paragraph c, Code  
9 2001, is amended by striking the paragraph.

10 Sec. 112. Section 56.14, subsection 2, paragraph a, Code  
11 2001, is amended to read as follows:

12 a. ~~Yard-signs-shall-not-be-placed-on-any-property-which~~  
13 ~~adjoins-a-city, county, or state roadway sooner than forty-~~  
14 ~~five-days-preceding-a-primary-or-general-election-and-shall-be~~  
15 ~~removed-within-seven-days-after-the-primary-or-general~~  
16 ~~election-in-which-the-name-of-the-particular-candidate-or~~  
17 ~~ballot-issue-described-on-the-yard-sign-appears-on-the-ballot.~~  
18 ~~Yard-signs-are-subject-to-removal-by-highway-authorities-as~~  
19 ~~provided-in-section-319.13, or by county or city law~~  
20 ~~enforcement-authorities-in-a-manner-consistent-with-section~~  
21 ~~319.13.~~ The placement or erection of yard signs shall be  
22 exempt from the requirements of chapter 480. ~~Notice-may-be~~  
23 ~~provided-to-the-chairperson-of-the-appropriate-county-central~~  
24 ~~committee-if-the-highway-authorities-are-unable-to-provide~~  
25 ~~notice-to-the-candidate, candidate's committee, or political~~  
26 ~~committee-regarding-the-yard-sign.~~

27 Sec. 113. Section 97B.50A, subsection 7, paragraph b,  
28 subparagraph (4), Code 2001, is amended to read as follows:

29 (4) This paragraph does not apply to a member who is at  
30 least fifty-five years of age and would have completed a  
31 sufficient number of years of service if the member had  
32 remained in active special service employment. For purposes  
33 of this subparagraph, a sufficient number of years of service  
34 shall be ~~twenty-five~~ the applicable years of service for a  
35 special service member as described in section 97B.49B or

1 twenty-two for a special service member as described in  
2 section 97B.49C.

3 Sec. 114. Section 101.22, subsection 4, Code 2001, is  
4 amended to read as follows:

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

14 Sec. 115. Section 123.39, subsection 1, paragraph a, Code  
15 2001, is amended to read as follows:

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

34 Sec. 116. Section 135.43, subsection 5, paragraph d, Code  
35 2001, is amended to read as follows:

1 d. The administrator of the division bureau of vital  
2 records of the Iowa department of public health.

3 Sec. 117. Section 135.43, subsection 7, paragraph b, Code  
4 2001, is amended to read as follows:

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

20 Sec. 118. Section 135.110, subsection 2, Code 2001, is  
21 amended to read as follows:

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

1 Sec. 119. Section 137C.7, Code 2001, is amended to read as  
2 follows:

3 137C.7 LICENSE REQUIRED.

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

17 Sec. 120. Section 139A.10, Code 2001, is amended to read  
18 as follows:

19 139A.10 FEES FOR REMOVING.

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

25 Sec. 121. Section 139A.30, Code 2001, is amended to read  
26 as follows:

27 139A.30 CONFIDENTIAL REPORTS.

28 Reports to the department which include the identity of  
29 persons infected with a sexually transmitted disease or  
30 infection, and all such related information, records, and  
31 reports concerning the person, shall be confidential and shall  
32 not be accessible to the public. However, such reports,  
33 information, and records shall be confidential only to the  
34 extent necessary to prevent identification of persons named in  
35 such reports, information, and records; the other parts of

1 such reports, information, and records shall be public  
2 records. The preceding sentence shall prevail over any  
3 inconsistent provision of this chapter subchapter.

4 Sec. 122. Section 161.2, subsection 4, Code 2001, is  
5 amended to read as follows:

6 4. "Board" means the agricultural remediation  
7 reimbursement board created under section 161.3.

8 Sec. 123. Section 161.2, subsection 9, unnumbered  
9 paragraph 1, Code 2001, is amended to read as follows:

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

13 Sec. 124. Section 161.2, subsection 14, Code 2001, is  
14 amended by striking the subsection.

15 Sec. 125. Section 161.6, subsection 4, paragraph a, Code  
16 2001, is amended to read as follows:

17 a. For a high priority site, soil and groundwater site  
18 cleanup shall include active remediation site cleanup where  
19 technically feasible, until such time as the groundwater  
20 contamination levels are below action levels.

21 Sec. 126. Section 161.8, subsection 3, paragraph b,  
22 subparagraph (1), Code 2001, is amended to read as follows:

23 (1) The responsible person performed reasonable measures  
24 necessary for the immediate abatement of any prohibited  
25 release contamination.

26 Sec. 127. Section 166D.7, subsection 1, paragraph a, Code  
27 2001, is amended to read as follows:

28 a. The herd shall be certified when all breeding swine  
29 have reacted negatively to a test. The herd must have been  
30 free from infection for thirty days prior to testing. At  
31 least ninety percent of swine in the herd must have been on  
32 the premises as a part of the herd for at least sixty days  
33 prior to testing, or swine in the herd must have been moved or  
34 relocated directly from another qualified negative herd. To  
35 remain certified, the herd must be retested and recertified

1 each month as provided by the department. The herd shall be  
2 recertified when ~~each-month~~ the greater of five head of swine  
3 or at least ten percent of the herd's breeding swine react  
4 negatively to a test.

5 Sec. 128. Section 166D.10, subsection 1, paragraph c, Code  
6 2001, is amended to read as follows:

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

13 Sec. 129. Section 166D.10B, subsection 1, unnumbered  
14 paragraph 1, Code 2001, is amended to read as follows:

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

17 Sec. 130. Section 183A.7, unnumbered paragraph 3, Code  
18 2001, is amended to read as follows:

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

32 Sec. 131. Section 202A.1, subsection 3, Code 2001, is  
33 amended to read as follows:

34 3. "Packer" means a person who is engaged in the business  
35 of slaughtering livestock or receiving, purchasing, or

1 soliciting livestock for slaughter, if the meat products of  
2 the slaughtered livestock which are directly or indirectly to  
3 be offered for resale or for public consumption have a total  
4 annual value of ten million dollars or more. As used in this  
5 chapter, "packer" includes an agent of the packer engaged in  
6 buying or soliciting livestock for slaughter on behalf of a  
7 packer. ~~"Packer" does not include a frozen food locker plant~~  
8 ~~regulated under chapter 172.~~

9 Sec. 132. Section 207.22, subsection 3, paragraph b, Code  
10 2001, is amended to read as follows:

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

16 Sec. 133. Section 216A.102, subsection 1, Code 2001, is  
17 amended to read as follows:

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

22 Sec. 134. Section 232.141, subsection 3, paragraphs c and  
23 d, Code 2001, are amended to read as follows:

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

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

32 Sec. 135. Section 256D.1, subsection 1, paragraph b,  
33 unnumbered paragraph 1, Code 2001, is amended to read as  
34 follows:

35 The department of education shall identify diagnostic

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

12 Sec. 136. Section 272C.3, subsection 2, paragraph a, Code  
13 Supplement 2001, is amended to read as follows:

14 a. Revoke a license, or suspend a license either until  
15 further order of the board or for a specified period, upon any  
16 of the grounds specified in section 147.55, 148.6, 148B.7,  
17 152.10, 153.34, 154A.24, 169.13, 455B.219, 542B.21, 542C.21,  
18 543B.29, 544A.13, 544B.15, or 602.3203 or chapter 151, 155,  
19 507B, or 522B, as applicable, or upon any other grounds  
20 specifically provided for in this chapter for revocation of  
21 the license of a licensee subject to the jurisdiction of that  
22 board, or upon failure of the licensee to comply with a  
23 decision of the board imposing licensee discipline;

24 Sec. 137. Section 272C.4, subsection 6, Code Supplement  
25 2001, is amended to read as follows:

26 6. Define by rule acts or omissions which are grounds for  
27 revocation or suspension of a license under section 147.55,  
28 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13, ~~455B.219~~  
29 455B.219, 542B.21, 542C.21, 543B.29, 544A.13, 544B.15, or  
30 602.3203 or chapter 151, 155, 507B, or 522B, as applicable,  
31 and to define by rule acts or omissions which constitute  
32 negligence, careless acts or omissions within the meaning of  
33 section 272C.3, subsection 2, paragraph "b", which licensees  
34 are required to report to the board pursuant to section  
35 272C.9, subsection 2;

1 Sec. 138. Section 303.86, Code 2001, is amended to read as  
2 follows:

3 303.86 ARTS COUNCIL.

4 The Iowa state arts council is created as an advisory  
5 council, consisting of fifteen members, appointed by the  
6 governor from among citizens of Iowa who are recognized for  
7 their interest or experience in connection with the performing  
8 and fine arts. In making appointments, due consideration  
9 shall be given to the recommendations made by representative  
10 civic, educational, and professional associations and groups  
11 concerned with or engaged in the production or presentation of  
12 the performing and fine arts.

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

24 Sec. 139. Section 321.219, unnumbered paragraph 1, Code  
25 Supplement 2001, is amended to read as follows:

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

30 Sec. 140. Section 321.279, subsection 1, Code 2001, is  
31 amended to read as follows:

32 1. The driver of a motor vehicle commits a serious  
33 misdemeanor if the driver willfully fails to bring the motor  
34 vehicle to a stop or otherwise eludes or attempts to elude a  
35 marked official law enforcement vehicle driven by a uniformed

1 peace officer after being given a visual and audible signal to  
2 stop. The signal given by the peace officer shall be by  
3 flashing red light, or by flashing red and blue lights, and  
4 siren. For purposes of this section, "peace officer" means  
5 those officers designated under section 801.4, subsection 11,  
6 paragraphs "a", "b", "c", "g", and "h".

7 Sec. 141. Section 321.560, subsection 1, paragraph b, Code  
8 Supplement 2001, is amended to read as follows:

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

13 Sec. 142. Section 321J.17, subsection 2, unnumbered  
14 paragraph 2, Code 2001, is amended to read as follows:

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

25 Sec. 143. Section 322C.2, subsections 4 and 7, Code 2001,  
26 are amended by striking the subsections.

27 Sec. 144. Section 331.424A, subsection 4, Code Supplement  
28 2001, is amended to read as follows:

29 4. For the fiscal year beginning July 1, 1996, and for  
30 each subsequent fiscal year, the county shall certify a levy  
31 for payment of services. For each fiscal year, county  
32 revenues from taxes imposed by the county credited to the  
33 services fund shall not exceed an amount equal to the amount  
34 of base year expenditures for services as defined in section  
35 331.438, less the amount of property tax relief to be received

1 pursuant to section 426B.2, in the fiscal year for which the  
2 budget is certified. The county auditor and the board of  
3 supervisors shall reduce the amount of the levy certified for  
4 the services fund by the amount of property tax relief to be  
5 received. A levy certified under this section is not subject  
6 to the appeal provisions of sections section 331.426 and  
7 ~~444-25B~~ or to any other provision in law authorizing a county  
8 to exceed, increase, or appeal a property tax levy limit.

9 Sec. 145. Section 331.424B, Code 2001, is amended to read  
10 as follows:

11 331.424B CEMETERY LEVY.

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

22 Sec. 146. Section 331.756, subsection 5, Code 2001, is  
23 amended to read as follows:

24 5. Enforce all forfeited bonds and recognizances and  
25 prosecute all proceedings necessary for the recovery of debts,  
26 revenues, moneys, fines, penalties, restitution of court-  
27 appointed attorney fees or ordered pursuant to section 815.9,  
28 including the expense of a public defender, and forfeitures  
29 accruing to the state, the county or a road district in the  
30 county, and all suits in the county against public service  
31 corporations which are brought in the name of the state. To  
32 assist in this duty, the county attorney may procure  
33 professional collection services provided by persons or  
34 organizations, including private attorneys, which are  
35 generally considered to have knowledge and special abilities

1 which are not generally available to state or local government  
2 or may designate another county official or agency to assist  
3 with collection efforts.

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

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

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

35 Sec. 147. Section 403.6, subsection 17, Code 2001, is

1 amended to read as follows:

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

10 Sec. 148. Section 403.17, subsection 10, Code 2001, is  
11 amended to read as follows:

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

35 Sec. 149. Section 404A.3, subsection 2, unnumbered

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

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

15 Sec. 150. Section 422.4, subsection 2, paragraph c, Code  
16 2001, is amended by striking the paragraph.

17 Sec. 151. Section 422.45, subsection 24, unnumbered  
18 paragraph 2, Code Supplement 2001, is amended by striking the  
19 unnumbered paragraph.

20 Sec. 152. Section 422.52, subsection 4, Code 2001, is  
21 amended to read as follows:

22 4. The tax by this division imposed upon those sales of  
23 motor vehicle fuel which are subject to tax and refund under  
24 chapter 452A shall be collected by the ~~state-treasurer~~  
25 department by way of deduction from refunds otherwise  
26 allowable under said chapter. The amount of such deductions  
27 the ~~treasurer~~ department shall transfer from the motor vehicle  
28 fuel fund to the special tax fund.

29 Sec. 153. Section 422B.1, subsection 6, paragraph b, Code  
30 2001, is amended to read as follows:

31 b. Within ten days of the election at which a majority of  
32 those voting on the question favors the imposition, repeal, or  
33 change in the rate of a local option tax, the county auditor  
34 shall give written notice of the result of the election by  
35 sending a copy of the abstract of the votes from the favorable

1 election to the director of revenue and finance or, in the  
2 case of a local vehicle tax, to the director of the department  
3 of transportation, ~~of the result of the election.~~

4 Sec. 154. Section 426B.1, subsection 2, paragraphs a and  
5 b, Code 2001, are amended by striking the paragraphs.

6 Sec. 155. Section 427.2A, unnumbered paragraph 3, Code  
7 2001, is amended by striking the unnumbered paragraph.

8 Sec. 156. Section 432.1, unnumbered paragraph 1, Code  
9 2001, is amended to read as follows:

10 Every insurance company or association of whatever kind or  
11 character, not including fraternal beneficiary associations,  
12 and nonprofit hospital and medical service corporations,  
13 shall, as required by law, pay to the director of the  
14 department of revenue and finance, or to a depository  
15 designated by the director, as taxes, an amount equal to the  
16 following, except that the premium tax applicable to county  
17 mutual insurance associations shall be governed by section  
18 518.18:

19 Sec. 157. Section 455B.190A, subsection 1, paragraph e,  
20 Code 2001, is amended by striking the paragraph.

21 Sec. 158. Section 455B.190A, subsection 2, paragraphs f  
22 and g, Code 2001, are amended to read as follows:

23 f. The department shall develop continuing education  
24 requirements for certification of a well contractor ~~in~~  
25 ~~consultation with the well contractors' council.~~

26 g. The examination shall be developed by the department ~~in~~  
27 ~~consultation with the well contractors' council.~~ The  
28 examination shall be updated as necessary to reflect current  
29 groundwater law and well construction, maintenance, and  
30 abandonment practices.

31 Sec. 159. Section 455B.190A, subsections 3 and 6, Code  
32 2001, are amended by striking the subsections.

33 Sec. 160. Section 455B.190A, subsection 4, Code 2001, is  
34 amended to read as follows:

35 4. The department shall develop ~~in consultation with the~~

1 ~~well-contractors'-council'~~, a consumer information pamphlet  
2 regarding well construction, well maintenance, well plugging,  
3 and Iowa groundwater laws. The department ~~and-the-council'~~  
4 shall review and revise the consumer information pamphlet as  
5 necessary. The consumer information pamphlet shall be  
6 supplied to well contractors, at cost, and well contractors  
7 shall supply one copy at no cost to potential customers prior  
8 to initiation of well services.

9 Sec. 161. Section 455B.190A, subsection 5, unnumbered  
10 paragraph 1, Code 2001, is amended to read as follows:

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

15 Sec. 162. Section 455B.601, subsection 2, paragraph b,  
16 Code 2001, is amended to read as follows:

17 b. A responsible person has executed a remediation  
18 agreement with the agrchemical remediation reimbursement  
19 board and the responsible person is remediating or has  
20 remediated the site pursuant to a plan of remediation as  
21 provided in chapter 161.

22 Sec. 163. Section 455E.11, subsection 2, paragraph b,  
23 subparagraph (1), Code Supplement 2001, is amended to read as  
24 follows:

25 (1) Nine thousand dollars of the account is appropriated  
26 to the Iowa department of public health for carrying out the  
27 departmental duties under section 135.11, subsections 20 and  
28 21, and section ~~139A.31~~ 139A.21.

29 Sec. 164. Section 476.66, subsections 1 and 7, Code 2001,  
30 are amended to read as follows:

31 1. The utilities board shall adopt rules which shall  
32 require each electric and gas public utility to establish a  
33 fund whose purposes shall include the receiving of  
34 contributions to assist the utility's low-income customers  
35 with weatherization measures to improve energy efficiency

1 related to winter heating and summer cooling, and to  
2 supplement the energy assistance received under the federal  
3 low-income heating home energy assistance program for the  
4 payment of winter heating electric or gas utility bills.

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

12 Sec. 165. Section 486A.1102, subsection 2, Code 2001, is  
13 amended to read as follows:

14 2. The agent of a foreign limited liability company  
15 partnership for service of process must be an individual who  
16 is a resident of this state or other person authorized to do  
17 business in this state.

18 Sec. 166. Section 511.8, subsection 22, paragraph d, Code  
19 2001, is amended to read as follows:

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

33 Sec. 167. Section 514.3, Code 2001, is amended to read as  
34 follows:

35 514.3 APPROVAL BY COMMISSIONER.

1 The articles of incorporation, and any subsequent  
2 amendments, of a corporation shall have endorsed on or annexed  
3 to those articles or amendments the approval of the  
4 commissioner of insurance before the same shall be filed for  
5 record. A corporation shall file with the commissioner bylaws  
6 and subsequent amendments to the bylaws within thirty days of  
7 the adoption of the bylaws and amendments.

8 Sec. 168. Section 515.24, Code 2001, is amended to read as  
9 follows:

10 515.24 TAX -- COMPUTATION.

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

29 Sec. 169. Section 515F.3, subsection 6, Code 2001, is  
30 amended to read as follows:

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

33 Sec. 170. Section 518.17, unnumbered paragraph 2, Code  
34 2001, is amended to read as follows:

35 Reinsurance sufficient to protect the financial stability

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

8 Sec. 171. Section 536A.12, subsection 1, Code 2001, is  
9 amended to read as follows:

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

22 Sec. 172. Section 536A.30, subsection 4, Code 2001, is  
23 amended to read as follows:

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

28 Sec. 173. Section 537A.10, subsection 5, paragraph b,  
29 subparagraph (2), Code Supplement 2001, is amended to read as  
30 follows:

31 (2) If pursuant to such a transfer ~~less-than~~ fifty percent  
32 or less of the entire franchise would be owned by persons who  
33 meet the franchisor's reasonable current qualifications, the  
34 franchisor may refuse to authorize the transfer, provided that  
35 enforcement of the reasonable current qualifications is not

1 arbitrary or capricious.

2 Sec. 174. Section 543D.2, Code Supplement 2001, is amended  
3 to read as follows:

4 543D.2 DEFINITIONS.

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

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

15 2. "Appraisal assignment" means an engagement for which an  
16 appraiser is employed or retained to act, or would be  
17 perceived by third parties or the public as acting as a  
18 disinterested third party in rendering an appraisal,  
19 valuation, or analysis.

20 3. "Appraisal foundation" means the appraisal foundation  
21 incorporated as an Illinois not-for-profit corporation on  
22 November 30, 1987.

23 4. "Appraisal report" means any communication of an  
24 appraisal.

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

29 6. 5. "Board" means the real estate appraiser examining  
30 board established pursuant to this chapter.

31 7. 6. "Certified appraisal or certified appraisal report"  
32 means an appraisal or appraisal report given or signed and  
33 certified as an appraisal or appraisal report by an Iowa  
34 certified real estate appraiser.

35 8. 7. A "certified real estate appraiser" means a person

1 who develops and communicates real estate appraisals and who  
2 holds a current, valid certificate for appraisals of types of  
3 real estate which may include residential, commercial, or  
4 rural real estate, as may be established under this chapter.

5 8. "Real property appraiser trainee" means a person who  
6 may not fully meet the requirements for certification but who  
7 is providing significant input into the appraisal development  
8 under the direction of the certified appraiser.

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

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

18 Sec. 175. Section 543D.7, Code 2001, is amended to read as  
19 follows:

20 543D.7 CERTIFICATION PROCESS.

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

24 ~~2.--Until-the-board-has-adopted-final-rules-to-implement~~  
25 ~~this-chapter,7-the-board-may-issue-interim-annual-certification~~  
26 ~~to-qualified-applicants.--No-interim-annual-certifications-may~~  
27 ~~be-issued-or-renewed-following-the-publication-of-final~~  
28 ~~certification-rules-by-the-board-~~

29 Sec. 176. Section 543D.15, subsection 2, Code 2001, is  
30 amended to read as follows:

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

1     Sec. 177. Section 543D.19, subsections 1 and 2, Code 2001,  
2 are amended to read as follows:

3     1. A certified real estate appraiser shall retain for  
4 ~~three~~ five years, originals or true copies of all written  
5 contracts engaging the appraiser's services for real estate  
6 appraisal work and all reports and supporting data assembled  
7 and formulated for use by the appraiser or the associate real  
8 property appraiser trainee in preparing the reports.

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

18     Sec. 178. Section 554D.120, subsection 2, Code 2001, is  
19 amended to read as follows:

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

35     Sec. 179. Section 554D.120, subsection 3, unnumbered

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

2 To the extent that a governmental agency of this state uses  
3 electronic records and electronic signatures under subsection  
4 1 or 2, the office of the secretary of state and the ~~division~~  
5 ~~of information technology services-of-the~~ department of  
6 ~~general-services~~, jointly, and in consultation with the office  
7 of the attorney general, giving due consideration to security,  
8 may specify by rule all of the following:

9 Sec. 180. Section 595.13, Code 2001, is amended to read as  
10 follows:

11 595.13 CERTIFICATE -- RETURN.

12 After the marriage has been solemnized, the officiating  
13 minister or magistrate shall attest to the marriage on the  
14 blank provided for that purpose and return the certificate of  
15 marriage within fifteen days to the county registrar who  
16 issued the marriage license ~~upon-the-blank-provided-for-that~~  
17 ~~purpose~~.

18 Sec. 181. Section 633.568, Code 2001, is amended to read  
19 as follows:

20 633.568 NOTICE TO PROPOSED WARD.

21 1. a. If the proposed ward is an adult, notice of the  
22 filing of the petition shall be served upon the proposed ward  
23 in the manner of an original notice and the content of the  
24 notice is governed by the rules of civil procedure governing  
25 original notice.

26 b. Except where the ward is the petitioner, notice shall  
27 also be served upon the ward's spouse. If the ward has no  
28 spouse, notice shall be served upon the ward's adult children,  
29 if any.

30 2. a. If the proposed ward is a minor or if the proposed  
31 ward is an adult under a standby petition and the court  
32 determines, pursuant to section 633.575, subsection 1,  
33 paragraph "b", that the proposed ward is entitled to  
34 representation, notice in the manner of original notice, or  
35 another form of notice ordered by the court, given to the

1 attorney appointed to represent the ward is notice to the  
2 proposed ward.

3 b. Notice shall also be served upon the:

4 (1) The parents of the proposed ward, if the ward is a  
5 minor.

6 (2) The spouse of the proposed ward, if the proposed ward  
7 is an adult. If the ward has no spouse, notice shall be  
8 serviced upon the proposed ward's adult children, if any.

9 3. Service of notice under this section upon persons other  
10 than the proposed ward shall be made upon such persons whose  
11 identities are reasonably ascertainable pursuant to section  
12 633.40, subsection 5. Proof of service shall be made by  
13 affidavit, to which copies of all documents served shall be  
14 attached.

15 Sec. 182. Section 633.6202, subsection 2, paragraph o,  
16 Code 2001, is amended to read as follows:

17 o. Authorize or direct transfer ~~or~~ of a trust or trust  
18 property to or from another jurisdiction.

19 Sec. 183. Section 692A.7, subsection 1, Code 2001, is  
20 amended to read as follows:

21 1. A person required to register under this chapter who  
22 knowingly violates any requirements specified under sections  
23 692A.2 through 692A.4 commits an aggravated misdemeanor for a  
24 first offense and a class "D" felony for a second or  
25 subsequent offense. However, a person required to register  
26 under this chapter who knowingly violates any of the  
27 requirements specified under sections 692A.2 through 692A.4  
28 and who commits a criminal offense against a minor, sexual  
29 exploitation, an other relevant offense, or a sexually violent  
30 offense is guilty of a class "C" felony. Any fine imposed for  
31 a second or subsequent violation shall not be suspended. The  
32 court shall not defer judgment or sentence for any violation  
33 of any requirements specified under sections 692A.2 through  
34 692A.4. A knowing violation ~~of~~ by a person, who is on  
35 probation, parole, work release, or any other form of release,

1 to-comply-with of any requirements specified under sections  
2 692A.2 through 692A.4 shall result in the automatic revocation  
3 of the person's probation, parole, or work release.

4 Sec. 184. Section 692A.13, subsection 3, paragraph c,  
5 subparagraph (1), Code 2001, is amended to read as follows:

6 (1) Persons who commit a criminal offense against a minor,  
7 an aggravated offense, sexual exploitation, a sexually violent  
8 offense, or an other relevant offense on or after the  
9 effective-date-of-this-Act July 1, 1999, and who have been  
10 assessed to be "moderate-risk" or "high-risk".

11 Sec. 185. Section 714.16, subsection 2, paragraph n,  
12 subparagraph (1), unnumbered paragraph 1, Code Supplement  
13 2001, is amended to read as follows:

14 It is an unlawful practice for a person to misrepresent the  
15 geographic location of a supplier ~~or~~ of a service or product  
16 by listing a fictitious business name or an assumed business  
17 name in a local telephone directory or directory assistance  
18 database if all of the following apply:

19 Sec. 186. Section 910.1, subsection 4, Code 2001, is  
20 amended to read as follows:

21 4. "Restitution" means payment of pecuniary damages to a  
22 victim in an amount and in the manner provided by the  
23 offender's plan of restitution. "Restitution" also includes  
24 fines, penalties, and surcharges, the contribution of funds to  
25 a local anticrime organization which provided assistance to  
26 law enforcement in an offender's case, the payment of crime  
27 victim compensation program reimbursements, payment of  
28 restitution to public agencies pursuant to section 321J.2,  
29 subsection 9, paragraph "b", court costs including  
30 correctional fees approved pursuant to section 356.7, court-  
31 appointed-attorney's attorney fees, ~~or~~ ordered pursuant to  
32 section 815.9, including the expense of a public defender, and  
33 the performance of a public service by an offender in an  
34 amount set by the court when the offender cannot reasonably  
35 pay all or part of the court costs including correctional fees

1 approved pursuant to section 356.7, court-appointed attorney's  
2 attorney fees, or ordered pursuant to section 815.9, including  
3 the expense of a public defender.

4 Sec. 187. Section 910.2, Code 2001, is amended to read as  
5 follows:

6 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE ORDERED BY  
7 SENTENCING COURT.

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

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

27 Sec. 188. Section 910.3, Code 2001, is amended to read as  
28 follows:

29 910.3 DETERMINATION OF AMOUNT OF RESTITUTION.

30 The county attorney shall prepare a statement of pecuniary  
31 damages to victims of the defendant and, if applicable, any  
32 award by the crime victim compensation program and expenses  
33 incurred by public agencies pursuant to section 321J.2,  
34 subsection 9, paragraph "b", and shall provide the statement  
35 to the presentence investigator or submit the statement to the

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

32 Sec. 189. Section 910.9, unnumbered paragraph 3, Code  
33 2001, is amended to read as follows:

34 Fines, penalties, and surcharges, crime victim compensation  
35 program reimbursement, public agency restitution, court costs

1 including correctional fees claimed by a sheriff pursuant to  
2 section 356.7, court-appointed ~~attorney's~~ attorney fees, and  
3 ordered pursuant to section 815.9, including the expenses for  
4 public defenders, shall not be withheld by the clerk of court  
5 until all victims have been paid in full. Payments to victims  
6 shall be made by the clerk of court at least quarterly.

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

19 Sec. 190. Sections 444.25A, 444.25B, 444.26, and 444.27,  
20 Code 2001, are repealed.

21 Sec. 191. 2000 Iowa Acts, chapter 1148, section 1, is  
22 amended to read as follows:

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

24 1. Chapters 6B, ~~10A~~, 11, 12B, ~~24~~, 35B, 43, 50, 62, 64, 65,  
25 66, 69, 96, 99, ~~124E~~-~~144~~, 147, ~~161A~~, 177A, 230, 257B, ~~306~~  
26 ~~309~~, 311, 317, ~~321A~~, 347B, 353, ~~354~~, 357, 357C, ~~357D~~-~~357E~~  
27 ~~357F~~-~~357G~~, 358, ~~358E~~, 359, 359A, 380, 384, ~~386~~, 420, 422  
28 ~~424~~-~~425~~, 426A, 428, 433, 434, ~~435~~, 436, ~~437~~-~~437A~~, 438, 440,  
29 441, 443, 444, 448, 449, ~~455I~~, 468, 556F, 557C, 558, 561, 595,  
30 614, and 658, ~~and-717B~~, Code 1999 and Code Supplement 1999,  
31 are amended by adding the following new definition:

32 NEW DEFINITION. As used in this chapter, unless the  
33 context otherwise requires, "list", "book", "record", or  
34 "schedule" kept by a county auditor, assessor, treasurer,  
35 recorder, sheriff, or other county officer means the county

1 system as defined in section 445.1.

2 2. The Code editor is directed ~~to add the definition~~  
3 ~~prescribed in subsection 1 to the definition sections of, for~~  
4 each chapter listed ~~or, if a definition section does not~~  
5 ~~exist~~, to create a definition section including the definition  
6 prescribed in subsection 1 for the chapter in the Code of  
7 Iowa, 2001.

8 Sec. 192. 2000 Iowa Acts, chapter 1148, is amended by  
9 adding the following new sections:

10 SEC. 1A. COUNTY SYSTEM FOR DATA STORAGE AND RETRIEVAL.

11 1. Sections 10A.101, 24.2, 124C.1, 144.1, 161A.3, 306.2,  
12 309.1, 321A.1, 354.2, 357D.1, 357E.1, 357F.1, 357G.1, 358C.1,  
13 386.1, 422.3, 424.2, 437.1, 437A.3, and 455I.1, Code 1999 and  
14 Code Supplement 1999, are amended by adding the following new  
15 definition:

16 NEW DEFINITION. "Book", "list", "record", or "schedule"  
17 kept by a county auditor, assessor, treasurer, recorder,  
18 sheriff, or other county officer means the county system as  
19 defined in section 445.1.

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

23 SEC. 1B. COUNTY SYSTEM FOR DATA STORAGE AND RETRIEVAL.

24 1. Sections 425.11, 435.1, and 717B.1, Code 1999 and Code  
25 Supplement 1999, are amended by adding the following new  
26 definition:

27 NEW DEFINITION. Unless the context otherwise requires,  
28 "book", "list", "record", or "schedule" kept by a county  
29 auditor, assessor, treasurer, recorder, sheriff, or other  
30 county officer means the county system as defined in section  
31 445.1.

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

35 Sec. 193. 2000 Iowa Acts, chapter 1228, section 37, is

1 amended to read as follows:

2 SEC. 37. 1991 Iowa Acts, chapter 169, section 9, as  
3 amended by 1996 Iowa Acts, chapter 1071, section 1, is  
4 repealed.

5 On or before December 15, 2000, the prevention of  
6 disabilities policy council shall submit a report to the  
7 governor and the general assembly providing findings and  
8 recommendations regarding the activities and duties of the  
9 commission council and the need for its continuation.

10 DIVISION III

11 Sec. 194. EFFECTIVE DATES.

12 1. The section of this Act amending section 14B.105,  
13 subsection 1, paragraph b, unnumbered paragraph 1, being  
14 deemed of immediate importance, takes effect upon enactment  
15 and applies retroactively to April 25, 2000.

16 2. The section of this Act amending section 714.16,  
17 subsection 2, paragraph n, being deemed of immediate  
18 importance, takes effect upon enactment and applies  
19 retroactively to July 1, 2000.

20 3. The section of this Act amending 2000 Iowa Acts,  
21 chapter 1228, section 37, being deemed of immediate  
22 importance, takes effect upon enactment and applies  
23 retroactively to May 17, 2000.

24 EXPLANATION

25 This bill makes corrections to the Code of Iowa to reflect  
26 current practices, to insert omissions, to delete  
27 redundancies, inaccuracies, and temporary language, and to  
28 resolve inconsistencies and conflicts, to update ongoing  
29 provisions, and to remove ambiguities.

30 DIVISION I

31 Code section 7A.20. Strikes a reference to Code section  
32 159.10, which contained the requirements for the book of  
33 agriculture. Code section 159.10 was repealed in 2001 Acts,  
34 chapter 129, section 7.

35 Code section 9E.15. Deletes language in the short form

1 certificates of notarial acts which specifies when a notary's  
2 commission is to expire. Code section 9E.6A requires the same  
3 information to appear on the notary public's stamp or seal  
4 that appears on those same certificates.

5 Code sections 12.72 and 12.82. Substitutes the word  
6 "treasurer" for the word "authority" in language relating to  
7 the treasurer of state's authority to receive and deposit  
8 moneys into bond reserve funds associated with the vision Iowa  
9 fund and the school infrastructure fund.

10 Code section 15.333. Changes language relating to the  
11 refunding of unused corporate tax credits for new investment  
12 which is related to the creation of new jobs at a new or  
13 expanded business, corrects references to "S corporations",  
14 and specifies the tax return to which a tax credit claim must  
15 be attached to qualify for the tax credit. The former term  
16 "subchapter S corporations" was changed to "S corporations" in  
17 2000 Acts, chapter 1194.

18 Code section 15E.1. Adds a definition that specifies that  
19 where the term "department" is used in the chapter entitled  
20 "DEVELOPMENT ACTIVITIES", the term refers to the department of  
21 economic development.

22 Code section 15E.193C. Adds the word "paragraph" that was  
23 inadvertently omitted in two places from language pertaining  
24 to tax exemptions that may be claimed for the value of certain  
25 property located within enterprise zones.

26 Code section 84A.4. Strikes the words "and not five" in  
27 language specifying when regional advisory boards are required  
28 to meet. Under Code section 84A.1A, five members of the  
29 workforce development board are required to assent to various  
30 board actions, whereas a request by a majority of the members  
31 of the regional advisory board is sufficient to require a  
32 meeting.

33 Code section 85A.20. Changes the pronoun "its" to the more  
34 specific "the physicians'" in language relating to the  
35 investigation of occupational diseases.

1 Code section 88.5. Changes the word "paragraph" to  
2 "subsection" in language contained in subsection 7 of this  
3 Code section which relates to special variances in  
4 occupational safety and health standards. There is only one  
5 paragraph in subsection 7.

6 Code section 123.14. Corrects a reference regarding the  
7 divisions and agencies responsible for assisting the division  
8 of beer, wine, and liquor law enforcement in the performance  
9 of the division's duties. The duties formerly performed by  
10 the department of inspections and appeals are now performed by  
11 the alcoholic beverages division of the department of  
12 commerce.

13 Code section 124C.1. Changes the word "section" to  
14 "chapter" in the definitions section for the chapter on the  
15 cleanup of clandestine laboratory sites.

16 Code section 135.63. Deletes obsolete language in  
17 provisions relating to when a certificate of need is required  
18 for an institutional health service. The provisions being  
19 eliminated expired on June 30, 1998, and placed limitations on  
20 the processing and consideration of certificate of need  
21 applications for new or changed institutional health services  
22 for intermediate care facilities for persons with mental  
23 retardation.

24 Code section 154.6. Clarifies language relating to  
25 submission of information pertaining to continuing education  
26 program attendance by persons licensed to practice optometry.

27 Code section 154A.9. Deletes the word "recent" in language  
28 specifying that a recent photograph is not required to be  
29 attached to an application for licensure or a permit as a  
30 hearing aid dispenser.

31 Code section 154A.20. Strikes the words "to" and "either"  
32 in language pertaining to the conditions under which a hearing  
33 aid dispenser or temporary permit holder is required to  
34 suggest in writing to a person that consultation with a  
35 licensed physician specializing in diseases of the ear or with

1 a duly licensed physician would be in the person's best  
2 interests. The word "bill" is also replaced with the word  
3 "chapter" in language relating to when hearing aid dispensers  
4 may sell a hearing aid to a person who is twelve years of age  
5 or younger. The licensing of hearing aid dispensers is  
6 performed pursuant to the authority granted in Code chapter  
7 154A.

8 Code section 154A.23. Adds the words "the permit of the"  
9 to a reference to temporary permit holders in language  
10 relating to complaints and proceedings against hearing aid  
11 dispensers and temporary permit holders.

12 Code section 161B.1. Deletes language describing the  
13 composition and duties of the agricultural energy management  
14 advisory council. The council has completed its duties and  
15 has disbanded.

16 Code section 163.6. Clarifies the definition of the term  
17 "department" in a provision relating to the collection of  
18 samples of blood in slaughter facilities. The department of  
19 agriculture and land stewardship is responsible for performing  
20 the duties described under the Code section unless the United  
21 States department of agriculture is otherwise specified.

22 Code section 163.51. Changes the word "of" to the word  
23 "for" in language regarding the compensation of owners for  
24 property inadvertently destroyed as a result of the department  
25 of agriculture and land stewardship's regulation of activities  
26 in a quarantined area.

27 Code section 165A.4. Changes the word "must" to "shall" in  
28 language imposing a duty to separate infected cattle. Code  
29 section 4.1, subsection 30, provides that the term "shall"  
30 imposes a duty.

31 Code section 169A.13. Changes the words "each fifth year"  
32 to "every five years" to clarify that renewal of recording of  
33 livestock brands is to occur at five-year intervals after the  
34 original recording of the brand.

35 Code section 173.1A. Changes the word "section" to

1 "chapter" in the definitions section for the Code chapter  
2 pertaining to state fairs.

3 Code section 175A.2. Clarifies that members of the grape  
4 and wine development commission are not entitled to any  
5 compensation or expenses. Code section 7E.6 relates to the  
6 payment of per diem and expenses for various boards and  
7 commissions.

8 Code section 175A.3. Changes language from "approve" to  
9 "propose" regarding the grape and wine development  
10 commission's role in rules adopted by the department of  
11 agriculture to administer the grape and wine development  
12 provisions of Code chapter 175A. The commission is subject to  
13 the authority of the department.

14 Code section 192.132. Repeals a requirement that an  
15 applicant for a milk tester's license submit to examination  
16 and demonstrate that the applicant is competent to test cream  
17 and milk according to an approved process. This is not a  
18 requirement for the federal regulatory milk program, which is  
19 the process in place in Iowa for the inspection of milk.

20 Code section 216B.4. Changes the term "administrator" to  
21 the term "director" in language relating to acceptance of  
22 federal aid by the chief executive officer of the department  
23 for the blind. When the department for the blind was a  
24 division of the department of human rights, that position was  
25 referred to as the "administrator". The department for the  
26 blind was made a separate department in 1988, as a result of  
27 the enactment of 1988 Acts, chapter 1277.

28 Code sections 225.12 and 225.30. Strikes the word "an"  
29 from language regarding the filing of a physician's report on  
30 a patient of a psychiatric hospital pursuant to Code section  
31 225.10. Although information is required to be filed under  
32 the Code sections, it is not in the form of the legal document  
33 known as "an information", which is used by prosecutors to set  
34 out facts and charges in criminal cases.

35 Code section 225B.7. Deletes obsolete language regarding

1 the request and receipt of grants and other activities  
2 conducted during the initial years of the establishment of the  
3 prevention coordination system in the prevention of  
4 disabilities Code chapter.

5 Code section 229.14. Strikes the word "as" in language  
6 relating to a chief medical officer's report for persons  
7 hospitalized on an inpatient basis for mental illness  
8 treatment. Adds the words "copies of" to language regarding  
9 the provision of relevant court orders to treatment providers  
10 for mental illness treatment. The first change corrects a  
11 clerical error. The second change conforms the language  
12 relating to receipt of information to other provisions in the  
13 same Code chapter.

14 Code section 233.1. Eliminates a comma in language  
15 defining the term "institutional health facility", to avoid  
16 limiting the possible applicability of the 24-hour, seven-day  
17 accessibility requirement to only hospital emergency rooms.

18 Code section 233.6. Changes the words "the Act" to "this  
19 chapter", in newborn infant custody release procedures to  
20 conform that portion of the procedures to the other provisions  
21 within the same Code section.

22 Code section 235B.16. Adds a reference to Code section  
23 232.69, to clarify language describing combined requirements  
24 for reporters of child and dependent adult abuse. Code  
25 section 232.69 specifies the training required for mandatory  
26 reporters of child abuse. This change is consistent with  
27 other language in this section which addresses the combined  
28 training requirements.

29 Code section 236.3. Changes "petitioner" to "plaintiff",  
30 and "plaintiff's filing" fees to fees "for the filing of the  
31 petition" in matters relating to commencement of domestic  
32 abuse actions. The person filing the petition in this Code  
33 section is referred to as the "plaintiff" and is not required  
34 to pay fees for the filing of the petition.

35 Code section 263A.2. Adds the words "and approval of the

1 governor" which requires the state board of regents to seek  
2 approval of the governor after authorization by a  
3 constitutional majority of the general assembly to undertake  
4 and carry out certain projects. This conforms the language  
5 with the language in Code section 262A.4, which relates to  
6 similar projects.

7 Code section 294A.14. Adds a reference to Code section  
8 256.7, subsection 21, to a paragraph that describes  
9 comprehensive school transformation activities. The paragraph  
10 previously contained a reference to Code section 280.18, which  
11 was repealed by 2001 Acts, chapter 159, section 18, and Code  
12 section 256.7, subsection 21, is the provision which is used  
13 to enumerate requirements relating to student achievement  
14 goals.

15 Code section 303.2. Replaces the word "department" with  
16 the word "commission" in language relating to the agency with  
17 which the department of cultural affairs is to coordinate  
18 activities regarding the battle flag collection. The  
19 department of veterans affairs is a federal agency. The  
20 commission of veterans affairs is a state agency.

21 Code sections 309.1 and 309.75. Repeals definitions in  
22 Code section 309.75 and moves the definitions of "bridge" and  
23 "culvert" to Code section 309.1, placing the definitions for  
24 the chapter in one Code section.

25 Code section 309.41. Adds a citation to Code section  
26 309.40A regarding optional advertisement and letting of  
27 contracts for construction of secondary roads. Code section  
28 309.40A contains an additional exception to the public bid  
29 requirements in Code section 309.41.

30 Code section 309.75. Strikes a set of definitions for the  
31 terms "bridge" and "culvert". These definitions are reenacted  
32 in another portion of this Act as new sections in another  
33 definitions section, Code section 309.1, in this same Code  
34 chapter. This combines all of the generally applicable  
35 definitions for Code chapter 309 into a single Code section.

1 Code section 321.34. Adds a comma in provisions relating  
2 to the issuance of special armed forces services plates,  
3 clarifying that the conditions specified are conditions for  
4 eligibility to request the plates and do not determine whether  
5 or not payment of the \$15 fee is required. This comports with  
6 the language immediately following the enumeration of the  
7 conditions.

8 Code sections 321.46 and 321.49. Changes the term  
9 "manufactured home retailer" to "manufactured or mobile home  
10 retailer" to conform with similar terminology changes made in  
11 2001 Acts, chapter 153.

12 Code section 321.56. Changes the words "under the  
13 following circumstances" to "if all of the following  
14 circumstances apply" to clarify that all of the circumstances  
15 must be met in order for an out-of-state commercial motor  
16 vehicle to be allowed to travel into this state without first  
17 being registered.

18 Code section 321.104. Eliminates reference to a  
19 requirement previously in Code section 321.45, subsection 4,  
20 which was repealed by 1996 Acts, chapter 1152, § 26, and  
21 related to the transfer of mobile or manufactured homes. The  
22 word "dealer" is also changed to "manufactured or mobile home  
23 retailer" to conform with similar terminology changes made in  
24 2001 Acts, chapter 153.

25 Code section 321.445. Strikes an obsolete reference to the  
26 six-month period from July 1, 1986, through December 1, 1986,  
27 during which period peace officers were to issue only warning  
28 citations for violations of seat belt and safety harness usage  
29 requirements.

30 Code section 336.16. Changes "county or city auditor" to  
31 "county auditor or city clerk". The election functions for a  
32 city are performed by the city clerk.

33 Code section 384.84A. Adds the words "is filed" to  
34 language relating to a petition asking that the question of  
35 issuing bonds for stormwater drainage construction be

1 submitted to the registered voters of a city. For similar  
2 usage, see Code section 422B.12(4)(a).

3 Code section 422A.2. Adds the words "is filed" to language  
4 relating to a petition asking that the question of issuance of  
5 bonds secured by revenues derived from the local hotel and  
6 motel tax be submitted to the registered voters of a city or  
7 unincorporated area. For similar usage, see Code section  
8 422B.12(4)(a).

9 Code section 426.6. Strikes the word "they" in language  
10 relating to a list compiled by the county auditor of all  
11 tracts of agricultural land for which a tax credit may be  
12 claimed. This is consistent with references to the tax credit  
13 which appear later in the same paragraph.

14 Code section 427.1. Adds an internal reference to  
15 subsection 33, regarding Indian housing authority property, to  
16 language regarding filing a claim for property tax exemption.  
17 The insertion of the internal reference is due to the  
18 reference to subsection 14 that is contained in subsection 33  
19 of this Code section. The words "that Act" are replaced with  
20 the words "chapter 17A" in reference to the Iowa  
21 administrative procedure Act in subsection 16.

22 Code section 435.27. Changes the term "manufactured home  
23 retailer's" to "manufactured or mobile home retailer's" to  
24 comport with similar changes made in 2001 Acts, chapter 153.

25 Code section 437A.3. The word "acquired" is added in  
26 language in subsection 17 describing acquisitions which  
27 constitute a "major addition" for purposes of taxation of  
28 electricity and natural gas providers. This is consistent  
29 with the lead-in language of this subsection.

30 Code section 453A.42. Conforms the use of the language  
31 describing sweepings of tobacco in the definition of "tobacco  
32 product" to the language in the definition of the same term in  
33 Code section 453A.1, subsection 26.

34 Code section 455B.473. Strikes the words "It shall also be  
35 unlawful to" and adds the words "A person shall not" relating

1 to prohibitions against depositing a regulated substance in an  
2 underground storage tank under certain circumstances.

3 Code section 455B.484. Subsections 10, 12, and 13 of this  
4 section are stricken as they involved one-time activities that  
5 have been completed.

6 Code section 476.27. Corrects a reference to successors in  
7 interest of a railroad corporation in the definition of  
8 "railroad right-of-way" in this provision relating to public  
9 utility crossings and railway property.

10 Code section 483A.7. The sentence containing a reference  
11 to Code section 481A.38, requiring a drawing for nonresident  
12 hunting licenses, is stricken. Code section 481A.38 was  
13 amended by 2001 Acts, chapter 134, section 1, to eliminate the  
14 drawing requirement and now authorizes the commission to adopt  
15 procedures, by rule, to issue the licenses.

16 Code section 483A.8. The sentence containing a reference  
17 to Code section 481A.38, requiring a drawing for nonresident  
18 hunting licenses, is stricken. Code section 481A.38 was  
19 amended by 2001 Acts, chapter 134, section 1, to eliminate the  
20 drawing requirement and now authorizes the commission to adopt  
21 procedures, by rule, to issue the licenses. Also, an  
22 additional reference to "the drawing" is stricken, and  
23 language is added to clarify the rights of a nonresident  
24 owning land in this state to apply for deer hunting licenses.

25 Code section 502.612. Repeals an obsolete transition  
26 provision that was enacted to deal with proceedings which were  
27 pending when the 1974 revisions to the uniform securities act,  
28 chapter 502, were enacted. The 1974 revisions were contained  
29 in the 1974 Iowa Acts, chapter 1239.

30 Code sections 513C.5, 513C.10, and 513C.11 are amended to  
31 change references to the individual health benefit reinsurance  
32 association board to the comprehensive health insurance  
33 association board established in Code section 514E.2. The  
34 individual health benefit reinsurance association board was  
35 eliminated in 2001 Acts, chapter 125.

1 Code section 514A.3. Strikes references to Code section  
2 507B.4, subsections 12 and 13, Code 1979, which were stricken  
3 in 1980 Acts, chapter 1015, section 61.

4 Code section 514J.5. Adds the words "from the date of  
5 receipt" to clarify the beginning of a time period for  
6 contesting a certification for external review decision by the  
7 insurance commissioner. Also adds the words "of the date of  
8 the request" to clarify the beginning of a time period during  
9 which the commissioner shall notify an enrollee or the  
10 enrollee's treating health care provider of the reasons for  
11 refusal of a request for external review. Also adds the word  
12 "promptly" after the word "notify" in language regarding the  
13 commissioner's obligation to notify the carrier or organized  
14 delivery system of the reasons for upholding a certificate for  
15 external review.

16 Code section 514J.7. Adds "in writing" to specify how  
17 notification to an enrollee of the means to contact an  
18 independent review entity and of the right to submit  
19 additional information. Adds a requirement that a notice  
20 regarding an external review sent by an independent review  
21 entity be sent to an insurance carrier, in addition to the  
22 enrollee. Corrects grammar by striking the word "of" and  
23 adding the word "containing" in language describing the  
24 contents of a notice, clarifies that the carrier is also to  
25 receive the notice, and strikes the word "reasonably", adding  
26 instead, "it is reasonable" in language relating to what an  
27 independent review entity may consider when conducting an  
28 external review of a health care coverage decision.

29 Code sections 518A.41 and 518A.43. The words "agent" and  
30 "such agent" are stricken, and the words "insurance producer"  
31 and "an insurance producer" are added, to reflect the change  
32 implemented in 2001 Acts, chapter 16.

33 Code section 522B.1. Strikes the word "licensed" and adds  
34 the word "regulated" to the definition of "insurer"; the  
35 definition of "license" relates to insurance producers, and

1 states that the holding of a license does not create authority  
2 to represent the insurer. Also, strikes the word "authorized"  
3 and inserts the word "licensed" in the definition of "limited  
4 lines products", as the person involved would be an insurance  
5 producer, thus licensed.

6 Code section 522B.3. Adds the word "or" in a series  
7 describing the types of activities that may be performed  
8 without an insurance producers license.

9 Code section 522B.6. Adds the words "legal name or" to the  
10 notice requirements that must be performed by insurance  
11 licensees within 30 days of a change. The subsection  
12 currently provides a penalty for failure to timely inform the  
13 commissioner of a change in legal name.

14 Code section 523A.102. Adds the words "funeral services"  
15 to the definition of items for which a burial account may be  
16 used. Funeral services are mentioned throughout the chapter  
17 as being a potential item which may be paid for with funds  
18 from a burial account.

19 Code section 523A.202. Adds the words "or the seller" to  
20 language in subsection 2 regarding funds required to be  
21 deposited in an interest-bearing burial account. This  
22 comports with the scenario described in subsection 1 of this  
23 same Code section.

24 Code sections 523A.302 and 523A.601. Strike the word  
25 "funeral" and insert "mortuary science" as it relates to  
26 services identified as subject to a preneed trust fund or  
27 purchase agreement for merchandise and services related to  
28 death. Also, strike the words "chapter 156" and insert the  
29 citation "section 156.1". The term "funeral services" is not  
30 defined in Code chapter 156, but mortuary science is. The  
31 appropriate term to refer to the various funeral arrangements  
32 and services is "mortuary science".

33 Code section 523A.402. Adds the words "to the  
34 establishment" to language regarding the irrevocable  
35 assignment of burial trust funds.

1 Code sections 523A.501 and 523A.502. Delete language  
2 regarding grant or denial of an application for a permit to  
3 operate and a sales permit for an establishment which sells  
4 preneed cemetery merchandise, funeral merchandise, funeral  
5 services or a combination of these, within 30 days, stating  
6 the commissioner of insurance's failure to act shall not be  
7 deemed approval of the application. Insert language  
8 indicating specific circumstances regarding effectiveness of  
9 the application at noon on the thirtieth day after a completed  
10 application or an amendment is filed, if no denial order is in  
11 effect and no proceeding is pending.

12 Code section 523A.901. Deletes the words "for at least"  
13 and adds the word "within" to clarify language relating to the  
14 statute of limitations and filing requirements for a petition  
15 to be commenced against an establishment selling preneed  
16 cemetery or funeral merchandise or services. Also deletes the  
17 words "recording or" and adds the words "recorder of" to  
18 correct a clerical error in language relating to the  
19 constructive notice of the filing of a petition for  
20 liquidation of an establishment in the county where real  
21 property is located. Also deletes the word "of", and adds the  
22 word "in" regarding summary jurisdiction of a proceeding by a  
23 liquidator to hear and determine the rights of parties.

24 Code section 554.8106. Strikes a reference to paragraph  
25 "b" to conform the provision to the changes made in the  
26 section through the revised UCC article 9 model act by the  
27 national conference of commissioners on uniform state laws.

28 Code section 554.9109. Rearranges citations to conform the  
29 provision to the changes made in the section through the  
30 revised UCC article 9 model act by the national conference of  
31 commissioners on uniform state laws. The provisions on leases  
32 are subject to the provisions of article 9 through the  
33 provisions contained in Code section 554.9110.

34 Code section 554.9521. Changes the word "written record"  
35 to "amendment" so that the substance of subsection 2 is not

1 just reflected in the subsection headnote. There are only two  
2 types of documents that are filed with the secretary of  
3 state's office under the revised article 9: initial financing  
4 statements, which are dealt with under subsection 1; and  
5 amendments, which come under this subsection.

6 Code section 554.9602. Corrects usage in a reference to  
7 Code section 554.9607 in this provision which lists the rules  
8 which govern the rights of debtors or obligors and duties of  
9 secured parties.

10 Code section 579A.3. Strikes the word "foreclose" and  
11 replaces it with "enforce" in language relating to the  
12 enforcement of custom cattle feedlot liens. This is  
13 consistent with similar enforcement provisions for  
14 agricultural supply dealer's liens in Code chapter 570A and  
15 for commodity production contract liens in Code chapter 579B.

16 Code section 579B.1. Strikes the word "or" in language  
17 defining the term "personal representative" in the commodity  
18 production contract lien chapter. This conforms this  
19 definition to the definition of the same term which is  
20 contained in the custom cattle feedlot lien chapter, Code  
21 chapter 579A. Both terms were amended in 2001 Acts, chapter  
22 25.

23 Code section 579B.3. Replaces the term "owner of the  
24 commodity" with the term "contractor" in the commodity  
25 production contract lien chapter. This provision describes  
26 the relationship between the contract producer and the  
27 contractor for purposes of article 9 of the uniform commercial  
28 code, Code chapter 554. A "contractor" is defined in Code  
29 chapter 579B as the owner of the commodity at the time that  
30 the commodity is under the authority of the contract producer.

31 Code sections 633.231 and 633.304A. Conforms the language  
32 of these two sections to the requirements of Code section  
33 633.410, which is cited in both statutes. Code section  
34 633.410 provides that claims, other than charges, against a  
35 decedent's estate are forever barred unless filed with the

1 clerk within the later to occur of "four months after the date  
2 of the second publication of the notice to creditors or one  
3 month after service of notice by ordinary mail".

4 Code sections 633.304, 633.305, and 633.3109. Strikes the  
5 words and figures ", subsection 1, 2, 3, or 4" as relates to  
6 Code section 633.219 defining the term "heir" for purposes of  
7 intestate succession. Two new classifications of persons were  
8 added as possible "heirs" under the intestacy statute in 1995  
9 and 2000, but, although those individuals would have rights in  
10 an estate or trust proceeding, these notice provisions were  
11 apparently overlooked at the time of the additions. Removing  
12 the Code subsection references will eliminate the issue.

13 Code sections 726.3 and 726.6. Strikes the word "or" and  
14 adds the words "and any" to language regarding persons who may  
15 not be charged with neglect or abandonment of a dependent  
16 person.

17 Code section 902.3A. Strikes the word "or" and adds the  
18 word "and" to language regarding the procedures for violations  
19 of parole or work release under Code chapters 905 and 908, and  
20 rules adopted under those Code chapters.

21 2001 Iowa Acts, chapter 55, section 7. Strikes the word  
22 "must" and adds the word "shall" in Code section 542D.7,  
23 subsection 3, paragraph "a", regarding maintenance of  
24 competency for accounting practitioners.

25 2001 Iowa Acts, chapter 55, section 13. Adds the word  
26 "otherwise" in language restricting who may use the title or  
27 designation "accountant".

28 DIVISION II

29 The following statutory corrections were originally  
30 contained in or as amendments to Senate File 106, during the  
31 2001 Regular Session of the Seventy-ninth General Assembly.

32 Code section 10.1. Replaces references to Code chapter 486  
33 with references to Code chapter 486A. Code chapter 486 was  
34 repealed, and superseded by Code chapter 486A, effective  
35 January 1, 2001, as a result of the passage of 1998 Acts,

1 chapter 1201.

2 Code section 13B.4. Adds the words "in juvenile  
3 proceedings" to language describing the kinds of actions in  
4 which the state public defender coordinates the legal  
5 representation of indigents. Code sections 232.141, 815.9,  
6 and 815.10 provide for the appointment of the state public  
7 defender's designee in juvenile matters.

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

12 Code section 14B.101. Adds a definition of the term  
13 "department" to the Code chapter relating to the information  
14 technology department. Although the Code chapter contains  
15 many references to the term "department", the term was never  
16 defined.

17 Code section 14B.105. Corrects language relating to the  
18 appointment of the members to the information technology  
19 council. Not all of the members, or potential members, listed  
20 in Code section 14B.105, subsection 1, paragraph "a",  
21 subparagraphs (3) through (7), are appointed by the governor.  
22 The provision is effective upon enactment and is retroactively  
23 applicable to April 25, 2000.

24 Code section 15E.195. Replaces "the effective date of this  
25 Act" with "July 1, 1998". The language that is codified at  
26 subsection 2 of this Code section was enacted in section 12 of  
27 1998 Acts, chapter 1175, which was effective July 1, 1998,  
28 under Code section 3.7, subsection 1.

29 Code section 29A.17. Corrects language relating to the  
30 adjutants general and the appointment of aides in the military  
31 staff of the governor. Updates to the language of this Code  
32 section made in 2000 Acts, chapter 1020, changed the  
33 application of the residency requirement and power of the  
34 governor to appoint additional staff.

35 Code section 29A.66. Changes the word "the" to "those" to

1 clarify that it is the powers and duties of the governor, the  
2 adjutant general, and the deputy adjutants general that are to  
3 be the same for the national guard as the powers and duties  
4 are for the Iowa state guard. 2000 Acts, chapter 1020,  
5 changed the word "such" to the present word "the".

6 Code section 48A.31. Corrects a reference to the bureau of  
7 vital records in a provision relating to the transmission by  
8 the state registrar of vital statistics to the state registrar  
9 of voters of a list of all persons 17 and one-half years of  
10 age and older whose deaths have been reported to the bureau.

11 Code section 56.2. Strikes language in the definition of  
12 the term "express advocacy" which was held unconstitutional by  
13 the federal Eighth Circuit Court in Iowa Right to Life v. Kay  
14 Williams et al., Case No. 98-4078.

15 Code section 56.14. Strikes a prohibition relating to the  
16 placement of political yard signs which was held  
17 unconstitutional in Whitton v. City of Gladstone, 54 F.3d 1400  
18 (8th Cir., 1995).

19 Code section 97B.50A. Changes the word "twenty-five" to  
20 "the applicable years of service" in language relating to  
21 eligibility of special service members for disability benefits  
22 under the Iowa public employees' retirement system. Language  
23 in Code section 97B.49B, which had previously set the years of  
24 service level at 25 years, was amended in 2000 Acts, chapter  
25 1077, and the years of service language was changed to depend  
26 on when the service member retired.

27 Code section 101.22. Strikes the word "a" and adds the  
28 words "an annual" before the words "fee of ten dollars" to  
29 coincide with language in the last sentence of the subsection  
30 that refers to the "annual renewal fee".

31 Code section 123.39. Changes the words "the chapter" to  
32 "this chapter" in language relating to the suspension,  
33 revocation, or imposition of a civil penalty against certain  
34 licensees under the alcoholic beverages chapter.

35 Code section 135.43. Changes a reference to the division

1 of vital records to the bureau of vital records in language  
2 relating to persons on the child death review team. This  
3 corrects the name of that bureau and conforms the language to  
4 a very similar provision in Code section 135.109. Corrects  
5 language in provisions relating to the confidentiality of  
6 records and information produced for the child death review  
7 team. Nearly identical language is contained in a similar  
8 kind of provision, Code section 135.111, which pertains to the  
9 disclosure of confidential records and information to the  
10 domestic abuse death review team.

11 Code section 135.110. Adds the words "or convicted" to  
12 language relating to the investigations of the relationships  
13 between decedent victims and the perpetrators in domestic  
14 abuse death cases. "Domestic abuse death" is defined under  
15 Code section 135.108 as including deaths caused by either  
16 alleged or convicted perpetrators.

17 Code section 137C.7. Strikes obsolete language that  
18 related to hotel licenses that were issued and inspections  
19 that were conducted by the department of agriculture and land  
20 stewardship prior to January 1, 1979. The licenses expire one  
21 year from the date of issue and those licensing and inspection  
22 functions are now performed by the department of inspections  
23 and appeals.

24 Code section 139A.10. Strikes the words "by the  
25 magistrate" from language relating to compensation of officers  
26 designated to forcibly remove and isolate or quarantine a  
27 person infected with a dangerous communicable disease. This  
28 provision was previously contained in former Code section  
29 139.13 and referred, prior to 1967, to a procedure that was at  
30 that time contained in Code chapter 137. In 1967 Acts,  
31 chapter 163, section 26, the procedure for applying to the  
32 magistrate for the appointment of these officers was  
33 eliminated. The procedure is now handled through the local  
34 board of health.

35 Code section 139A.30. Changes the word "chapter" to

1 "subchapter" in language relating to the confidentiality of  
2 reports which include the identity of persons infected with a  
3 sexually transmitted disease or infection. The language from  
4 this Code section previously was contained in former Code  
5 section 140.3. The provision applied to the contents of that  
6 chapter, which is now contained in subchapter II of Code  
7 chapter 139A.

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

19 Code section 161.6. Strikes the word "remediation" and  
20 inserts the words "site cleanup" in language relating to the  
21 classification and prioritization of contaminated agrichemical  
22 sites. The term "active site cleanup" is defined for purposes  
23 of that chapter, whereas "active remediation" is not defined.

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

29 Code section 166D.7. Moves the words "each month" from  
30 language relating to standards which must be met for the  
31 recertification to occur to language describing what must be  
32 done for a swine herd to be certified as free from  
33 pseudorabies infection.

34 Code section 166D.10. Corrects an incorrect citation to  
35 Code section 166D.9 to reflect the correct citation of Code

1 section 166D.10A in a provision in the pseudorabies chapter  
2 which describes the inspection and other requirements which  
3 apply to the movement of swine.

4 Code section 166D.10B. Changes the word "swine" to "pigs"  
5 in the term "feeder swine". This Code section relates to what  
6 swine can be maintained at approved premises and refers in the  
7 balance of the Code section to "feeder pigs" and "cull swine"  
8 as the kinds of swine that may be maintained at that location.

9 Code section 183A.7. Eliminates a reference to the  
10 national livestock and meat board and the pork industry group,  
11 in language relating to distribution of funds from the  
12 assessment on pork producers to various agriculture industry  
13 organizations. The national livestock and meat board and the  
14 pork industry group never were established as an entity.

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

20 Code section 207.22. Adds a federal public law number  
21 cite, to Pub. L. No. 95-87, to the reference to title IV in  
22 the Code chapter pertaining to coal mining. Title IV is also  
23 referenced in Code section 207.21, in conjunction with this  
24 public law number, and those references indicate that this  
25 public law contains that particular title.

26 Code sections 216A.102 and 476.66. Correct the name in two  
27 references to the low-income home energy assistance program,  
28 which is a federal energy assistance program referenced in  
29 Code sections 216A.101, 216A.103, 476.20, and 476.51.  
30 Obsolete language relating to bringing existing utilities  
31 compliance with the customer contribution fund requirements is  
32 also deleted in subsection 7 of Code section 476.66.

33 Code section 232.141. Changes the word "made" to "paid"  
34 and corrects an internal reference in language describing the  
35 compensation of court-appointed attorneys in juvenile matters.

1 The first change is consistent with other language within the  
2 subsection. The language which provides for the calculation  
3 of the county's base cost is found in paragraph "b" of  
4 subsection 3 in this Code section.

5 Code section 256D.1. Changes the word "comprehensive" to  
6 "comprehension" in language describing the types of accuracy  
7 and fluency skills for which the department of education is to  
8 identify diagnostic assessment tools as part of the Iowa early  
9 intervention block grant program. This change is consistent  
10 with other language found in Code section 256D.2.

11 Code section 272C.3. Adds a reference to Code section  
12 455B.219 to correspond to the correction made in Code section  
13 272C.4 in this Act.

14 Code section 272C.4. Changes a citation to Code section  
15 455B.191 to a citation to Code section 455B.219. Code section  
16 272C.1, subsection 6, paragraph "x", refers to the director of  
17 the department of natural resources in certifying water  
18 treatment operators under Code sections 455B.211 through  
19 455B.224.

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

23 Code section 321.219. Strikes the words "section or in  
24 violation of this" from this provision which prohibits persons  
25 from allowing unauthorized minors to drive. The Code section  
26 does not authorize minors to drive.

27 Code section 321.279. Adds the words "or by flashing red  
28 and blue lights" to the provision which describes the warning  
29 signal which, when given by a peace officer and not obeyed,  
30 constitutes the offense of eluding a law enforcement vehicle.  
31 Peace officer vehicles were permitted to be equipped with blue  
32 lights in addition to red lights by 2000 Acts, chapter 1045,  
33 sections 2 and 3.

34 Code section 321.560. Changes the word "or" to "and" in  
35 language which describes the combination of offenses for which

1 a temporary restricted permit may be issued to a person  
2 declared to be a habitual offender of the motor vehicle laws.  
3 Code section 321J.17. Adds language regarding licensed  
4 substance abuse treatment providers to language relating to  
5 drinking driver courses that are provided by community  
6 colleges. In 2000 Acts, chapter 1138, licensed substance  
7 abuse treatment providers were also authorized to provide  
8 these courses.

9 Code section 322C.2. Strikes the definitions of the terms  
10 "distributor's representative" and "manufacturer's  
11 representative" from the Code chapter relating to travel  
12 trailer dealers, manufacturers, and distributors. Those terms  
13 are no longer used in this Code chapter as the result of the  
14 passage of 2000 Acts, chapters 1016 and 1154.

15 Code sections 331.424A and 331.424B. Strikes, in  
16 provisions relating to tax levies for the county mental  
17 health, mental retardation, and developmental disabilities  
18 services fund and for cemeteries, references to Code sections  
19 444.25B and 444.25A and 444.25B, respectively. Code sections  
20 444.25A and 444.25B contain obsolete property tax limitations  
21 applicable to the 1996, 1997, and 1998 tax years and are also  
22 repealed, for that reason, in this bill.

23 Code sections 331.756, 910.1, 910.2, 910.3, and 910.9.  
24 Conforms references to court-appointed attorney fees and the  
25 expenses of a public defender to the changes that were made in  
26 2000 Acts, chapter 1115, section 9, in the same type of  
27 language as in Code section 910.2.

28 Code sections 403.6 and 403.17. Strikes the word "city" in  
29 the urban renewal chapter. In Code section 403.6, it is  
30 replaced with the word "municipal". In Code section 403.17,  
31 it is replaced with the word "municipality". Code chapter 403  
32 was made applicable to counties in 1991, with the passage of  
33 1991 Acts, chapter 214.

34 Code section 404A.3. Changes the term "certificate of  
35 appropriation" to "certificate of appropriateness" in the

1 provision which describes the standards which are to be  
2 followed in the establishment of criteria and standards by the  
3 state historic preservation office for rehabilitation  
4 projects. A procedure for issuance of certificates of  
5 appropriateness for historical preservation districts may be  
6 found in Code sections 303.27 through 303.30.

7 Code section 422.4. Deletes an obsolete provision in the  
8 income, sales, services, and franchise chapter that relates to  
9 the calculation of the standard deduction factor for the 1989  
10 calendar year.

11 Code section 422.45. Obsolete applicability language  
12 referring to payments made on or after July 1, 1984, which is  
13 contained in subsection 24, unnumbered paragraph 2, is  
14 stricken.

15 Code section 422.52. Replaces the words "state treasurer"  
16 and "treasurer" with the word "department". The department of  
17 revenue and finance now performs this collection of and  
18 transfer of revenue from the tax on sales of motor vehicle  
19 fuel.

20 Code section 422B.1. Moves the phrase "of the result of  
21 the election" after the words "written notice". The "abstract  
22 of votes" language was added in 1999 with the passage of 1999  
23 Acts, chapter 156. The abstract of votes is the result of the  
24 election.

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

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

31 Code section 432.1. Adds the word "insurance" between the  
32 words "county mutual" and "associations" so that the term  
33 refers to county mutual insurance associations. Code chapter  
34 518, a section of which is referenced in this paragraph,  
35 relates to the regulation of county mutual insurance

1 associations.

2 Code sections 444.25A, 444.25B, 444.26, and 444.27.

3 Repeals obsolete provisions that relate to property tax  
4 limitations for the 1996 and 1997 fiscal years.

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

7 Code section 455B.601. Corrects a reference to the  
8 agrichemical remediation board.

9 Code section 455E.11. Changes a Code section reference  
10 from Code section 139A.31 to Code section 139A.21. This Code  
11 section was amended by 2000 Acts, chapter 1066, section 47,  
12 and this change conforms the Code section citations in this  
13 subparagraph to the changes made in sections 46, 48, and 49 of  
14 that same 2000 Act.

15 Code section 486A.1102. Changes a reference to the agent  
16 of a foreign limited liability company to a reference to the  
17 agent of a foreign limited liability partnership contained in  
18 the uniform partnership Act.

19 Code section 511.8. The word "that" is substituted for the  
20 word "this" in language relating to financial instruments used  
21 in hedging transactions by certain insurers. This change is  
22 consistent with language contained in paragraphs "c" and "e"  
23 of the same subsection.

24 Code section 514.3. Adds the words "those articles and  
25 amendments" after the words "endorsed on or annexed to" in  
26 language relating to how the approval of the commissioner is  
27 to be attached to articles of incorporation and any amendments  
28 which are filed with the commissioner of insurance.

29 Code section 515.24. Adds the word "insurance" between the  
30 words "county mutual" and "associations" in provisions  
31 relating to the payment of tax on the gross amount of  
32 reinsurance premiums received for the reinsurance of windstorm  
33 or hail risks written by county mutual insurance associations.

34 Code section 515F.3. Changes a reference to Code chapter  
35 518A to Code chapter 518. The provisions relating to the

1 regulation of county mutual insurance associations are found  
2 in Code chapter 518.

3 Code section 518.17. Adds the word "insurance" between the  
4 words "state mutual" and "association". State mutual  
5 insurance associations are regulated under Code chapter 518A.

6 Code sections 536A.12 and 536A.30. Conform references to  
7 the annual license fee to the correct amount of \$250. The  
8 license fee relating to the making of industrial loans was  
9 changed in 1989, with the passage of 1989 Acts, chapter 234.

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

15 Code section 543D.2. Updates the definition of the term  
16 "associate appraiser" to the term "real property appraiser  
17 trainee" in the Code chapter pertaining to real estate  
18 appraisals and appraisers.

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

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

29 Code section 543D.19. Changes the term "associate  
30 appraiser" to "real estate property appraiser trainee" to  
31 conform to the definition change made in Code section 543D.2.  
32 Also changes the length of time for retention of records from  
33 three to five years to conform to federal requirements which  
34 apply to all real estate appraisers in Iowa.

35 Code section 554D.120. Strikes references to the division

1 of information technology services of the department of  
2 general services in the uniform electronic transactions Act  
3 and replaces them with references to the information  
4 technology department. The information technology department  
5 assumed the duties of the information technology services  
6 division of the department of general services with the  
7 passage of 2000 Acts, chapter 1141.

8 Code section 595.13. Corrects and conforms language  
9 relating to the attestation of marriage and return of the  
10 certificate by the officiating minister or magistrate to  
11 language contained in Code section 144.36.

12 Code section 633.568. Conforms the notice provisions for  
13 the opening of conservatorships to the notice provisions for  
14 the opening of guardianships, contained in Code section  
15 633.554. The court procedures for both proceedings are  
16 otherwise virtually identical and interested parties are also  
17 virtually the same parties.

18 Code section 692A.7. Corrects language relating to the  
19 consequences for violations of certain sex offender registry  
20 requirements by persons on probation, parole, or other form of  
21 release.

22 Code section 692A.13. Substitutes the words "July 1, 1999"  
23 for "the effective date of this Act" in language relating to  
24 electronic access to sex offender registry information.  
25 Language relating to electronic access to this information  
26 first appeared in this Code section as a result of the passage  
27 of 1998 Acts, chapter 1168, but was stricken and rewritten in  
28 1999 Acts, chapter 112. Language relating to information  
29 received prior to July 1, 1999, was added in subparagraph (2)  
30 of subsection 3, paragraph "c".

31 Code section 714.16. Changes the word "or" to "of" in  
32 language relating to misrepresentation of a business name by a  
33 supplier of a service or product in a local telephone  
34 directory or directory assistance database. This change is  
35 consistent with the language of the balance of the provision

1 and is consistent with background materials used in  
2 preparation of the original legislation.

3 2000 Iowa Acts, chapter 1148. Redrafts a portion of this  
4 Act to omit redundant language in the new definition that was  
5 added to the listed Code definition sections.

6 2000 Iowa Acts, chapter 1228. Corrects a reference to the  
7 prevention of disabilities policy council in language relating  
8 to submission of a report by that council concerning council  
9 activities and duties.

10 DIVISION III

11 This division contains effective and retroactive  
12 applicability provisions which relate to and are explained in  
13 division II.

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3-11-02 Judiciary  
H-3/15/02 to Pass U  
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FILED FEB 21 2002

SENATE FILE 2275  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3099)

Passed Senate, Date <sup>(p.542)</sup> 3-7-02 Passed House, Date <sup>(p.1018)</sup> 3-27-02  
Vote: Ayes 45 Nays 0 Vote: Ayes 95 Nays 0  
Approved 4/22/02

*re-passed*  
*Vote 48-0*

*re-passed 4-2-*  
*Vote 96-0*

**A BILL FOR**

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

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

**SENATE FILE 2275**

**S-5098**

1 Amend Senate File 2275 as follows:

2 1. Page 43, by inserting after line 33, the  
3 following:

4 "Sec. \_\_\_\_ Section 692A.1, subsection 4, paragraph  
5 m, Code Supplement 2001, is amended to read as  
6 follows:

7 m. Sexual exploitation of a minor in violation of  
8 section 728.12, ~~subsection 2 or 3.~~

9 2. By renumbering as necessary.

By KEN VEENSTRA

*w/o 3/7/02 (p.542)*  
S-5098 FILED MARCH 4, 2002

DIVISION I

1  
2 Section 1. Section 7A.20, subsection 1, Code Supplement  
3 2001, is amended by striking the subsection.

4 Sec. 2. Section 9E.15, Code Supplement 2001, is amended to  
5 read as follows:

6 9E.15 SHORT FORMS.

7 The following short form certificates of notarial acts are  
8 sufficient for the purposes indicated, if completed with the  
9 information required by section 9E.14, subsection 1.

10 1. For an acknowledgment in an individual capacity:

11 State of .....

12 (County) of .....

13 This instrument was acknowledged before me on

14 ..... by .....

15 (date) (name(s) of person(s))

16 .....

17 (signature of notarial officer)

18 (Stamp or Seal)

19 .....

20 Title (and Rank)

21 {My-commission-expires:---}

22 2. For an acknowledgment in a representative capacity:

23 State of .....

24 (County) of .....

25 This instrument was acknowledged before me on (date) by

26 (name(s) of person(s)) as (type of authority, e.g., officer,

27 trustee, etc.) of (name of party on behalf of whom instrument

28 was executed).

29 .....

30 (signature of notarial officer)

31 (Stamp or Seal)

32 .....

33 Title (and Rank)

34 {My-commission-expires:---}

35 3. For a verification upon oath or affirmation:

1 State of .....

2 (County) of .....

3 Signed and sworn to (or affirmed) before me on

4 ..... by .....

5 (date) (name(s) of person(s)

6 making statement)

7 .....

8 (signature of notarial officer)

9 (Stamp or Seal)

10 .....

11 Title (and Rank)

12 {My-commission-expires:---}

13 4. For witnessing or attesting a signature:

14 State of .....

15 (County) of .....

16 Signed or attested before me on

17 ..... by .....

18 (date) (name(s) of person(s))

19 .....

20 (signature of notarial officer)

21 (Stamp or Seal)

22 .....

23 Title (and Rank)

24 {My-commission-expires:---}

25 5. For attestation of a copy of a document:

26 State of .....

27 (County) of .....

28 I certify that this is a true and correct copy of a

29 document in the possession of .....

30 Dated .....

31 .....

32 (signature of notarial officer)

33 (Stamp or Seal)

34 .....

35 Title (and Rank)

1 ~~{My-commission-expires:-:-}~~

2 Sec. 3. Section 12.72, subsection 4, paragraph d, Code  
3 Supplement 2001, is amended to read as follows:

4 d. To assure the continued solvency of any bonds secured  
5 by the bond reserve fund, provision is made in paragraph "a"  
6 for the accumulation in each bond reserve fund of an amount  
7 equal to the bond reserve fund requirement for the fund. In  
8 order further to assure maintenance of the bond reserve funds,  
9 the treasurer shall, on or before January 1 of each calendar  
10 year, make and deliver to the governor the treasurer's  
11 certificate stating the sum, if any, required to restore each  
12 bond reserve fund to the bond reserve fund requirement for  
13 that fund. Within thirty days after the beginning of the  
14 session of the general assembly next following the delivery of  
15 the certificate, the governor shall submit to both houses  
16 printed copies of a budget including the sum, if any, required  
17 to restore each bond reserve fund to the bond reserve fund  
18 requirement for that fund. Any sums appropriated by the  
19 general assembly and paid to the treasurer pursuant to this  
20 subsection shall be deposited by the ~~authority~~ treasurer in  
21 the applicable bond reserve fund.

22 Sec. 4. Section 12.82, subsection 4, paragraph d, Code  
23 Supplement 2001, is amended to read as follows:

24 d. To assure the continued solvency of any bonds secured  
25 by the bond reserve fund, provision is made in paragraph "a"  
26 for the accumulation in each bond reserve fund of an amount  
27 equal to the bond reserve fund requirement for the fund. In  
28 order further to assure maintenance of the bond reserve funds,  
29 the treasurer shall, on or before January 1 of each calendar  
30 year, make and deliver to the governor the treasurer's  
31 certificate stating the sum, if any, required to restore each  
32 bond reserve fund to the bond reserve fund requirement for  
33 that fund. Within thirty days after the beginning of the  
34 session of the general assembly next following the delivery of  
35 the certificate, the governor shall submit to both houses

1 printed copies of a budget including the sum, if any, required  
2 to restore each bond reserve fund to the bond reserve fund  
3 requirement for that fund. Any sums appropriated by the  
4 general assembly and paid to the treasurer pursuant to this  
5 subsection shall be deposited by the authority treasurer in  
6 the applicable bond reserve fund.

7 Sec. 5. Section 15.333, subsections 1 and 2, Code  
8 Supplement 2001, are amended to read as follows:

9 1. An eligible business may claim a corporate tax credit  
10 up to a maximum of ten percent of the new investment which is  
11 directly related to new jobs created by the location or  
12 expansion of an eligible business under the program. Any  
13 credit in excess of the tax liability for the tax year may be  
14 credited to the tax liability for the following seven years or  
15 until depleted, whichever occurs earlier. Subject to prior  
16 approval by the department of economic development in  
17 consultation with the department of revenue and finance, an  
18 eligible business whose project primarily involves the  
19 production of value-added agricultural products may elect to  
20 receive a refund of all or a portion of an unused tax credit.  
21 For purposes of this section, an eligible business includes a  
22 cooperative described in section 521 of the Internal Revenue  
23 Code which is not required to file an Iowa corporate income  
24 tax return, and whose project primarily involves the  
25 production of ethanol. The refund may be used against a tax  
26 liability imposed under chapter 422, division II, III, or V.  
27 If the business is a partnership, subchapter S corporation,  
28 limited liability company, or estate or trust electing to have  
29 the income taxed directly to the individual, an individual may  
30 claim the tax credit allowed. The amount claimed by the  
31 individual shall be based upon the pro rata share of the  
32 individual's earnings of the partnership, subchapter S  
33 corporation, limited liability company, or estate or trust.  
34 For purposes of this section, "new investment directly related  
35 to new jobs created by the location or expansion of an

1 eligible business under the program" means the cost of  
2 machinery and equipment, as defined in section 427A.1,  
3 subsection 1, paragraphs "e" and "j", purchased for use in the  
4 operation of the eligible business, the purchase price of  
5 which has been depreciated in accordance with generally  
6 accepted accounting principles, and the cost of improvements  
7 made to real property which is used in the operation of the  
8 eligible business.

9 2. An eligible business whose project primarily involves  
10 the production of value-added agricultural products, that  
11 elects to receive a refund of all or a portion of an unused  
12 tax credit, shall apply to the department of economic  
13 development for tax credit certificates. An eligible business  
14 whose project primarily involves the production of value-added  
15 agricultural products shall not claim a tax credit under this  
16 section unless a tax credit certificate issued by the  
17 department of economic development is attached to the  
18 taxpayer's tax return for the tax year during for which the  
19 tax credit is claimed. For purposes of this section, an  
20 eligible business includes a cooperative described in section  
21 521 of the Internal Revenue Code which is not required to file  
22 an Iowa corporate income tax return, and whose project  
23 primarily involves the production of ethanol. A tax credit  
24 certificate shall not be valid until the tax year following  
25 the date of the project completion. A tax credit certificate  
26 shall contain the taxpayer's name, address, tax identification  
27 number, the date of project completion, the amount of the tax  
28 credit, other information required by the department of  
29 revenue and finance. The department of economic development  
30 shall not issue tax credit certificates which total more than  
31 four million dollars during a fiscal year. If the department  
32 receives applications for tax credit certificates in excess of  
33 four million dollars, the applicants shall receive  
34 certificates for a prorated amount. The tax credit  
35 certificates shall not be transferred. For a cooperative

1 described in section 521 of the Internal Revenue Code that is  
2 not required to file an Iowa corporate income tax return, the  
3 department of economic development shall require that the  
4 cooperative submit a list of its members and the share of each  
5 member's interest in the cooperative. The department shall  
6 issue a tax credit certificate to each member contained on the  
7 submitted list.

8 Sec. 6. NEW SECTION. 15E.1 DEFINITION.

9 As used in this chapter, unless the context otherwise  
10 requires, "department" means the Iowa department of economic  
11 development.

12 Sec. 7. Section 15E.193C, subsection 7, paragraph c, Code  
13 Supplement 2001, is amended to read as follows:

14 c. The county or city for which an eligible enterprise  
15 zone is certified may exempt from all property taxation all or  
16 a portion of the value added to the property upon which an  
17 eligible development business constructs, expands, or  
18 rehabilitates property in an enterprise zone. The amount of  
19 value added for purposes of this paragraph shall be the amount  
20 of the increase in assessed valuation of the property  
21 following the construction, expansion, or rehabilitation by  
22 the development business in the enterprise zone. If an  
23 exemption provided pursuant to this paragraph is made  
24 applicable to only a portion of the property within an  
25 enterprise zone, the definition of that subset of eligible  
26 property must be by uniform criteria that further some  
27 planning objective established by the city or county  
28 enterprise zone commission and approved by the city or county.  
29 The exemption may be allowed for a period not to exceed ten  
30 years beginning the year the eligible development business  
31 enters into an agreement with the county or city to construct,  
32 expand, or rehabilitate property in an enterprise zone.

33 Sec. 8. Section 84A.4, subsection 3, Code Supplement 2001,  
34 is amended to read as follows:

35 3. Section 84A.1A, subsections 2, 3, and 5, apply to the

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

10 Sec. 9. Section 85A.20, Code Supplement 2001, is amended  
11 to read as follows:

12 85A.20 INVESTIGATION.

13 The workers' compensation commissioner may designate the  
14 industrial hygiene physician of the Iowa department of public  
15 health and two physicians selected by the dean of the  
16 university of Iowa college of medicine, from the staff of the  
17 college, who shall be qualified to diagnose and report on  
18 occupational diseases. For the purpose of investigating  
19 occupational diseases, the physicians shall have the use,  
20 without charge, of all necessary laboratory and other  
21 facilities of the university of Iowa college of medicine and  
22 of the university hospital at the state university of Iowa,  
23 and of the Iowa department of public health in performing ~~its~~  
24 the physicians' duties.

25 Sec. 10. Section 88.5, subsection 7, Code Supplement 2001,  
26 is amended to read as follows:

27 7. SPECIAL VARIANCE. Where there are conflicts with  
28 standards, rules, or regulations promulgated by any federal  
29 agency other than the United States department of labor,  
30 special variances from standards, rules, or regulations  
31 promulgated under this chapter may be granted to avoid such  
32 regulatory conflicts. Such variances shall take into  
33 consideration the safety of the employees involved.  
34 Notwithstanding any other provision of this chapter, and with  
35 respect to this paragraph subsection, any employer seeking

1 relief under this provision must file an application with the  
2 commissioner and the commissioner shall forthwith hold a  
3 hearing at which employees or other interested persons,  
4 including representatives of the federal regulatory agencies  
5 involved, may appear and, upon the showing that such a  
6 conflict indeed exists, the commissioner may issue a special  
7 variance until the conflict is resolved.

8 Sec. 11. Section 123.14, subsection 2, Code 2001, is  
9 amended to read as follows:

10 2. The other law enforcement divisions of the department  
11 of public safety, the county attorney, the county sheriff and  
12 the sheriff's deputies, and the police department of every  
13 city, and the alcoholic beverages division of the department  
14 of inspections-and-appeals commerce, shall be supplementary  
15 aids to the division of beer and liquor law enforcement. Any  
16 neglect, misfeasance, or malfeasance shown by any peace  
17 officer included in this section shall be sufficient cause for  
18 the peace officer's removal as provided by law. Nothing in  
19 this section shall be construed to affect the duties and  
20 responsibilities of any county attorney or peace officer with  
21 respect to law enforcement.

22 Sec. 12. Section 124C.1, unnumbered paragraph 1, Code  
23 2001, is amended to read as follows:

24 As used in this section chapter, unless the context clearly  
25 requires otherwise:

26 Sec. 13. Section 135.63, subsection 4, Code 2001, is  
27 amended by striking the subsection.

28 Sec. 14. Section 135.78, Code 2001, is amended to read as  
29 follows:

30 135.78 DATA TO BE COMPILED.

31 ~~Immediately upon July 17, 1978, or as soon thereafter as~~  
32 ~~reasonably possible, the~~ The department shall begin to compile  
33 all relevant financial and utilization data in order to have  
34 available the statistical information necessary to properly  
35 monitor hospital and health care facility charges and costs.

1 Such data shall include necessary operating expenses,  
2 appropriate expenses incurred for rendering services to  
3 patients who cannot or do not pay, all properly incurred  
4 interest charges, and reasonable depreciation expenses based  
5 on the expected useful life of the property and equipment  
6 involved. The department shall also obtain from each hospital  
7 and health care facility a current rate schedule as well as  
8 any subsequent amendments or modifications of that schedule as  
9 it may require. In collection of the data required by  
10 sections 135.74 to 135.78, the department and other state  
11 agencies shall co-ordinate their reporting requirements.

12 Sec. 15. Section 154.6, Code Supplement 2001, is amended  
13 to read as follows:

14 154.6 EXPIRATION AND RENEWAL OF LICENSES.

15 Every license to practice optometry shall expire in  
16 multiyear intervals as determined by the board. Application  
17 for renewal of such license shall be made in writing to the  
18 Iowa department of public health at least thirty days prior to  
19 the expiration date, accompanied by the required renewal fee,  
20 and ~~the licensee shall submit~~ accompanied by evidence of the  
21 licensee's attendance of continuing education programs in this  
22 field.

23 Sec. 16. Section 154A.9, Code Supplement 2001, is amended  
24 to read as follows:

25 154A.9 APPLICATIONS.

26 Applications for licensure or for a temporary permit shall  
27 be on forms prescribed and furnished by the board and shall  
28 not require that a ~~recent~~ photograph of the applicant be  
29 attached to the application form. An applicant shall not be  
30 ineligible for certification because of age, citizenship, sex,  
31 race, religion, marital status or national origin although the  
32 application may require citizenship information. The board  
33 may consider the past felony record of an applicant only if  
34 the felony conviction relates directly to the practice of  
35 fitting or selection and sale of hearing aids. Character

1 references may be required, but shall not be obtained from  
2 licensed hearing aid dispensers.

3 Sec. 17. Section 154A.20, subsection 3, Code Supplement  
4 2001, is amended to read as follows:

5 3. Whenever any of the following conditions are found to  
6 exist either from observations by the licensed hearing aid  
7 dispenser or person holding a temporary permit or on the basis  
8 of information furnished by a prospective hearing aid user,  
9 the hearing aid dispenser or person holding a temporary permit  
10 shall, prior to fitting and selling a hearing aid to any  
11 individual, suggest to that individual in writing that the  
12 individual's best interests would be served if the individual  
13 would consult a licensed physician specializing in diseases of  
14 the ear, or if no such licensed physician is available in the  
15 community, then to a duly licensed physician:

16 a. Visible congenital or traumatic deformity of the ear.

17 b. History of, or active drainage from the ear within the  
18 previous ninety days.

19 c. History of sudden or rapidly progressive hearing loss  
20 within the previous ninety days.

21 d. Acute or chronic dizziness.

22 e. Unilateral hearing loss of sudden or recent onset  
23 within the previous ninety days.

24 f. Significant air-bone gap (greater than or equal to 15dB  
25 ANSI 500, 1000 and 2000 Hz. average).

26 g. Obstruction of the ear canal, either by structures of  
27 undetermined origin, such as foreign bodies, impacted cerumen,  
28 redness, swelling, or tenderness from localized infections of  
29 the otherwise normal ear canal.

30 Sec. 18. Section 154A.20, subsection 5, Code Supplement  
31 2001, is amended to read as follows:

32 5. No hearing aid shall be sold by any individual licensed  
33 under this ~~bill~~ chapter to a person twelve years of age or  
34 younger, unless within the preceding six months a

35 recommendation for a hearing aid has been made by a physician

1 specializing in otolaryngology. A replacement of an identical  
2 hearing aid within one year shall be an exception to this  
3 requirement.

4 Sec. 19. Section 154A.23, unnumbered paragraph 1, Code  
5 Supplement 2001, is amended to read as follows:

6 Any person wishing to make a complaint against a licensee  
7 or holder of a temporary permit shall file a written statement  
8 with the board within twelve months from the date of the  
9 action upon which the complaint is based. If the board  
10 determines that the complaint alleges facts which, if proven,  
11 would be cause for the suspension or revocation of the license  
12 of the licensee or the permit of the holder of a temporary  
13 permit, it shall make an order fixing a time and place for a  
14 hearing and requiring the licensee or holder of a temporary  
15 permit complained against to appear and defend. The order  
16 shall contain a copy of the complaint, and the order and copy  
17 of the complaint shall be served upon the licensee or holder  
18 of a temporary permit at least twenty days before the date set  
19 for hearing, either personally or as provided in section  
20 154A.21. Continuance or adjournment of a hearing date may be  
21 made for good cause. At the hearing the licensee or holder of  
22 a temporary permit may be represented by counsel. The  
23 licensee or holder of a temporary permit and the board may  
24 take depositions in advance of hearing and after service of  
25 the complaint, and either may compel the attendance of  
26 witnesses by subpoenas issued by the board. The board shall  
27 issue such subpoenas at the request of a licensee or holder of  
28 a temporary permit. Either party taking depositions shall  
29 give at least five days' written notice to the other party of  
30 the time and place of such depositions, and the other party  
31 may attend, with counsel, if desired, and cross-examine.

32 Sec. 20. Section 161B.1, subsection 2, Code 2001, is  
33 amended by striking the subsection.

34 Sec. 21. Section 163.6, subsection 1, paragraph a, Code  
35 Supplement 2001, is amended to read as follows:

1 a. "Department" means the department of agriculture and  
2 land stewardship or unless the United States department of  
3 agriculture is otherwise specified.

4 Sec. 22. Section 163.51, subsection 4, paragraph b, Code  
5 Supplement 2001, is amended to read as follows:

6 b. Upon the request of the executive council, the  
7 department shall develop and submit a plan to the executive  
8 council that compensates an owner of for property, other than  
9 an animal, that is inadvertently destroyed by the department  
10 as a result of the department's regulation of activities in a  
11 quarantined area. The plan shall not be implemented without  
12 the approval of at least three members of the executive  
13 council. The payment of the compensation under the plan shall  
14 be made in the same manner as provided in section 163.15. The  
15 owner may submit a claim for compensation prior to the plan's  
16 implementation. The executive council may apply the plan  
17 retroactively, but not earlier than June 1, 2001.

18 Sec. 23. Section 165A.4, Code Supplement 2001, is amended  
19 to read as follows:

20 165A.4 INFECTED CATTLE.

21 The owner of infected cattle shall mark the cattle by  
22 punching the letter "C" through the right ears of the cattle  
23 as required by the department. A person shall not sell  
24 infected cattle other than directly to a slaughtering  
25 establishment, or to a concentration point for sale directly  
26 to a slaughtering establishment, for immediate slaughter.  
27 Cattle marked with a letter "C" that are kept at a  
28 concentration point must shall be kept separate and apart.

29 Sec. 24. Section 169A.13, Code Supplement 2001, is amended  
30 to read as follows:

31 169A.13 RENEWAL OF BRAND AND FEE.

32 Each owner of a brand which is recorded pursuant to section  
33 169A.4 shall renew the brand each-fifth-year every five years  
34 after originally recording the brand and pay a renewal fee.

35 The amount of the renewal fee is twenty-five dollars. The

1 secretary shall notify every owner of a brand of record at  
2 least thirty days prior to the date of the renewal period. If  
3 the owner of a brand of record does not renew the brand and  
4 pay the renewal fee within six months after it is due, the  
5 owner shall forfeit the brand and the brand shall no longer be  
6 recorded. A forfeited brand shall not be issued to any other  
7 person for five years following date of forfeiture.

8 Sec. 25. Section 173.1A, unnumbered paragraph 1, Code  
9 Supplement 2001, is amended to read as follows:

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

12 Sec. 26. Section 175A.2, subsection 4, Code Supplement  
13 2001, is amended to read as follows:

14 4. Members are not entitled to receive compensation or  
15 reimbursement of expenses from the department ~~as otherwise~~  
16 provided notwithstanding anything to the contrary in section  
17 7E.6.

18 Sec. 27. Section 175A.3, subsection 2, paragraph e, Code  
19 Supplement 2001, is amended to read as follows:

20 e. ~~Approve~~ Propose rules ~~proposed~~ for adoption by the  
21 department ~~for adoption~~ pursuant to chapter 17A required for  
22 the administration of this chapter.

23 Sec. 28. Section 216B.4, unnumbered paragraph 1, Code  
24 2001, is amended to read as follows:

25 The ~~administrator~~ director may accept financial aid from  
26 the government of the United States for carrying out  
27 rehabilitation and physical restoration of the blind and for  
28 providing library services to persons who are blind and  
29 persons with physical disabilities.

30 Sec. 29. Section 225.12, Code 2001, is amended to read as  
31 follows:

32 225.12 VOLUNTARY PUBLIC PATIENT -- PHYSICIAN'S REPORT.

33 A physician filing an information under section 225.10  
34 shall include a written report to the judge, giving such a  
35 history of the case as will be likely to aid in the

1 observation, treatment, and hospital care of the person named  
2 in the information and describing the same in detail.

3 Sec. 30. Section 225.30, Code Supplement 2001, is amended  
4 to read as follows:

5 225.30 BLANKS -- AUDIT.

6 The medical faculty of the university of Iowa college of  
7 medicine shall prepare blanks containing such questions and  
8 requiring such information as may be necessary and proper to  
9 be obtained by the physician who examines a person or  
10 respondent whose referral to the state psychiatric hospital is  
11 contemplated. A judge may request that a physician who  
12 examines a respondent as required by section 229.10 complete  
13 such blanks in duplicate in the course of the examination. A  
14 physician who proposes to file an information under section  
15 225.10 shall obtain and complete such blanks in duplicate and  
16 file them with the information. The blanks shall be printed  
17 by the state and a supply thereof shall be sent to the clerk  
18 of each district court of the state. The director of revenue  
19 and finance shall audit, allow, and pay the cost of the blanks  
20 as other bills for public printing are allowed and paid.

21 Sec. 31. Section 225B.7, subsection 2, Code Supplement  
22 2001, is amended by striking the subsection.

23 Sec. 32. Section 229.14, subsection 2, paragraph d, Code  
24 Supplement 2001, is amended to read as follows:

25 d. If the court orders treatment of the respondent on an  
26 outpatient or other appropriate basis as described in the  
27 chief medical officer's report pursuant to subsection 1,  
28 paragraph "c", the order shall provide that, should the  
29 respondent fail or refuse to submit to treatment in accordance  
30 with the court's order, the court may order that the  
31 respondent be taken into immediate custody as provided by  
32 section 229.11 and, following notice and hearing held in  
33 accordance with the procedures of section 229.12, may order  
34 the respondent treated as on an inpatient basis requiring  
35 full-time custody, care, and treatment in a hospital until

1 such time as the chief medical officer reports that the  
2 respondent does not require further treatment for serious  
3 mental impairment or has indicated the respondent is willing  
4 to submit to treatment on another basis as ordered by the  
5 court. If a patient is transferred for treatment to another  
6 provider under this paragraph, the treatment provider who will  
7 be providing the outpatient or other appropriate treatment  
8 shall be provided with copies of relevant court orders by the  
9 former treatment provider.

10 Sec. 33. Section 233.1, subsection 2, paragraph a, Code  
11 Supplement 2001, is amended to read as follows:

12 a. "Institutional health facility" means a hospital as  
13 defined in section 135B.1, including a facility providing  
14 medical or health services that is open twenty-four hours per  
15 day, seven days per week and is a hospital emergency room, or  
16 a health care facility as defined in section 135C.1.

17 Sec. 34. Section 233.6, subsection 2, Code Supplement  
18 2001, is amended to read as follows:

19 2. Educational materials, public information  
20 announcements, and other resources to develop awareness of the  
21 availability of the newborn safe haven Act, among adolescents,  
22 young parents, and others who might avail themselves of the  
23 Act this chapter.

24 Sec. 35. Section 235B.16, subsection 5, paragraph e, Code  
25 Supplement 2001, is amended to read as follows:

26 e. A person required to complete both child abuse and  
27 dependent adult abuse mandatory reporter training may complete  
28 the training through a program which combines child abuse and  
29 dependent adult abuse curricula and thereby meet the training  
30 requirements of both this subsection and section 232.69  
31 simultaneously. A person who is a mandatory reporter for both  
32 child abuse and dependent adult abuse may satisfy the combined  
33 training requirements of this subsection and section 232.69  
34 through completion of a two-hour training program, if the  
35 training program curriculum is approved by the appropriate

1 licensing or examining board or the abuse education review  
2 panel established by the director of public health pursuant to  
3 section 135.11.

4 Sec. 36. Section 236.3, unnumbered paragraph 2, Code  
5 Supplement 2001, is amended to read as follows:

6 The filing fee and court costs for an order for protection  
7 under this chapter shall be waived for the plaintiff. The  
8 clerk of court, the sheriff of any county in this state, and  
9 other law enforcement and corrections officers shall perform  
10 their duties relating to service of process without charge to  
11 the petitioner plaintiff. When an order for protection is  
12 entered by the court, the court may direct the defendant to  
13 pay to the clerk of court the plaintiff's-filing fees for the  
14 filing of the petition and reasonable costs of service of  
15 process if the court determines the defendant has the ability  
16 to pay the plaintiff's fees and costs.

17 Sec. 37. Section 263A.2, Code 2001, is amended to read as  
18 follows:

19 263A.2 ~~LEGISLATIVE-APPROVAL-BEFORE-ACTING-HEREUNDER~~  
20 AUTHORIZATION OF GENERAL ASSEMBLY AND GOVERNOR.

21 Subject to and in accordance with the provisions of this  
22 chapter, the state board of regents after authorization by a  
23 constitutional majority of the general assembly and approval  
24 by the governor may undertake and carry out any project as  
25 defined in this chapter at the state university of Iowa. The  
26 state board of regents is authorized to operate, control,  
27 maintain, and manage buildings and facilities and additions to  
28 such buildings and facilities at said institution. All  
29 contracts for the construction, reconstruction, completion,  
30 equipment, improvement, repair, or remodeling of any  
31 buildings, additions, or facilities shall be let in accordance  
32 with the provisions of section 262.34. The title to all real  
33 estate acquired under the provisions of this chapter and the  
34 improvements erected thereon shall be taken and held in the  
35 name of the state of Iowa.

1 Sec. 38. Section 294A.14, unnumbered paragraph 12, Code  
2 Supplement 2001, is amended to read as follows:

3 For purposes of this section, "comprehensive school  
4 transformation" means activities which focus on the  
5 improvement of student achievement and the attainment of  
6 student achievement goals under section 256.7, subsection 21,  
7 and section 280.12. A comprehensive school transformation  
8 plan submitted by a school district shall demonstrate the  
9 manner in which the components of the plan are integrated with  
10 a school's student achievement goals. Components of the plan  
11 may include, but are not limited to, providing salary  
12 increases to teachers who implement site-based shared decision  
13 making, building-based goal-oriented compensation mechanism,  
14 or approved innovative educational programs; who focus on  
15 student outcomes; who direct accountability for student  
16 achievement or accountability for organizational success; and  
17 who work to foster relationships between a school and  
18 businesses or public agencies which provide health and social  
19 services.

20 Sec. 39. Section 303.2, subsection 2, paragraph k, Code  
21 Supplement 2001, is amended to read as follows:

22 k. Administer, preserve, and interpret the battle flag  
23 collection assembled by the state in consultation and  
24 coordination with the department commission of veterans  
25 affairs and the department of general services. A portion of  
26 the battle flag collection shall be on display at the state  
27 capitol and the state historical building at all times, unless  
28 on loan approved by the department of cultural affairs.

29 Sec. 40. Section 309.1, Code 2001, is amended by adding  
30 the following new subsections:

31 NEW SUBSECTION. 1A. "Bridge" includes any structure  
32 including supports, erected over a depression or an  
33 obstruction, such as water, a highway, or railway. A bridge  
34 has a track or passageway for carrying traffic or other moving  
35 loads and has an opening measured along the center of the

1 roadway of more than twenty feet. The measurement shall be  
2 between the inside faces of abutments, the inside faces of the  
3 exterior walls of multiple box culverts, the spring lines of  
4 arches, and the horizontal measurement of circular or  
5 elliptical structures.

6 a. The length of a bridge is the overall measurement from  
7 back to back of backwalls and abutments measured along the  
8 center of the roadway.

9 b. Multiple pipes, where the distance between openings is  
10 less than half the smaller contiguous opening, may be included  
11 as a bridge, provided the pipes meet the other definitional  
12 requirements for bridges in this subsection.

13 NEW SUBSECTION. 1B. "Culvert" includes any structure not  
14 classified as a bridge which provides an opening under any  
15 roadway, except that this term does not include tile crossing  
16 the road, or intakes thereto, where the tile are a part of a  
17 tile line or system designed to aid subsurface drainage.

18 Sec. 41. Section 309.41, unnumbered paragraph 1, Code  
19 2001, is amended to read as follows:

20 Contracts not embraced within the provisions of section  
21 309.40 or 309.40A shall be either advertised and let at a  
22 public letting; or, where the cost does not exceed the  
23 engineer's estimate, let through informal bid procedure by  
24 contacting at least three qualified bidders prior to letting  
25 the contract. The informal bids received together with a  
26 statement setting forth the reasons for use of the informal  
27 procedure and bid acceptance shall be entered in the minutes  
28 of the board of supervisors meeting at which such action was  
29 taken.

30 Sec. 42. Section 321.34, subsection 12A, unnumbered  
31 paragraph 1, Code Supplement 2001, is amended to read as  
32 follows:

33 An owner of a vehicle referred to in subsection 12 who  
34 applies for any type of special registration plates associated  
35 with service in the United States armed forces shall be issued

1 one set of the special registration plates at no charge, but  
2 shall be subject to the annual registration fee of fifteen  
3 dollars, if all of the following conditions are met:

4 Sec. 43. Section 321.45, subsection 4, Code Supplement  
5 2001, is amended to read as follows:

6 4. After acquiring a used mobile home or manufactured home  
7 to be titled in Iowa, a manufactured or mobile home dealer  
8 retailer, as defined in section 322B.27, shall within thirty  
9 days apply for and obtain from the county treasurer of the  
10 dealer's retailer's county of residence a new certificate of  
11 title for the mobile home or manufactured home. In the event  
12 that there is a prior lien or encumbrance to be released, as  
13 required by section 321.50, subsection 4, the thirty-day time  
14 period in this subsection does not begin to run until the lien  
15 or encumbrance is released.

16 Sec. 44. Section 321.46, subsection 2, Code Supplement  
17 2001, is amended to read as follows:

18 2. Upon filing the application for a new registration and  
19 a new title, the applicant shall pay a title fee of ten  
20 dollars and a registration fee prorated for the remaining  
21 unexpired months of the registration year. A manufacturer  
22 applying for a certificate of title pursuant to section  
23 322G.12 shall pay a title fee of two dollars. However, a  
24 title fee shall not be charged to a manufactured or mobile  
25 home retailer applying for a certificate of title for a used  
26 mobile home or manufactured home, titled in Iowa, as required  
27 under section 321.45, subsection 4. The county treasurer, if  
28 satisfied of the genuineness and regularity of the  
29 application, and in the case of a mobile home or manufactured  
30 home, that taxes are not owing under chapter 435, and that  
31 applicant has complied with all the requirements of this  
32 chapter, shall issue a new certificate of title and, except  
33 for a mobile home, manufactured home, or a vehicle returned to  
34 and accepted by a manufacturer as described in section  
35 322G.12, a registration card to the purchaser or transferee,

1 shall cancel the prior registration for the vehicle, and shall  
2 forward the necessary copies to the department on the date of  
3 issuance, as prescribed in section 321.24. Mobile homes or  
4 manufactured homes titled under chapter 448 that have been  
5 subject under section 446.18 to a public bidder sale in a  
6 county shall be titled in the county's name, with no fee, and  
7 the county treasurer shall issue the title.

8 Sec. 45. Section 321.49, subsection 3, Code Supplement  
9 2001, is amended to read as follows:

10 3. A manufactured or mobile home retailer who acquires a  
11 used mobile home or manufactured home, titled in Iowa, and who  
12 does not apply for and obtain a certificate of title from the  
13 county treasurer of the manufactured or mobile home retailer's  
14 county of residence within thirty days of the date of  
15 acquisition, as required under section 321.45, subsection 4,  
16 is subject to a penalty of ten dollars. A certificate of  
17 title shall not be issued to the manufactured or mobile home  
18 retailer until the penalty is paid.

19 Sec. 46. Section 321.56, subsection 1, unnumbered  
20 paragraph 1, Code Supplement 2001, is amended to read as  
21 follows:

22 The operator of a commercial motor vehicle which is not  
23 registered within the state as required pursuant to this  
24 chapter or chapter 326 or which does not have an interstate  
25 fuel permit, as required under chapter 452A, may enter the  
26 state and travel to a commercial vehicle dealer or repair  
27 facility and exit the state under if all of the following  
28 circumstances apply:

29 Sec. 47. Section 321.57, subsections 1, 2, 4, and 5, Code  
30 Supplement 2001, are amended to read as follows:

31 1. A manufactured-home-retailer dealer owning any vehicle  
32 of a type otherwise required to be registered under this  
33 chapter may operate or move the vehicle upon the highways  
34 solely for purposes of transporting, testing, demonstrating,  
35 or selling the vehicle without registering the vehicle, upon

1 condition that the vehicle display in the manner prescribed in  
2 sections 321.37 and 321.38 a special plate issued to the owner  
3 as provided in sections 321.58 to 321.62. Additionally, a new  
4 car dealer or a used car dealer may operate or move upon the  
5 highways a new or used car or trailer owned by the dealer for  
6 either private or business purposes without registering it if  
7 the new or used car or trailer is in the dealer's inventory  
8 and is continuously offered for sale at retail, and there is  
9 displayed on it a special plate issued to the dealer as  
10 provided in sections 321.58 to 321.62.

11 2. In addition, while a service customer is having the  
12 customer's own vehicle serviced or repaired by the  
13 ~~manufactured-home-retailer~~ dealer, the service customer of the  
14 ~~manufactured-home-retailer~~ dealer may operate upon the  
15 highways a motor vehicle owned by the ~~manufactured-home~~  
16 ~~retailer~~ dealer, except a motor truck or truck tractor, upon  
17 which there is displayed a special plate issued to the  
18 ~~manufactured-home-retailer~~ dealer, provided all of the  
19 requirements of this section are complied with.

20 4. The provisions of this section and sections 321.58 to  
21 321.62, shall not apply to any vehicles offered for hire, work  
22 or service vehicles owned by a transporter or ~~manufactured~~  
23 ~~home-retailer~~ dealer.

24 5. ~~Manufactured~~ or mobile home retailers licensed under  
25 chapter 322B may transport and deliver mobile homes or  
26 manufactured homes in their inventory upon the highways of  
27 this state with a special plate displayed on the mobile home  
28 or manufactured home as provided in sections 321.58 to 321.62.

29 Sec. 48. Section 321.58, Code Supplement 2001, is amended  
30 to read as follows:

31 321.58 APPLICATION.

32 All ~~manufactured-home-retailers~~ dealers, transporters, new  
33 motor vehicle wholesalers licensed under chapter 322, and  
34 ~~manufactured~~ or mobile home retailers licensed under chapter  
35 322B, upon payment of a fee of seventy dollars for two years,

1 one hundred forty dollars for four years, or two hundred ten  
2 dollars for six years, may make application to the department  
3 upon the appropriate form for a certificate containing a  
4 general distinguishing number and for one or more special  
5 plates as appropriate to various types of vehicles subject to  
6 registration. The applicant shall also submit proof of the  
7 applicant's status as a bona fide transporter, new motor  
8 vehicle wholesaler licensed under chapter 322, manufactured or  
9 mobile home retailer licensed under chapter 322B, or  
10 ~~manufactured-home-retailer~~ dealer, as reasonably required by  
11 the department. Dealers in new vehicles shall furnish  
12 satisfactory evidence of a valid franchise with the  
13 manufacturer of the vehicles authorizing the dealership.

14 Sec. 49. Section 321.104, subsection 6, Code Supplement  
15 2001, is amended to read as follows:

16 6. For a dealer manufactured or mobile home retailer to  
17 sell or transfer a mobile home or manufactured home without  
18 delivering to the purchaser or transferee a certificate of  
19 title or a manufacturer's or importer's certificate properly  
20 assigned to the purchaser, or to transfer a mobile home or  
21 manufactured home without disclosing to the purchaser the  
22 owner of the mobile home or manufactured home in a manner  
23 prescribed by the department pursuant to rules, ~~or-to-fail-to~~  
24 ~~certify-within-seven-days-to-the-proper-county-treasurer-the~~  
25 ~~information-required-under-section-321.457-subsection-47~~ or to  
26 fail to apply for and obtain a certificate of title for a used  
27 mobile home or manufactured home, titled in Iowa, acquired by  
28 the dealer manufactured or mobile home retailer within thirty  
29 days from the date of acquisition as required under section  
30 321.45, subsection 4.

31 Sec. 50. Section 321.445, subsection 2, unnumbered  
32 paragraph 3, Code Supplement 2001, is amended by striking the  
33 unnumbered paragraph.

34 Sec. 51. Section 336.16, unnumbered paragraph 1, Code  
35 Supplement 2001, is amended to read as follows:

1 A city may withdraw from the library district upon a  
2 majority vote in favor of withdrawal by the electorate of the  
3 city in an election held on a motion by the city council. The  
4 election shall be held simultaneously with a general or city  
5 election. Notice of a favorable vote to withdraw shall be  
6 sent by certified mail to the board of library trustees of the  
7 library district and the county auditor or city auditor clerk,  
8 as appropriate, prior to January 10, and the withdrawal shall  
9 be effective on July 1.

10 Sec. 52. Section 384.84A, subsection 2, unnumbered  
11 paragraph 1, Code Supplement 2001, is amended to read as  
12 follows:

13 If, before the date fixed for taking action to authorize  
14 the issuance of revenue bonds for the storm water drainage  
15 construction project, a petition signed by eligible electors  
16 residing within the city equal in number to at least three  
17 percent of the registered voters of the city is filed, asking  
18 that the question of issuing revenue bonds for the storm water  
19 drainage construction project be submitted to the registered  
20 voters of the city, the council, by resolution, shall declare  
21 the project abandoned or shall direct the county commissioner  
22 of elections to call a special election upon the question of  
23 issuing the bonds for the storm water drainage construction  
24 project if the cost of the project and population of the city  
25 meet one of the following criteria:

26 Sec. 53. Section 422A.2, subsection 4, paragraph f,  
27 unnumbered paragraph 2, Code Supplement 2001, is amended to  
28 read as follows:

29 If at any time before the date fixed for taking action for  
30 the issuance of the bonds, a petition signed by eligible  
31 electors residing in the city or the unincorporated area equal  
32 in number to at least three percent of the registered voters  
33 of the city or unincorporated area is filed, asking that the  
34 question of issuing the bonds be submitted to the registered  
35 voters of the city or unincorporated area, the council or

1 board of supervisors acting on behalf of an unincorporated  
2 area shall either by resolution declare the proposal to issue  
3 the bonds to have been abandoned or shall direct the county  
4 commissioner of elections to call a special election upon the  
5 question of issuing the bonds.

6 Sec. 54. Section 426.6, unnumbered paragraph 1, Code  
7 Supplement 2001, is amended to read as follows:

8 The agricultural land tax credit allowed each year shall be  
9 computed as follows: On or before April 1, the county auditor  
10 shall list by school districts all tracts of agricultural  
11 lands which they are entitled to credit, together with the  
12 taxable value for the previous year, together with the budget  
13 from each school district for the previous year, and the tax  
14 rate determined for the general fund of the district in the  
15 manner prescribed in section 444.3 for the previous year, and  
16 if such tax rate is in excess of five dollars and forty cents  
17 per thousand dollars of assessed value, the auditor shall  
18 multiply the tax levy which is in excess of five dollars and  
19 forty cents per thousand dollars of assessed value by the  
20 total taxable value of the agricultural lands entitled to  
21 credit in the district, and on or before April 1, certify the  
22 amount to the department of revenue and finance.

23 Sec. 55. Section 427.1, subsection 14, unnumbered  
24 paragraph 1, Code Supplement 2001, is amended to read as  
25 follows:

26 A society or organization claiming an exemption under  
27 subsection 5, ~~or-subsection 8, or 33~~ shall file with the  
28 assessor not later than February 1 a statement upon forms to  
29 be prescribed by the director of revenue and finance,  
30 describing the nature of the property upon which the exemption  
31 is claimed and setting out in detail any uses and income from  
32 the property derived from the rentals, leases, or other uses  
33 of the property not solely for the appropriate objects of the  
34 society or organization. Upon the filing and allowance of the  
35 claim, the claim shall be allowed on the property for

1 successive years without further filing as long as the  
2 property is used for the purposes specified in the original  
3 claim for exemption. When the property is sold or  
4 transferred, the county recorder shall provide notice of the  
5 transfer to the assessor. The notice shall describe the  
6 property transferred and the name of the person to whom title  
7 to the property is transferred.

8 Sec. 56. Section 427.1, subsection 16, Code Supplement  
9 2001, is amended to read as follows:

10 16. REVOKING OR MODIFYING EXEMPTION. Any taxpayer or any  
11 taxing district may make application to the director of  
12 revenue and finance for revocation or modification ~~for~~ of any  
13 exemption, based upon alleged violations of this chapter. The  
14 director of revenue and finance may also on the director's own  
15 motion set aside or modify any exemption which has been  
16 granted upon property for which exemption is claimed under  
17 this chapter. The director of revenue and finance shall give  
18 notice by mail to the taxpayer or taxing district applicant  
19 and to the societies or organizations claiming an exemption  
20 upon property, exemption of which is questioned before or by  
21 the director of revenue and finance, and shall hold a hearing  
22 prior to issuing any order for revocation or modification. An  
23 order made by the director of revenue and finance revoking or  
24 modifying an exemption shall be applicable to the tax year  
25 commencing with the tax year in which the application is made  
26 to the director or the tax year commencing with the tax year  
27 in which the director's own motion is filed. An order made by  
28 the director of revenue and finance revoking or modifying an  
29 exemption is subject to judicial review in accordance with  
30 chapter 17A, the Iowa administrative procedure Act.

31 Notwithstanding the terms of ~~that Act~~ chapter 17A, petitions  
32 for judicial review may be filed in the district court having  
33 jurisdiction in the county in which the property is located,  
34 and must be filed within thirty days after any order revoking  
35 or modifying an exemption is made by the director of revenue

1 and finance.

2 Sec. 57. Section 435.27, subsection 1, Code Supplement  
3 2001, is amended to read as follows:

4 1. A mobile home or manufactured home converted to real  
5 estate under section 435.26 may be reconverted to a home as  
6 provided in this section when it is moved to a manufactured  
7 home community or mobile home park or a manufactured or mobile  
8 home retailer's inventory. When the home is located within a  
9 manufactured home community or mobile home park, the home  
10 shall be taxed pursuant to section 435.22, subsection 1.

11 Sec. 58. Section 437A.3, subsection 17, paragraph d, Code  
12 Supplement 2001, is amended to read as follows:

13 d. Any property described in section 437A.16 in this state  
14 acquired by a person not previously subject to taxation under  
15 this chapter.

16 Sec. 59. Section 453A.42, subsection 14, Code 2001, is  
17 amended to read as follows:

18 14. "Tobacco products" means cigars; little cigars as  
19 defined herein; cheroots; stogies; periques; granulated, plug  
20 cut, crimp cut, ready rubbed, and other smoking tobacco;  
21 snuff; snuff flour; cavendish; plug and twist tobacco; fine-  
22 cut and other chewing tobaccos; shorts; refuse scraps,  
23 clippings, cuttings and sweepings to of tobacco, and other  
24 kinds and forms of tobacco, prepared in such manner as to be  
25 suitable for chewing or smoking in a pipe or otherwise, or  
26 both for chewing and smoking; but shall not include cigarettes  
27 as defined in section 453A.1, subsection 3.

28 Sec. 60. Section 455B.473, subsection 8, unnumbered  
29 paragraph 1, Code Supplement 2001, is amended to read as  
30 follows:

31 It shall be unlawful to deposit or accept a regulated  
32 substance in an underground storage tank which has not been  
33 registered and issued permanent and annual tank management fee  
34 renewal tags pursuant to subsections 1 through 6. ~~It shall~~  
35 ~~also be unlawful to~~ A person shall not deposit a regulated

1 substance in an underground storage tank after receiving  
2 notice from the department that the underground storage tank  
3 is not covered by an approved form of financial responsibility  
4 in accordance with section 455B.474, subsection 2.

5 Sec. 61. Section 455B.484, subsections 10, 12, and 13,  
6 Code Supplement 2001, are amended by striking the subsections.

7 Sec. 62. Section 476.27, subsection 1, paragraph g,  
8 subparagraph (2), Code Supplement 2001, is amended to read as  
9 follows:

10 (2) A right-of-way or other interest in real estate that  
11 is occupied or managed by or on behalf of a railroad  
12 corporation, the trustees of a railroad corporation, or the  
13 successor in interest ~~or~~ of a railroad corporation, including  
14 an abandoned railroad right-of-way that has not otherwise  
15 reverted pursuant to chapter 327G.

16 Sec. 63. Section 483A.7, subsection 3, Code Supplement  
17 2001, is amended to read as follows:

18 3. A nonresident wild turkey hunter is required to have a  
19 nonresident hunting license and a nonresident wild turkey  
20 hunting license and pay the wildlife habitat fee. The  
21 commission shall annually limit to two thousand three hundred  
22 licenses the number of nonresidents allowed to have wild  
23 turkey hunting licenses. Of the two thousand three hundred  
24 licenses, one hundred fifty licenses shall be valid for  
25 hunting with muzzle loading shotguns only. ~~The number of~~  
26 ~~nonresident-wild-turkey-hunting-licenses-shall-be-determined~~  
27 ~~as-provided-in-section-481A-38.~~ The commission shall allocate  
28 the nonresident wild turkey hunting licenses issued among the  
29 zones based on the populations of wild turkey. A nonresident  
30 applying for a wild turkey hunting license must exhibit proof  
31 of having successfully completed a hunter safety and ethics  
32 education program as provided in section 483A.27 or its  
33 equivalent as determined by the department before the license  
34 is issued.

35 Sec. 64. Section 483A.8, subsections 3 and 5, Code

1 Supplement 2001, are amended to read as follows:

2 3. A nonresident hunting deer is required to have a  
3 nonresident hunting license and a nonresident deer license and  
4 must pay the wildlife habitat fee. The commission shall  
5 annually limit to eight thousand five hundred licenses the  
6 number of nonresidents allowed to have deer hunting licenses.  
7 Of the first six thousand nonresident deer licenses issued,  
8 not more than thirty-five percent of the licenses shall be bow  
9 season licenses and, after the first six thousand nonresident  
10 deer licenses have been issued, all additional licenses shall  
11 be issued for antlerless deer only. ~~The number of nonresident~~  
12 ~~deer hunting licenses shall be determined as provided in~~  
13 ~~section 481A.38.~~ The commission shall allocate the  
14 nonresident deer hunting licenses issued among the zones based  
15 on the populations of deer. However, a nonresident applicant  
16 may request one or more hunting zones, in order of preference,  
17 in which the applicant wishes to hunt. If the request cannot  
18 be fulfilled, the applicable fees shall be returned to the  
19 applicant. A nonresident applying for a deer hunting license  
20 must exhibit proof of having successfully completed a hunter  
21 safety and ethics education program as provided in section  
22 483A.27 or its equivalent as determined by the department  
23 before the license is issued.

24 5. A nonresident owning land in this state may apply for  
25 one of the first six thousand nonresident deer licenses not  
26 limited to antlerless deer, and the provisions of subsection 3  
27 shall apply. However, if a nonresident owning land in this  
28 state is unsuccessful in the drawing obtaining one of the  
29 first six thousand nonresident deer licenses, the landowner  
30 shall be given preference for one of the two thousand five  
31 hundred antlerless only nonresident deer licenses. A  
32 nonresident owning land in this state shall pay the fee for a  
33 nonresident antlerless only deer license and the license shall  
34 be valid to hunt on the nonresident's land only. A  
35 nonresident owning land in this state is eligible for only one

1 nonresident deer license annually. If one or more parcels of  
2 land have multiple nonresident owners, only one of the  
3 nonresident owners is eligible for a nonresident antlerless  
4 only deer license. If a nonresident jointly owns land in this  
5 state with a resident, the nonresident shall not be given  
6 preference for a nonresident antlerless only deer license.  
7 The department may require proof of land ownership from a  
8 nonresident landowner applying for a nonresident antlerless  
9 only deer license.

10 Sec. 65. Section 513C.5, subsection 2, Code Supplement  
11 2001, is amended to read as follows:

12 2. Notwithstanding subsection 1, the commissioner, with  
13 the concurrence of the board of ~~the Iowa individual health~~  
14 ~~benefit-reinsurance-association~~ established under chapter  
15 514E, may by order reduce or eliminate the allowed rating  
16 bands provided under subsection 1, paragraphs "a", "b", "c",  
17 and "e", or otherwise limit or eliminate the use of experience  
18 rating.

19 Sec. 66. Section 513C.10, subsection 2, unnumbered  
20 paragraph 1, Code Supplement 2001, is amended to read as  
21 follows:

22 Rates for basic and standard coverages as provided in this  
23 chapter shall be determined by each carrier or organized  
24 delivery system as the product of a basic and standard factor  
25 and the lowest rate available for issuance by that carrier or  
26 organized delivery system adjusted for rating characteristics  
27 and benefits. Basic and standard factors shall be established  
28 annually by the Iowa ~~individual health benefit-reinsurance~~  
29 comprehensive health insurance association board with the  
30 approval of the commissioner. Multiple basic and standard  
31 factors for a distinct grouping of basic and standard policies  
32 may be established. A basic and standard factor is limited to  
33 a minimum value defined as the ratio of the average of the  
34 lowest rate available for issuance and the maximum rate  
35 allowable by law divided by the lowest rate available for

1 issuance. A basic and standard factor is limited to a maximum  
2 value defined as the ratio of the maximum rate allowable by  
3 law divided by the lowest rate available for issuance. The  
4 maximum rate allowable by law and the lowest rate available  
5 for issuance is determined based on the rate restrictions  
6 under this chapter. For policies written after January 1,  
7 2002, rates for the basic and standard coverages as provided  
8 in this chapter shall be calculated using the basic and  
9 standard factors and shall be no lower than the maximum rate  
10 allowable by law. However, to maintain assessable loss  
11 assessments at or below one percent of total health insurance  
12 premiums or payments as determined in accordance with  
13 subsection 6, the Iowa ~~individual-health-benefit-reinsurance~~  
14 comprehensive health insurance association board with the  
15 approval of the commissioner may increase the value for any  
16 basic and standard factor greater than the maximum value.

17 Sec. 67. Section 513C.11, subsection 1, Code 2001, is  
18 amended to read as follows:

19 1. A self-funded employer-sponsored health benefit plan  
20 qualified under the federal Employee Retirement Income  
21 Security Act of 1974 may voluntarily elect to participate in  
22 the Iowa individual health benefit reinsurance association  
23 established in section 513C.10 in accordance with the plan of  
24 operation and subject to such terms and conditions adopted by  
25 the board of the association established in section 514E.2 to  
26 provide portability and continuity to its covered employees  
27 and their covered spouses and dependents subject to the same  
28 terms and conditions as a participating insurer.

29 Sec. 68. Section 514A.3, subsection 1, paragraph m, Code  
30 Supplement 2001, is amended to read as follows:

31 m. A provision as follows:

32 RIGHT TO RETURN POLICY: The insured has the right, within  
33 ten days after receipt of this policy, to return it to the  
34 company at its home office or branch office or to the agent  
35 through whom it was purchased, and if so returned the premium

1 paid will be refunded and the policy will be void from the  
2 beginning and the parties shall be in the same position as if  
3 a policy had not been issued.

4 The foregoing provision shall be prominently printed on the  
5 first page of the policy or attached to the policy.

6 The provisions of this paragraph "m" ~~and-section-507B-47~~  
7 ~~subsections-12-and-13~~ shall apply to any insurance policy  
8 which is delivered or issued for delivery or renewed in this  
9 state on or after July 1, 1978.

10 Sec. 69. Section 514J.5, subsection 3, Code Supplement  
11 2001, is amended to read as follows:

12 3. The carrier or organized delivery system has three  
13 business days from the date of receipt to contest the  
14 commissioner's certification decision. If the commissioner  
15 finds that the request for external review is not eligible for  
16 certification, the commissioner, within two business days of  
17 the date of the request, shall notify the enrollee, or the  
18 enrollee's treating health care provider acting on behalf of  
19 the enrollee, in writing of the reasons that the request for  
20 external review is not eligible for certification.

21 If the commissioner finds that the request for external  
22 review is eligible for certification, notwithstanding the  
23 contest by the carrier or organized delivery system, the  
24 commissioner shall promptly notify the carrier or organized  
25 delivery system in writing of the reasons for upholding the  
26 certification.

27 Sec. 70. Section 514J.7, subsection 1, paragraph b, Code  
28 Supplement 2001, is amended to read as follows:

29 b. Notify in writing the enrollee, and the enrollee's  
30 treating health care provider, of the name, address, and  
31 telephone number of the independent review entity and of the  
32 enrollee's and treating health care provider's right to submit  
33 additional information.

34 Sec. 71. Section 514J.7, subsection 2, Code Supplement  
35 2001, is amended to read as follows:

1        2. The independent review entity, within three business  
2 days of receipt of the notice, shall select a person to  
3 perform the external review and shall provide notice to the  
4 enrollee ~~of~~ and the carrier containing a brief description of  
5 the person including the reasons the person selected is an  
6 expert in the treatment of the medical condition under review.  
7 The independent review entity does not need to disclose the  
8 name of the person. A copy of the notice shall be sent by  
9 facsimile to the commissioner. If the independent review  
10 entity does not have a person who is an expert in the  
11 treatment of the medical condition under review and certified  
12 by the commissioner to conduct an independent review, the  
13 independent review entity may either decline the review  
14 request or may request from the commissioner additional time  
15 to have such an expert certified. The independent review  
16 entity shall notify the commissioner by facsimile of its  
17 choice between these options within three business days of  
18 receipt of the notice from the carrier or organized delivery  
19 system. The commissioner shall provide a notice to the  
20 enrollee and carrier or organized delivery system of the  
21 independent review entity's decision and of the commissioner's  
22 decision as to how to proceed with the external review process  
23 within three business days of receipt of the independent  
24 review entity's decision.

25        Sec. 72. Section 514J.7, subsection 6, Code Supplement  
26 2001, is amended to read as follows:

27        6. The independent review entity shall notify the enrollee  
28 and the enrollee's treating health care provider of any  
29 additional medical information required to conduct the review  
30 within five business days of receipt of the documentation  
31 required under subsection 4. The enrollee or the enrollee's  
32 treating health care provider shall provide the requested  
33 information to the independent review entity within five days  
34 after receipt of the notification requesting additional  
35 medical information. The independent review entity may

1 reasonably decide whether it is reasonable to consider any  
2 information provided by the enrollee or the enrollee's  
3 treating health care provider after the five-day period. The  
4 independent review entity shall notify the commissioner and  
5 the carrier or organized delivery system of this request.

6 Sec. 73. Section 518A.41, Code 2001, is amended to read as  
7 follows:

8 518A.41 AGENTS TO BE LICENSED.

9 No person or corporation shall solicit any application for  
10 insurance for any association in this state without having  
11 procured from the commissioner of insurance a license  
12 authorizing the person or corporation to act as agent an  
13 insurance producer. Violation of this provision shall  
14 constitute a serious misdemeanor.

15 Sec. 74. Section 518A.43, Code 2001, is amended to read as  
16 follows:

17 518A.43 CANCELLATION OF LICENSE.

18 The commissioner of insurance may, for a just and  
19 reasonable cause, cancel the license of such-agent an  
20 insurance producer after due notice and hearing.

21 Sec. 75. Section 522B.1, subsections 6 and 9, Code  
22 Supplement 2001, are amended to read as follows:

23 6. "Insurer" means a person engaged in the business of  
24 insurance who is ~~licensed~~ regulated under chapter 508, 512B,  
25 515, or 520.

26 9. "Limited lines producer" means a person authorized  
27 licensed by the commissioner to sell, solicit, or negotiate  
28 limited lines insurance.

29 Sec. 76. Section 522B.3, subsection 2, paragraph b,  
30 subparagraph (1), Code Supplement 2001, is amended to read as  
31 follows:

32 (1) Secures and furnishes information for the purpose of  
33 group life insurance, group property and casualty insurance,  
34 group annuities, or group or blanket accident and health  
35 insurance.

1     Sec. 77. Section 522B.6, subsection 7, Code Supplement  
2 2001, is amended to read as follows:

3     7. A licensee shall inform the commissioner by any means  
4 acceptable to the commissioner of a change of legal name or  
5 address within thirty days of the change. Failure to timely  
6 inform the commissioner of a change in legal name or address  
7 may result in a penalty as specified in section 522B.17.

8     Sec. 78. Section 523A.102, subsection 3, Code Supplement  
9 2001, is amended to read as follows:

10    3. "Burial account" means an account established by a  
11 person with a financial institution for the purpose of funding  
12 the future purchase of cemetery merchandise, funeral  
13 merchandise, funeral services, or a combination thereof  
14 without any related trust agreement.

15    Sec. 79. Section 523A.202, subsection 2, Code Supplement  
16 2001, is amended to read as follows:

17    2. All funds required to be deposited by the purchaser or  
18 the seller for a purpose described in section 523A.201 shall  
19 be deposited consistent with one of the following methods:

20    a. The payments shall be deposited directly into an  
21 interest-bearing burial account in the purchaser's name.

22    b. The purchaser or the seller shall deposit payments  
23 directly into a separate trust account in the purchaser's  
24 name. The account may be made payable to the seller upon the  
25 death of the purchaser or the designated beneficiary, provided  
26 that, until death, the purchaser retains the exclusive power  
27 to hold, manage, pledge, and invest the trust account funds  
28 and may revoke the trust and withdraw the funds, in whole or  
29 in part, at any time during the term of the agreement.

30    c. The purchaser or the seller shall deposit payments  
31 directly into a separate trust account in the name of the  
32 purchaser, as trustee, for the named beneficiary, to be held,  
33 invested, and administered as a trust account for the benefit  
34 and protection of the beneficiary. The depositor shall notify  
35 the financial institution of the existence and terms of the

1 trust, including at a minimum, the name of each party to the  
2 agreement, the name and address of the trustee, and the name  
3 and address of the beneficiary. The account may be made  
4 payable to the seller upon the beneficiary's death.

5 d. The payments shall be deposited in the name of the  
6 trustee, as trustee, under the terms of a master trust  
7 agreement and the trustee may invest, reinvest, exchange,  
8 retain, sell, and otherwise manage the trust fund for the  
9 benefit and protection of the named beneficiary.

10 Sec. 80. Section 523A.302, Code Supplement 2001, is  
11 amended to read as follows:

12 523A.302 IDENTIFICATION OF MERCHANDISE AND SERVICE  
13 PROVIDER.

14 If a burial trust fund identifies, either in the trust fund  
15 records or in a related purchase agreement, the seller who  
16 will provide the cemetery merchandise, funeral merchandise,  
17 funeral services, or a combination thereof, the trust fund  
18 records or the related purchase agreements must contain a  
19 statement signed by an authorized representative of the seller  
20 agreeing to furnish the cemetery merchandise, funeral  
21 merchandise, funeral services, or a combination thereof upon  
22 the death of the beneficiary. The burial trust fund shall not  
23 identify a specific seller as payee unless the trust fund  
24 records or the related purchase agreements, if any, contain  
25 the signature of an authorized representative of the seller  
26 and, if the agreement is for ~~funeral~~ mortuary science services  
27 as mortuary science is defined in ~~chapter-156~~ section 156.1,  
28 the name of a funeral director licensed to deliver those  
29 services. A person may enter into agreements authorizing the  
30 establishment of more than one burial trust fund and agreeing  
31 to furnish the applicable merchandise and services.

32 Sec. 81. Section 523A.402, subsection 5, paragraph a, Code  
33 Supplement 2001, is amended to read as follows:

34 a. Except as necessary and appropriate to satisfy the  
35 requirements regarding burial trust funds under Title XIX of

1 the federal Social Security Act, the annuity shall not be  
2 owned by the establishment or irrevocably assigned to the  
3 establishment and any designation of the establishment as a  
4 beneficiary shall not be made irrevocable.

5 Sec. 82. Section 523A.501, subsection 6, Code Supplement  
6 2001, is amended to read as follows:

7 ~~6. The commissioner shall grant or deny a permit~~  
8 ~~application within thirty days after receipt, but the~~  
9 ~~commissioner's failure to act within that time period shall~~  
10 ~~not be deemed approval of the application. If no denial order~~  
11 ~~is in effect and no proceeding is pending under section~~  
12 ~~523A.503, the application becomes effective at noon of the~~  
13 ~~thirtieth day after a completed application or an amendment~~  
14 ~~completing the application is filed, unless waived by the~~  
15 ~~applicant. The commissioner may specify an earlier effective~~  
16 ~~date. Automatic effectiveness under this subsection shall not~~  
17 ~~be deemed approval of the application.~~ If the commissioner  
18 does not grant the permit, the commissioner shall notify the  
19 person in writing of the reasons for the denial. The permit  
20 shall disclose on its face the permit holder's employer or the  
21 establishment on whose behalf the applicant will be making or  
22 attempting to make sales, the permit number, and the  
23 expiration date.

24 Sec. 83. Section 523A.502, subsection 8, Code Supplement  
25 2001, is amended to read as follows:

26 ~~8. The commissioner shall grant or deny a permit~~  
27 ~~application within thirty days after receipt, but the~~  
28 ~~commissioner's failure to act within that time period shall~~  
29 ~~not be deemed approval of the application. If no denial order~~  
30 ~~is in effect and no proceeding is pending under section~~  
31 ~~523A.503, the application becomes effective at noon of the~~  
32 ~~thirtieth day after a completed application or an amendment~~  
33 ~~completing the application is filed, unless waived by the~~  
34 ~~applicant. The commissioner may specify an earlier effective~~  
35 ~~date. Automatic effectiveness under this subsection shall not~~

1 be deemed approval of the application. If the commissioner  
2 does not grant the permit, the commissioner shall notify the  
3 applicant in writing of the reasons for the denial.

4 Sec. 84. Section 523A.601, subsection 4, Code Supplement  
5 2001, is amended to read as follows:

6 4. A purchase agreement shall be signed by the purchaser,  
7 the seller, and if the agreement is for ~~funeral~~ mortuary  
8 science services as mortuary science is defined in ~~chapter 156~~  
9 section 156.1, a person licensed to deliver funeral services.

10 Sec. 85. Section 523A.901, subsection 5, paragraph c, Code  
11 Supplement 2001, is amended to read as follows:

12 c. A statute of limitations or defense of laches shall not  
13 run with respect to an action against an establishment between  
14 the filing of a petition for liquidation against the  
15 establishment and the denial of the petition. An action  
16 against the establishment that might have been commenced when  
17 the petition was filed may be commenced ~~for-at-least~~ within  
18 sixty days after the petition is denied.

19 Sec. 86. Section 523A.901, subsection 8, paragraph a, Code  
20 Supplement 2001, is amended to read as follows:

21 a. After a petition for liquidation has been filed, a  
22 transfer of real property of the establishment made to a  
23 person acting in good faith is valid against the liquidator if  
24 made for a present fair equivalent value. If the transfer is  
25 not made for a present fair equivalent value, then the  
26 transfer is valid to the extent of the present consideration  
27 actually paid for which amount the transferee shall have a  
28 lien on the property transferred. The commencement of a  
29 proceeding in liquidation is constructive notice upon the  
30 recording of a copy of the petition for or order of  
31 liquidation with the ~~recording-or~~ recorder of deeds in the  
32 county where any real property in question is located. The  
33 exercise by a court of the United States or a state or  
34 jurisdiction to authorize a judicial sale of real property of  
35 the establishment within a county in a state shall not be

1 impaired by the pendency of a proceeding unless the copy is  
2 recorded in the county prior to the consummation of the  
3 judicial sale.

4 Sec. 87. Section 554.8106, subsection 6, Code Supplement  
5 2001, is amended to read as follows:

6 6. A purchaser who has satisfied the requirements of  
7 subsection 3 or 4 has control, even if the registered owner in  
8 the case of subsection 3, ~~paragraph-"b"~~, or the entitlement  
9 holder in the case of subsection 4, retains the right to make  
10 substitutions for the uncertificated security or security  
11 entitlement, to originate instructions or entitlement orders  
12 to the issuer or securities intermediary, or otherwise to deal  
13 with the uncertificated security or security entitlement.

14 Sec. 88. Section 554.9109, subsection 1, paragraph e, Code  
15 Supplement 2001, is amended to read as follows:

16 e. a security interest arising under section 554.2401,  
17 554.2505, 554.2711, subsection 3, ~~section-554.9110~~, or  
18 554.13508, subsection 5 as provided in section 554.9110; and

19 Sec. 89. Section 554.9521, subsection 2, Code Supplement  
20 2001, is amended to read as follows:

21 2. AMENDMENT FORM. A filing office that accepts written  
22 records may not refuse to accept a written record amendment in  
23 a form and format approved by the secretary of state by rule  
24 adopted pursuant to chapter 17A except for a reason set forth  
25 in section 554.9516, subsection 2. The forms shall be  
26 consistent with those set forth in the final official text of  
27 the 1999 revisions to Article 9 of the Uniform Commercial Code  
28 promulgated by the American law institute and the national  
29 conference of commissioners on uniform state laws.

30 Sec. 90. Section 554.9602, subsection 3, Code Supplement  
31 2001, is amended to read as follows:

32 3. section 554.9607, subsection 3, which deals with  
33 collection and enforcement of as to collateral;

34 Sec. 91. Section 579A.3, unnumbered paragraph 1, Code  
35 Supplement 2001, is amended to read as follows:

1 While the cattle are located at the custom cattle feedlot,  
2 the custom cattle feedlot operator may ~~foreclose~~ enforce a  
3 lien created in section 579A.2 in the manner provided for the  
4 enforcement of an agricultural lien as provided in chapter  
5 554, article 9, part 6. After the cattle have left the custom  
6 cattle feedlot, the custom cattle feedlot operator may enforce  
7 the lien by commencing an action at law for the amount of the  
8 lien against either of the following:

9 Sec. 92. Section 579B.1, subsection 13, Code Supplement  
10 2001, is amended to read as follows:

11 13. "Personal representative" means a person who is  
12 authorized by a contract producer to act on behalf of the  
13 contract producer, including by executing an agreement,  
14 managing a contract operation, or filing a financing statement  
15 perfecting a lien, and enforcing a lien as provided in this  
16 chapter.

17 Sec. 93. Section 579B.3, subsection 2, Code Supplement  
18 2001, is amended to read as follows:

19 2. A contract producer who is a party to a production  
20 contract executed pursuant to section 579B.2 shall have a lien  
21 as provided in this section. The contract producer is a  
22 secured party and the ~~owner-of-the-commodity~~ contractor is a  
23 debtor for purposes of chapter 554, article 9. The amount of  
24 the lien shall be the amount owed to the contract producer  
25 pursuant to the terms of the production contract, which may be  
26 enforced as provided in section 579B.5.

27 Sec. 94. Section 602.8107, subsection 2, paragraph b, Code  
28 Supplement 2001, is amended to read as follows:

29 b. Fines or penalties and criminal penalty and law  
30 enforcement initiative surcharges.

31 Sec. 95. Section 633.231, Code Supplement 2001, is amended  
32 to read as follows:

33 633.231 NOTICE IN INTESTATE ESTATES -- MEDICAL ASSISTANCE  
34 CLAIMS.

35 Upon opening administration of an intestate estate, the

1 administrator may, in accordance with section 633.410, provide  
2 by ordinary mail to the entity designated by the department of  
3 human services, a notice of opening administration of the  
4 estate and of the appointment of the administrator, which  
5 shall include a notice to file claims with the clerk within  
6 the later to occur of fifteen months from the second  
7 publication of the notice to creditors or two months from the  
8 date of mailing of this notice, or thereafter be forever  
9 barred.

10 The notice shall be in substantially the following form:

11 NOTICE OF OPENING ADMINISTRATION OF ESTATE, OF APPOINTMENT  
12 OF ADMINISTRATOR, AND NOTICE TO CREDITOR

13 In the District Court of Iowa

14 In and for .... County.

15 In the Estate of ....., Deceased

16 Probate No. ...

17 To the Department of Human Services Who May Be Interested  
18 in the Estate of ....., Deceased, who died on or about ....  
19 (date):

20 You are hereby notified that on the ... day of ....  
21 (month), ... (year), an intestate estate was opened in the  
22 above-named court and that ..... was appointed administrator  
23 of the estate.

24 You are further notified that the birthdate of the deceased  
25 is .... and the deceased's social security number is ...-...-  
26 ....., The birthdate of the spouse is .... and the spouse's  
27 social security number is ...-...-....., and that the spouse of  
28 the deceased is alive as of the date of this notice, or  
29 deceased as of .... (date).

30 You are further notified that the deceased was/was not a  
31 disabled or a blind child of the medical assistance recipient  
32 by the name of ....., who had a birthdate of .... and a  
33 social security number of ...-...-....., and the medical  
34 assistance debt of that medical assistance recipient was  
35 waived pursuant to section 249A.5, subsection 2, paragraph

1 "a", subparagraph (1), and is now collectible from this estate  
2 pursuant to section 249A.5, subsection 2, paragraph "b".

3 Notice is hereby given that if the department of human  
4 services has a claim against the estate for the deceased  
5 person or persons named in this notice, the claim shall be  
6 filed with the clerk of the above-named district court, as  
7 provided by law, duly authenticated, for allowance, and unless  
8 so filed by the later to occur of fifteen months from the  
9 second publication of this the notice to creditors or two  
10 months from the date of the mailing of this notice, unless  
11 otherwise allowed or paid, the claim is thereafter forever  
12 barred.

13 Dated this ... day of .... (month), ... (year)  
14 .....  
15 Administrator of estate  
16 .....  
17 Address

18 .....  
19 Attorney for administrator  
20 .....  
21 Address

22 Date of second publication  
23 ... day of .... (month), ... (year)  
24 {Date-to-be-inserted-by-publisher}

25 Sec. 96. Section 633.304, unnumbered paragraph 2, Code  
26 2001, is amended to read as follows:

27 As used in this section, "heir" means only such person as  
28 would, in an intestate estate, be entitled to a share under  
29 section 633.219~~7-subsection-17-27-37-or-4~~.

30 Sec. 97. Section 633.304A, Code Supplement 2001, is amended  
31 to read as follows:

32 633.304A NOTICE OF PROBATE OF WILL -- MEDICAL ASSISTANCE  
33 CLAIMS.

34 On admission of a will to probate, the executor may, in  
35 accordance with section 633.410, provide by ordinary mail to

1 the entity designated by the department of human services, a  
2 notice of admission of the will to probate and of the appointment  
3 of the executor, which shall include a notice to file claims with  
4 the clerk within the later to occur of fifteen months from the  
5 second publication of the notice to creditors or two months from  
6 the date of mailing of this notice, or thereafter be forever  
7 barred.

8 The notice shall be in substantially the following form:

9 NOTICE OF PROBATE OF WILL, OF APPOINTMENT OF EXECUTOR,  
10 AND NOTICE TO CREDITORS

11 In the District Court of Iowa  
12 In and for .... County.  
13 In the Estate of ....., Deceased  
14 Probate No. ...

15 To the Department of Human Services, Who May Be Interested  
16 in the Estate of ....., Deceased, who died on or about ....  
17 (date):

18 You are hereby notified that on the ... day of ....  
19 (month), ... (year), the last will and testament of .....,  
20 deceased, bearing date of the ... day of .... (month), ...  
21 (year), was admitted to probate in the above-named court and  
22 that ..... was appointed executor of the estate.

23 You are further notified that the birthdate of the deceased  
24 is .... and the deceased's social security number is ...-...-  
25 .... The birthdate of the spouse is .... and the spouse's  
26 social security number is ...-...-....., and that the spouse of  
27 the deceased is alive as of the date of this notice, or  
28 deceased as of .... (date).

29 You are further notified that the deceased was/was not a  
30 disabled or a blind child of the medical assistance recipient  
31 by the name of ....., who had a birthdate of .... and a  
32 social security number of ...-...-....., and the medical  
33 assistance debt of that medical assistance recipient was  
34 waived pursuant to section 249A.5, subsection 2, paragraph  
35 "a", subparagraph (1), and is now collectible from this estate

1 pursuant to section 249A.5, subsection 2, paragraph "b".

2 Notice is hereby given that if the department of human  
3 services has a claim against the estate for the deceased  
4 person or persons named in this notice, the claim shall be  
5 filed with the clerk of the above-named district court, as  
6 provided by law, duly authenticated, for allowance, and unless  
7 so filed by the later to occur of fifteen months from the  
8 second publication of this the notice to creditors or two  
9 months from the date of mailing of this notice, unless  
10 otherwise allowed or paid, the claim is thereafter forever  
11 barred.

12 Dated this ... day of .... (month), ... (year)

13 .....

14 Executor of estate

15 .....

16 Address

17 .....

18 Attorney for executor

19 .....

20 Address

21 Date of second publication

22 ... day of .... (month), ... (year)

23 ~~{Date-to-be-inserted-by-publisher}~~

24 Sec. 98. Section 633.305, unnumbered paragraph 2, Code  
25 2001, is amended to read as follows:

26 As used in this section, "heir" means only such person as  
27 would, in an intestate estate, be entitled to a share under  
28 section 633.219~~7-subsection-17-27-37-or-4~~.

29 Sec. 99. Section 633.3109, subsection 1, Code 2001, is  
30 amended to read as follows:

31 1. As used in this section, "heir" means only such person  
32 as would, in an intestate estate, be entitled to a share under  
33 section 633.219~~7-subsection-17-27-37-or-4~~.

34 Sec. 100. Section 726.3, Code Supplement 2001, is amended  
35 to read as follows:

1 726.3 NEGLECT OR ABANDONMENT OF A DEPENDENT PERSON.

2 A person who is the father, mother, or some other person  
3 having custody of a child, or of any other person who by  
4 reason of mental or physical disability is not able to care  
5 for the person's self, who knowingly or recklessly exposes  
6 such person to a hazard or danger against which such person  
7 cannot reasonably be expected to protect such person's self or  
8 who deserts or abandons such person, knowing or having reason  
9 to believe that the person will be exposed to such hazard or  
10 danger, commits a class "C" felony. However, a parent or  
11 person authorized by the parent ~~who has, in accordance with~~  
12 ~~section 233.2, voluntarily released custody of a newborn~~  
13 ~~infant~~ shall not be prosecuted for a violation of this section  
14 involving abandonment of that a newborn infant, if the parent  
15 or the person authorized by the parent has voluntarily  
16 released custody of the newborn infant in accordance with  
17 section 233.2.

18 Sec. 101. Section 726.6, subsection 2, Code Supplement  
19 2001, is amended to read as follows:

20 2. A parent or person authorized by the parent ~~who has, in~~  
21 ~~accordance with section 233.2, voluntarily released custody of~~  
22 ~~a newborn infant~~ shall not be prosecuted for a violation of  
23 subsection 1, paragraph "f" relating to abandonment, if the  
24 parent or person authorized by the parent has voluntarily  
25 released custody of a newborn infant in accordance with  
26 section 233.2.

27 Sec. 102. Section 902.3A, subsection 1, paragraph d, Code  
28 Supplement 2001, is amended to read as follows:

29 d. A person on parole or work release under a determinate  
30 term of confinement imposed under this section shall be  
31 subject to the terms and conditions of parole or work release  
32 as set out in chapter 906. Violations of parole or work  
33 release shall be subject to the procedures set out in chapters  
34 905 and 908 ~~or~~ and rules adopted under those chapters.

35 Sec. 103. Section 4.1, subsection 21A, section 321.500,

1 section 602.8103, subsection 4, paragraph d, section 617.3,  
2 and section 708.11, subsection 5, Code 2001, are amended by  
3 striking the words ", 3d ed" or the words ", 3rd ed".

4 Sec. 104. Section 229.1 and section 602.8102, subsections  
5 136 through 163, Code Supplement 2001, are amended by striking  
6 the words ", 3d ed".

7 Sec. 105. Section 229.26, Code Supplement 2001, is amended  
8 by striking the words "third edition,".

9 Sec. 106. Section 805.1, subsection 4, Code Supplement  
10 2001, is amended by striking the words ", 3rd ed".

11 Sec. 107. Sections 192.132, 309.75, and 502.612, Code  
12 2001, are repealed.

13 Sec. 108. Section 432.11, Code Supplement 2001, is  
14 repealed.

15 2001 IOWA ACTS AMENDMENTS

16 Sec. 109. Section 542D.7, subsection 3, paragraph a, as  
17 enacted by 2001 Iowa Acts, chapter 55, section 7, is amended  
18 to read as follows:

19 a. An applicant for initial issuance or renewal of a  
20 permit to practice as a firm ~~must~~ shall show that  
21 notwithstanding any other provision of law, a simple majority  
22 of the ownership of the firm, in terms of financial interests  
23 and voting rights of all partners, officers, shareholders,  
24 members, and managers belongs to holders of a certificate  
25 issued by a state, and that such partners, officers,  
26 shareholders, members, and managers, who perform professional  
27 services in this state or for clients in this state, hold a  
28 certificate issued under section 542D.6 or 542D.19.

29 Sec. 110. Section 542D.13, subsection 9, as enacted by  
30 2001 Iowa Acts, chapter 55, section 13, is amended to read as  
31 follows:

32 9. A person or firm not holding a certificate, permit, or  
33 license issued under section 542D.6, 542D.7, 542D.8, or  
34 542D.19 shall not assume or use any title or designation that  
35 includes the word "accountant", "auditor", or "accounting", in

1 connection with any other language that implies that such  
2 person or firm holds such a certificate, permit, or license or  
3 has special competence as an accountant or auditor. However,  
4 this subsection does not prohibit an officer, partner, member,  
5 manager, or employee of a firm or organization from affixing  
6 that person's own signature to a statement in reference to the  
7 financial affairs of such firm or organization with wording  
8 which designates the position, title, or office that the  
9 person holds, or prohibit any act of a public official or  
10 employee in the performance of such person's duties. This  
11 subsection does not otherwise prohibit the use of the title or  
12 designation "accountant" by persons other than those holding a  
13 certificate or license under this chapter.

14 DIVISION II

15 Sec. 111. Section 10.1, subsection 4, Code 2001, is  
16 amended to read as follows:

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

23 Sec. 112. Section 10.1, subsection 19, paragraph b, Code  
24 2001, is amended to read as follows:

25 b. A general partnership as provided in chapter 486 486A  
26 in which all partners are natural persons actively engaged in  
27 farming.

28 Sec. 113. Section 13B.4, subsection 1, Code 2001, is  
29 amended to read as follows:

30 1. The state public defender shall coordinate the  
31 provision of legal representation of all indigents under  
32 arrest or charged with a crime, seeking postconviction relief,  
33 against whom a contempt action is pending, in proceedings  
34 under chapter 229A, in juvenile proceedings, on appeal in  
35 criminal cases, on appeal in proceedings to obtain

1 postconviction relief when ordered to do so by the district  
2 court in which the judgment or order was issued, and on a  
3 reopening of a sentence proceeding, and may provide for the  
4 representation of indigents in proceedings instituted pursuant  
5 to chapter 908. The state public defender shall not engage in  
6 the private practice of law.

7 Sec. 114. Section 13B.8, subsection 2, Code 2001, is  
8 amended to read as follows:

9 2. The state public defender may appoint and may, for  
10 cause, remove the local public defender, assistant local  
11 public defenders, clerks, investigators, secretaries, or other  
12 employees ~~for-cause~~. Each local public defender, and any  
13 assistant local public defender, must be an attorney admitted  
14 to the practice of law before the Iowa supreme court.

15 Sec. 115. Section 14B.101, Code Supplement 2001, is  
16 amended by adding the following new subsection:

17 NEW SUBSECTION. 1A. "Department" means the information  
18 technology department.

19 Sec. 116. Section 14B.105, subsection 1, paragraph b,  
20 unnumbered paragraph 1, Code Supplement 2001, is amended to  
21 read as follows:

22 The members appointed ~~by-the-governor~~ pursuant to paragraph  
23 "a", subparagraphs (3) through (7), shall serve four-year  
24 staggered terms ~~as-designated-by-the-governor~~ and such  
25 appointments to the information technology council are subject  
26 to the requirements of sections 69.16, 69.16A, and 69.19. The  
27 four-year terms of members appointed by the governor shall be  
28 staggered as designated by the governor. Members appointed by  
29 the governor pursuant to paragraph "a", subparagraphs (3)  
30 through (7), shall not serve consecutive four-year terms.  
31 Members appointed by the governor are subject to senate  
32 confirmation and ~~shall-be-reimbursed-for-actual-and-necessary~~  
33 ~~expenses-incurred-in-performance-of-their-duties---~~Such  
34 members may also be eligible to receive compensation as  
35 provided in section 7E.6. Members shall be reimbursed for

1 actual and necessary expenses incurred in performance of the  
2 members' duties.

3 Sec. 117. Section 15E.195, subsection 2, unnumbered  
4 paragraph 1, Code Supplement 2001, is amended to read as  
5 follows:

6 A city with a population of twenty-four thousand or more  
7 which designates an enterprise zone pursuant to section  
8 15E.194, subsection 2, and in which an eligible enterprise  
9 zone is certified shall establish an enterprise zone  
10 commission to review applications from qualified businesses  
11 located within or requesting to locate within an enterprise  
12 zone to receive incentives or assistance as provided in  
13 section 15E.196. The enterprise zone commission shall review  
14 applications from qualified housing businesses requesting to  
15 receive incentives or assistance as provided in section  
16 15E.193B. The enterprise zone commission shall also review  
17 applications from qualified development businesses requesting  
18 to receive incentives or assistance as provided in section  
19 15E.193C. The commission shall consist of nine members. Six  
20 of these members shall consist of one representative of an  
21 international labor organization, one member with economic  
22 development expertise chosen by the department of economic  
23 development, one representative of the city council, one  
24 member of the local community college board of directors, one  
25 member of the city planning and zoning commission, and one  
26 representative of the local workforce development center.  
27 These six members shall select the remaining three members.  
28 If the enterprise zone consists of an area meeting the  
29 requirements for eligibility for an urban enterprise community  
30 under Title XIII of the federal Omnibus Budget Reconciliation  
31 Act of 1993, one of the remaining three members shall be a  
32 representative of that community. If a city contiguous to the  
33 city designating the enterprise zone is included in an  
34 enterprise zone, a representative of the contiguous city,  
35 chosen by the city council, shall be a member of the

1 commission. A city in which an eligible enterprise zone is  
2 certified shall have only one enterprise zone commission. If  
3 a city has established an enterprise zone commission prior to  
4 ~~the effective date of this Act~~ July 1, 1998, the city may  
5 petition to the department of economic development to change  
6 the structure of the existing commission.

7 Sec. 118. Section 29A.17, unnumbered paragraph 1, Code  
8 2001, is amended to read as follows:

9 The military staff of the governor shall consist of the  
10 adjutant general, who shall be the chief of staff; the deputy  
11 adjutants general, who shall be the assistant chiefs of staff;  
12 and ~~the~~ any aides, who shall be residents of the state, as the  
13 governor may appoint or detail from the armed forces of the  
14 state.

15 Sec. 119. Section 29A.66, Code 2001, is amended to read as  
16 follows:

17 29A.66 APPLICABLE POWERS AND DUTIES.

18 The powers and duties of the governor, the adjutant  
19 general, and the deputy adjutants general, with relation to  
20 the Iowa state guard, shall be the same as those powers and  
21 duties prescribed in this chapter for the those officers with  
22 relation to the national guard.

23 Sec. 120. Section 48A.31, Code 2001, is amended to read as  
24 follows:

25 48A.31 DECEASED PERSONS RECORD.

26 The state registrar of vital statistics shall transmit or  
27 cause to be transmitted to the state registrar of voters, once  
28 each calendar quarter, a certified list of all persons  
29 seventeen and one-half years of age and older in the state  
30 whose deaths have been reported to the bureau of vital records  
31 ~~and-statistics-division~~ of the Iowa department of public  
32 health since the previous list of decedents was certified to  
33 the state registrar of voters. The list shall be submitted  
34 according to the specifications of the state registrar of  
35 voters, who shall determine whether each listed decedent was

1 registered to vote in this state. If the decedent was  
2 registered in a county which uses its own data processing  
3 facilities for voter registration recordkeeping, the registrar  
4 shall notify the commissioner in that county who shall cancel  
5 the decedent's registration. If the decedent was registered  
6 in a county for which voter registration recordkeeping is  
7 performed under contract by the registrar, the registrar shall  
8 immediately cancel the registration and notify the  
9 commissioner of the county in which the decedent was  
10 registered to vote of the cancellation.

11 Sec. 121. Section 56.2, subsection 14, paragraph c, Code  
12 2001, is amended by striking the paragraph.

13 Sec. 122. Section 56.14, subsection 2, paragraph a, Code  
14 2001, is amended to read as follows:

15 a. ~~Yard signs shall not be placed on any property which  
16 adjoins a city, county, or state roadway sooner than forty-  
17 five days preceding a primary or general election and shall be  
18 removed within seven days after the primary or general  
19 election in which the name of the particular candidate or  
20 ballot issue described on the yard sign appears on the ballot.  
21 Yard signs are subject to removal by highway authorities as  
22 provided in section 319.137, or by county or city law  
23 enforcement authorities in a manner consistent with section  
24 319.13. The placement or erection of yard signs shall be  
25 exempt from the requirements of chapter 480. Notice may be  
26 provided to the chairperson of the appropriate county central  
27 committee if the highway authorities are unable to provide  
28 notice to the candidate, candidate's committee, or political  
29 committee regarding the yard sign.~~

30 Sec. 123. Section 97B.50A, subsection 7, paragraph b,  
31 subparagraph (4), Code 2001, is amended to read as follows:

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

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

6 Sec. 124. Section 101.22, subsection 4, Code 2001, is  
7 amended to read as follows:

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

17 Sec. 125. Section 123.39, subsection 1, paragraph a, Code  
18 2001, is amended to read as follows:

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

1 accordance with chapter 17A.

2 Sec. 126. Section 135.43, subsection 5, paragraph d, Code  
3 2001, is amended to read as follows:

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

6 Sec. 127. Section 135.43, subsection 7, paragraph b, Code  
7 2001, is amended to read as follows:

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

23 Sec. 128. Section 135.110, subsection 2, Code 2001, is  
24 amended to read as follows:

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

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

4 Sec. 129. Section 137C.7, Code 2001, is amended to read as  
5 follows:

6 137C.7 LICENSE REQUIRED.

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

20 Sec. 130. Section 139A.10, Code 2001, is amended to read  
21 as follows:

22 139A.10 FEES FOR REMOVING.

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

28 Sec. 131. Section 139A.30, Code 2001, is amended to read  
29 as follows:

30 139A.30 CONFIDENTIAL REPORTS.

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

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

7 Sec. 132. Section 161.2, subsection 4, Code 2001, is  
8 amended to read as follows:

9 4. "Board" means the agrichemical remediation  
10 reimbursement board created under section 161.3.

11 Sec. 133. Section 161.2, subsection 9, unnumbered  
12 paragraph 1, Code 2001, is amended to read as follows:

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

16 Sec. 134. Section 161.2, subsection 14, Code 2001, is  
17 amended by striking the subsection.

18 Sec. 135. Section 161.6, subsection 4, paragraph a, Code  
19 2001, is amended to read as follows:

20 a. For a high priority site, soil and groundwater site  
21 cleanup shall include active remediation site cleanup where  
22 technically feasible, until such time as the groundwater  
23 contamination levels are below action levels.

24 Sec. 136. Section 161.8, subsection 3, paragraph b,  
25 subparagraph (1), Code 2001, is amended to read as follows:

26 (1) The responsible person performed reasonable measures  
27 necessary for the immediate abatement of any prohibited  
28 release contamination.

29 Sec. 137. Section 166D.7, subsection 1, paragraph a, Code  
30 2001, is amended to read as follows:

31 a. The herd shall be certified when all breeding swine  
32 have reacted negatively to a test. The herd must have been  
33 free from infection for thirty days prior to testing. At  
34 least ninety percent of swine in the herd must have been on  
35 the premises as a part of the herd for at least sixty days

1 prior to testing, or swine in the herd must have been moved or  
2 relocated directly from another qualified negative herd. To  
3 remain certified, the herd must be retested and recertified  
4 each month as provided by the department. The herd shall be  
5 recertified when ~~each-month~~ the greater of five head of swine  
6 or at least ten percent of the herd's breeding swine react  
7 negatively to a test.

8 Sec. 138. Section 166D.10, subsection 1, paragraph c, Code  
9 2001, is amended to read as follows:

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

16 Sec. 139. Section 166D.10B, subsection 1, unnumbered  
17 paragraph 1, Code 2001, is amended to read as follows:

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

20 Sec. 140. Section 183A.7, unnumbered paragraph 3, Code  
21 2001, is amended to read as follows:

22 From the moneys collected, deposited, and transferred to  
23 the council as provided in this chapter, the council shall  
24 first pay the costs of referendums held pursuant to this  
25 chapter. Of the moneys remaining, ~~at-least-ten-percent-shall~~  
26 ~~be-remitted-to-the-national-livestock-and-meat-board-and-the~~  
27 ~~pork-industry-group,~~ at least twenty-five percent shall be  
28 remitted to the national pork producers council, and at least  
29 fifteen percent shall be remitted to the Iowa pork producers  
30 association, in the proportion the committee determines, for  
31 use by recipients in a manner not inconsistent with market  
32 development as defined in section 183A.1. Moneys remaining  
33 shall be spent as found necessary by the council to further  
34 carry out the provisions and purposes of this chapter.

35 Sec. 141. Section 202A.1, subsection 3, Code 2001, is

1 amended to read as follows:

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

12 Sec. 142. Section 207.22, subsection 3, paragraph b, Code  
13 2001, is amended to read as follows:

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

19 Sec. 143. Section 216A.102, subsection 1, Code 2001, is  
20 amended to read as follows:

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

25 Sec. 144. Section 232.141, subsection 3, paragraphs c and  
26 d, Code 2001, are amended to read as follows:

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

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

35 Sec. 145. Section 256D.1, subsection 1, paragraph b,

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

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

15 Sec. 146. Section 272C.3, subsection 2, paragraph a, Code  
16 Supplement 2001, is amended to read as follows:

17 a. Revoke a license, or suspend a license either until  
18 further order of the board or for a specified period, upon any  
19 of the grounds specified in section 147.55, 148.6, 148B.7,  
20 152.10, 153.34, 154A.24, 169.13, 455B.219, 542B.21, 542C.21,  
21 543B.29, 544A.13, 544B.15, or 602.3203 or chapter 151, 155,  
22 507B, or 522B, as applicable, or upon any other grounds  
23 specifically provided for in this chapter for revocation of  
24 the license of a licensee subject to the jurisdiction of that  
25 board, or upon failure of the licensee to comply with a  
26 decision of the board imposing licensee discipline;

27 Sec. 147. Section 272C.4, subsection 6, Code Supplement  
28 2001, is amended to read as follows:

29 6. Define by rule acts or omissions which are grounds for  
30 revocation or suspension of a license under section 147.55,  
31 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13, ~~455B.191~~  
32 455B.219, 542B.21, 542C.21, 543B.29, 544A.13, 544B.15, or  
33 602.3203 or chapter 151, 155, 507B, or 522B, as applicable,  
34 and to define by rule acts or omissions which constitute  
35 negligence, careless acts or omissions within the meaning of

1 section 272C.3, subsection 2, paragraph "b", which licensees  
2 are required to report to the board pursuant to section  
3 272C.9, subsection 2;

4 Sec. 148. Section 303.86, Code 2001, is amended to read as  
5 follows:

6 303.86 ARTS COUNCIL.

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

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

27 Sec. 149. Section 321.219, unnumbered paragraph 1, Code  
28 Supplement 2001, is amended to read as follows:

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

33 Sec. 150. Section 321.279, subsection 1, Code 2001, is  
34 amended to read as follows:

35 1. The driver of a motor vehicle commits a serious

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

10 Sec. 151. Section 321.560, subsection 1, paragraph b, Code  
11 Supplement 2001, is amended to read as follows:

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

16 Sec. 152. Section 321J.17, subsection 2, unnumbered  
17 paragraph 2, Code 2001, is amended to read as follows:

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

28 Sec. 153. Section 322C.2, subsections 4 and 7, Code 2001,  
29 are amended by striking the subsections.

30 Sec. 154. Section 331.424A, subsection 4, Code Supplement  
31 2001, is amended to read as follows:

32 4. For the fiscal year beginning July 1, 1996, and for  
33 each subsequent fiscal year, the county shall certify a levy  
34 for payment of services. For each fiscal year, county  
35 revenues from taxes imposed by the county credited to the

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

12 Sec. 155. Section 331.424B, Code 2001, is amended to read  
13 as follows:

14 331.424B CEMETERY LEVY.

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

25 Sec. 156. Section 331.756, subsection 5, Code 2001, is  
26 amended to read as follows:

27 5. Enforce all forfeited bonds and recognizances and  
28 prosecute all proceedings necessary for the recovery of debts,  
29 revenues, moneys, fines, penalties, restitution of court-  
30 appointed attorney fees or ordered pursuant to section 815.9,  
31 including the expense of a public defender, and forfeitures  
32 accruing to the state, the county or a road district in the  
33 county, and all suits in the county against public service  
34 corporations which are brought in the name of the state. To  
35 assist in this duty, the county attorney may procure

1 professional collection services provided by persons or  
2 organizations, including private attorneys, which are  
3 generally considered to have knowledge and special abilities  
4 which are not generally available to state or local government  
5 or may designate another county official or agency to assist  
6 with collection efforts.

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

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

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

1 person procured or designated by the county attorney shall be  
2 distributed in accordance with section 602.8107.

3 Sec. 157. Section 403.6, subsection 17, Code 2001, is  
4 amended to read as follows:

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

13 Sec. 158. Section 403.17, subsection 10, Code 2001, is  
14 amended to read as follows:

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

1 forty acres of such farm have been held in continuous  
2 ownership by the same family for one hundred years or more.

3 Sec. 159. Section 404A.3, subsection 2, unnumbered  
4 paragraph 1, Code 2001, is amended to read as follows:

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

18 Sec. 160. Section 422.4, subsection 2, paragraph c, Code  
19 2001, is amended by striking the paragraph.

20 Sec. 161. Section 422.45, subsection 24, unnumbered  
21 paragraph 2, Code Supplement 2001, is amended by striking the  
22 unnumbered paragraph.

23 Sec. 162. Section 422.52, subsection 4, Code 2001, is  
24 amended to read as follows:

25 4. The tax by this division imposed upon those sales of  
26 motor vehicle fuel which are subject to tax and refund under  
27 chapter 452A shall be collected by the ~~state-treasurer~~  
28 department by way of deduction from refunds otherwise  
29 allowable under said chapter. The amount of such deductions  
30 the ~~treasurer~~ department shall transfer from the motor vehicle  
31 fuel fund to the special tax fund.

32 Sec. 163. Section 422B.1, subsection 6, paragraph b, Code  
33 2001, is amended to read as follows:

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

1 change in the rate of a local option tax, the county auditor  
2 shall give written notice of the result of the election by  
3 sending a copy of the abstract of the votes from the favorable  
4 election to the director of revenue and finance or, in the  
5 case of a local vehicle tax, to the director of the department  
6 of transportation, ~~of the result of the election.~~

7 Sec. 164. Section 426B.1, subsection 2, paragraphs a and  
8 b, Code 2001, are amended by striking the paragraphs.

9 Sec. 165. Section 427.2A, unnumbered paragraph 3, Code  
10 2001, is amended by striking the unnumbered paragraph.

11 Sec. 166. Section 432.1, unnumbered paragraph 1, Code  
12 2001, is amended to read as follows:

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

22 Sec. 167. Section 455B.190A, subsection 1, paragraph e,  
23 Code 2001, is amended by striking the paragraph.

24 Sec. 168. Section 455B.190A, subsection 2, paragraphs f  
25 and g, Code 2001, are amended to read as follows:

26 f. The department shall develop continuing education  
27 requirements for certification of a well contractor ~~in~~  
28 ~~consultation with the well contractors' council.~~

29 g. The examination shall be developed by the department ~~in~~  
30 ~~consultation with the well contractors' council.~~ The  
31 examination shall be updated as necessary to reflect current  
32 groundwater law and well construction, maintenance, and  
33 abandonment practices.

34 Sec. 169. Section 455B.190A, subsections 3 and 6, Code  
35 2001, are amended by striking the subsections.

1 Sec. 170. Section 455B.190A, subsection 4, Code 2001, is  
2 amended to read as follows:

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

12 Sec. 171. Section 455B.190A, subsection 5, unnumbered  
13 paragraph 1, Code 2001, is amended to read as follows:

14 The department shall establish by rule and collect~~, in~~  
15 ~~consultation with the well contractors' council~~, the following  
16 fees to be used to implement and administer the provisions of  
17 this section:

18 Sec. 172. Section 455B.601, subsection 2, paragraph b,  
19 Code 2001, is amended to read as follows:

20 b. A responsible person has executed a remediation  
21 agreement with the agricultural remediation reimbursement  
22 board and the responsible person is remediating or has  
23 remediated the site pursuant to a plan of remediation as  
24 provided in chapter 161.

25 Sec. 173. Section 455E.11, subsection 2, paragraph b,  
26 subparagraph (1), Code Supplement 2001, is amended to read as  
27 follows:

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

32 Sec. 174. Section 476.66, subsections 1 and 7, Code 2001,  
33 are amended to read as follows:

34 1. The utilities board shall adopt rules which shall  
35 require each electric and gas public utility to establish a

1 fund whose purposes shall include the receiving of  
2 contributions to assist the utility's low-income customers  
3 with weatherization measures to improve energy efficiency  
4 related to winter heating and summer cooling, and to  
5 supplement the energy assistance received under the federal  
6 low-income heating home energy assistance program for the  
7 payment of winter heating electric or gas utility bills.

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

15 Sec. 175. Section 486A.1102, subsection 2, Code 2001, is  
16 amended to read as follows:

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

21 Sec. 176. Section 511.8, subsection 22, paragraph d, Code  
22 2001, is amended to read as follows:

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

1 Sec. 177. Section 514.3, Code 2001, is amended to read as  
2 follows:

3 514.3 APPROVAL BY COMMISSIONER.

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

11 Sec. 178. Section 515.24, Code 2001, is amended to read as  
12 follows:

13 515.24 TAX -- COMPUTATION.

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

32 Sec. 179. Section 515F.3, subsection 6, Code 2001, is  
33 amended to read as follows:

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

1     Sec. 180. Section 518.17, unnumbered paragraph 2, Code  
2 2001, is amended to read as follows:

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

11     Sec. 181. Section 536A.12, subsection 1, Code 2001, is  
12 amended to read as follows:

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

25     Sec. 182. Section 536A.30, subsection 4, Code 2001, is  
26 amended to read as follows:

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

31     Sec. 183. Section 537A.10, subsection 5, paragraph b,  
32 subparagraph (2), Code Supplement 2001, is amended to read as  
33 follows:

34     (2) If pursuant to such a transfer ~~less-than~~ fifty percent  
35 or less of the entire franchise would be owned by persons who

1 meet the franchisor's reasonable current qualifications, the  
2 franchisor may refuse to authorize the transfer, provided that  
3 enforcement of the reasonable current qualifications is not  
4 arbitrary or capricious.

5 Sec. 184. Section 543D.2, Code Supplement 2001, is amended  
6 to read as follows:

7 543D.2 DEFINITIONS.

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

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

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

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

26 4. "Appraisal report" means any communication of an  
27 appraisal.

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

32 6. 5. "Board" means the real estate appraiser examining  
33 board established pursuant to this chapter.

34 7. 6. "Certified appraisal or certified appraisal report"  
35 means an appraisal or appraisal report given or signed and

1 certified as an appraisal or appraisal report by an Iowa  
2 certified real estate appraiser.

3 8- 7. A "certified real estate appraiser" means a person  
4 who develops and communicates real estate appraisals and who  
5 holds a current, valid certificate for appraisals of types of  
6 real estate which may include residential, commercial, or  
7 rural real estate, as may be established under this chapter.

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

12 9. "Review appraiser" means a person who is responsible  
13 for the administrative approval of the appraised value of real  
14 property or assures that appraisal reports conform to the  
15 requirements of law and policy, or that the value of real  
16 property estimated by appraisers represents adequate security,  
17 fair market value, or other defined value.

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

21 Sec. 185. Section 543D.7, Code 2001, is amended to read as  
22 follows:

23 543D.7 CERTIFICATION PROCESS.

24 1- Applications for original certification, renewal  
25 certification, and examinations shall be made in-writing to  
26 the board on forms approved by the board.

27 ~~2---Until-the-board-has-adopted-final-rules-to-implement~~  
28 ~~this-chapter,-the-board-may-issue-interim-annual-certification~~  
29 ~~to-qualified-applicants---No-interim-annual-certifications-may~~  
30 ~~be-issued-or-renewed-following-the-publication-of-final~~  
31 ~~certification-rules-by-the-board-~~

32 Sec. 186. Section 543D.15, subsection 2, Code 2001, is  
33 amended to read as follows:

34 2. The term "associate real estate property appraiser  
35 trainee" shall only be used to refer to individuals who do not

1 yet fully meet the requirements for certification but who  
2 provide significant input into the appraisal development under  
3 the direction of a certified appraiser.

4 Sec. 187. Section 543D.19, subsections 1 and 2, Code 2001,  
5 are amended to read as follows:

6 1. A certified real estate appraiser shall retain for  
7 three five years, originals or true copies of all written  
8 contracts engaging the appraiser's services for real estate  
9 appraisal work and all reports and supporting data assembled  
10 and formulated for use by the appraiser or the associate real  
11 property appraiser trainee in preparing the reports.

12 2. The three-year five-year period for retention of  
13 records is applicable to each engagement of the services of a  
14 certified real estate appraiser and shall commence upon the  
15 date of the submission of the appraisal to the client unless,  
16 within the three-year five-year period, the appraiser is  
17 notified that the appraisal or report is involved in  
18 litigation, in which event the three-year five-year period for  
19 the retention of records shall commence upon the date of the  
20 final disposition of the litigation.

21 Sec. 188. Section 554D.120, subsection 2, Code 2001, is  
22 amended to read as follows:

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

1 state executive branch agency, department, board, commission,  
2 authority, or institution.

3 Sec. 189. Section 554D.120, subsection 3, unnumbered  
4 paragraph 1, Code 2001, is amended to read as follows:

5 To the extent that a governmental agency of this state uses  
6 electronic records and electronic signatures under subsection  
7 1 or 2, the office of the secretary of state and the ~~division~~  
8 of information technology ~~services-of-the~~ department of  
9 ~~general-services~~, jointly, and in consultation with the office  
10 of the attorney general, giving due consideration to security,  
11 may specify by rule all of the following:

12 Sec. 190. Section 595.13, Code 2001, is amended to read as  
13 follows:

14 595.13 CERTIFICATE -- RETURN.

15 After the marriage has been solemnized, the officiating  
16 minister or magistrate shall attest to the marriage on the  
17 blank provided for that purpose and return the certificate of  
18 marriage within fifteen days to the county registrar who  
19 issued the marriage license ~~upon-the-blank-provided-for-that~~  
20 ~~purpose~~.

21 Sec. 191. Section 633.568, Code 2001, is amended to read  
22 as follows:

23 633.568 NOTICE TO PROPOSED WARD.

24 1. a. If the proposed ward is an adult, notice of the  
25 filing of the petition shall be served upon the proposed ward  
26 in the manner of an original notice and the content of the  
27 notice is governed by the rules of civil procedure governing  
28 original notice.

29 b. Except where the ward is the petitioner, notice shall  
30 also be served upon the ward's spouse. If the ward has no  
31 spouse, notice shall be served upon the ward's adult children,  
32 if any.

33 2. a. If the proposed ward is a minor or if the proposed  
34 ward is an adult under a standby petition and the court  
35 determines, pursuant to section 633.575, subsection 1,

1 paragraph "b", that the proposed ward is entitled to  
2 representation, notice in the manner of original notice, or  
3 another form of notice ordered by the court, given to the  
4 attorney appointed to represent the ward is notice to the  
5 proposed ward.

6 b. Notice shall also be served upon the:

7 (1) The parents of the proposed ward, if the ward is a  
8 minor.

9 (2) The spouse of the proposed ward, if the proposed ward  
10 is an adult. If the ward has no spouse, notice shall be  
11 serviced upon the proposed ward's adult children, if any.

12 3. Service of notice under this section upon persons other  
13 than the proposed ward shall be made upon such persons whose  
14 identities are reasonably ascertainable pursuant to section  
15 633.40, subsection 5. Proof of service shall be made by  
16 affidavit, to which copies of all documents served shall be  
17 attached.

18 Sec. 192. Section 633.6202, subsection 2, paragraph o,  
19 Code 2001, is amended to read as follows:

20 o. Authorize or direct transfer ~~or~~ of a trust or trust  
21 property to or from another jurisdiction.

22 Sec. 193. Section 692A.7, subsection 1, Code 2001, is  
23 amended to read as follows:

24 1. A person required to register under this chapter who  
25 knowingly violates any requirements specified under sections  
26 692A.2 through 692A.4 commits an aggravated misdemeanor for a  
27 first offense and a class "D" felony for a second or  
28 subsequent offense. However, a person required to register  
29 under this chapter who knowingly violates any of the  
30 requirements specified under sections 692A.2 through 692A.4  
31 and who commits a criminal offense against a minor, sexual  
32 exploitation, an other relevant offense, or a sexually violent  
33 offense is guilty of a class "C" felony. Any fine imposed for  
34 a second or subsequent violation shall not be suspended. The  
35 court shall not defer judgment or sentence for any violation

1 of any requirements specified under sections 692A.2 through  
2 692A.4. A knowing violation ~~of~~ by a person, who is on  
3 probation, parole, work release, or any other form of release,  
4 ~~to-comply-with~~ of any requirements specified under sections  
5 692A.2 through 692A.4 shall result in the automatic revocation  
6 of the person's probation, parole, or work release.

7 Sec. 194. Section 692A.13, subsection 3, paragraph c,  
8 subparagraph (1), Code 2001, is amended to read as follows:

9 (1) Persons who commit a criminal offense against a minor,  
10 an aggravated offense, sexual exploitation, a sexually violent  
11 offense, or an other relevant offense on or after the  
12 ~~effective-date-of-this-Act~~ July 1, 1999, and who have been  
13 assessed to be "moderate-risk" or "high-risk".

14 Sec. 195. Section 714.16, subsection 2, paragraph n,  
15 subparagraph (1), unnumbered paragraph 1, Code Supplement  
16 2001, is amended to read as follows:

17 It is an unlawful practice for a person to misrepresent the  
18 geographic location of a supplier ~~or~~ of a service or product  
19 by listing a fictitious business name or an assumed business  
20 name in a local telephone directory or directory assistance  
21 database if all of the following apply:

22 Sec. 196. Section 910.1, subsection 4, Code 2001, is  
23 amended to read as follows:

24 4. "Restitution" means payment of pecuniary damages to a  
25 victim in an amount and in the manner provided by the  
26 offender's plan of restitution. "Restitution" also includes  
27 fines, penalties, and surcharges, the contribution of funds to  
28 a local anticrime organization which provided assistance to  
29 law enforcement in an offender's case, the payment of crime  
30 victim compensation program reimbursements, payment of  
31 restitution to public agencies pursuant to section 321J.2,  
32 subsection 9, paragraph "b", court costs including  
33 correctional fees approved pursuant to section 356.7, court-  
34 appointed ~~attorney's~~ attorney fees, ~~or~~ ordered pursuant to  
35 section 815.9, including the expense of a public defender, and

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

7 Sec. 197. Section 910.2, Code 2001, is amended to read as  
8 follows:

9 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE ORDERED BY  
10 SENTENCING COURT.

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

1 356.7, court-appointed attorney's attorney fees, ~~or~~ ordered  
2 pursuant to section 815.9, including the expense of a public  
3 defender, and contribution to a local anticrime organization.

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

30 Sec. 198. Section 910.3, Code 2001, is amended to read as  
31 follows:

32 910.3 DETERMINATION OF AMOUNT OF RESTITUTION.

33 The county attorney shall prepare a statement of pecuniary  
34 damages to victims of the defendant and, if applicable, any  
35 award by the crime victim compensation program and expenses

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

35 Sec. 199. Section 910.9, unnumbered paragraph 3, Code

1 2001, is amended to read as follows:

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

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

22 Sec. 200. Sections 444.25A, 444.25B, 444.26, and 444.27,  
23 Code 2001, are repealed.

24 Sec. 201. 2000 Iowa Acts, chapter 1148, section 1, is  
25 amended to read as follows:

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

27 1. Chapters 6B, ~~10A~~, 11, 12B, ~~24~~, 35B, 43, 50, 62, 64, 65,  
28 66, 69, 96, 99, ~~124E-144~~, 147, ~~161A~~, 177A, 230, 257B, 306  
29 ~~309~~, 311, 317, ~~321A~~, 347B, 353, ~~354~~, 357, 357C, ~~357D-357E~~,  
30 ~~357F-357G~~, 358, 358E, 359, 359A, 380, 384, 386, 420, 422  
31 ~~424-425~~, 426A, 428, 433, 434, ~~435~~, 436, ~~437-437A~~, 438, 440,  
32 441, 443, 444, 448, 449, ~~455f~~, 468, 556F, 557C, 558, 561, 595,  
33 614, and 658, ~~and-717B~~, Code 1999 and Code Supplement 1999,  
34 are amended by adding the following new definition:

35 NEW DEFINITION. As used in this chapter, unless the

1 context otherwise requires, "list", "book", "record", or  
2 "schedule" kept by a county auditor, assessor, treasurer,  
3 recorder, sheriff, or other county officer means the county  
4 system as defined in section 445.1.

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

11 Sec. 202. 2000 Iowa Acts, chapter 1148, is amended by  
12 adding the following new sections:

13 SEC. 1A. COUNTY SYSTEM FOR DATA STORAGE AND RETRIEVAL.

14 1. Sections 10A.101, 24.2, 124C.1, 144.1, 161A.3, 306.2,  
15 309.1, 321A.1, 354.2, 357D.1, 357E.1, 357F.1, 357G.1, 358C.1,  
16 386.1, 422.3, 424.2, 437.1, 437A.3, and 455I.1, Code 1999 and  
17 Code Supplement 1999, are amended by adding the following new  
18 definition:

19 NEW DEFINITION. "Book", "list", "record", or "schedule"  
20 kept by a county auditor, assessor, treasurer, recorder,  
21 sheriff, or other county officer means the county system as  
22 defined in section 445.1.

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

26 SEC. 1B. COUNTY SYSTEM FOR DATA STORAGE AND RETRIEVAL.

27 1. Sections 425.11, 435.1, and 717B.1, Code 1999 and Code  
28 Supplement 1999, are amended by adding the following new  
29 definition:

30 NEW DEFINITION. Unless the context otherwise requires,  
31 "book", "list", "record", or "schedule" kept by a county  
32 auditor, assessor, treasurer, recorder, sheriff, or other  
33 county officer means the county system as defined in section  
34 445.1.

35 2. The Code editor is directed to add the definition

1 prescribed in subsection 1 to the definitions in each section  
2 listed for the Code of Iowa, 2001.

3 Sec. 203. 2000 Iowa Acts, chapter 1228, section 37, is  
4 amended to read as follows:

5 SEC. 37. 1991 Iowa Acts, chapter 169, section 9, as  
6 amended by 1996 Iowa Acts, chapter 1071, section 1, is  
7 repealed.

8 On or before December 15, 2000, the prevention of  
9 disabilities policy council shall submit a report to the  
10 governor and the general assembly providing findings and  
11 recommendations regarding the activities and duties of the  
12 commission council and the need for its continuation.

13 DIVISION III

14 Sec. 204. EFFECTIVE DATES.

15 1. The section of this Act amending section 14B.105,  
16 subsection 1, paragraph b, unnumbered paragraph 1, being  
17 deemed of immediate importance, takes effect upon enactment  
18 and applies retroactively to April 25, 2000.

19 2. The section of this Act amending section 714.16,  
20 subsection 2, paragraph n, being deemed of immediate  
21 importance, takes effect upon enactment and applies  
22 retroactively to July 1, 2000.

23 3. The section of this Act amending 2000 Iowa Acts,  
24 chapter 1228, section 37, being deemed of immediate  
25 importance, takes effect upon enactment and applies  
26 retroactively to May 17, 2000.

27 EXPLANATION

28 This bill makes corrections to the Code of Iowa to reflect  
29 current practices, to insert omissions, to delete  
30 redundancies, inaccuracies, and temporary language, and to  
31 resolve inconsistencies and conflicts, to update ongoing  
32 provisions, and to remove ambiguities.

33 DIVISION I

34 Code sections 4.1, 229.1, 229.26, 321.500, 602.8102,  
35 602.8103, 617.3, 708.11, and 805.1. Strikes references to the

1 third edition of the Iowa court rules. The fourth edition of  
2 the Iowa court rules has been published and took effect  
3 February 15, 2002.

4 Code section 7A.20. Strikes a reference to Code section  
5 159.10, which contained the requirements for the book of  
6 agriculture. Code section 159.10 was repealed in 2001 Acts,  
7 chapter 129, section 7.

8 Code section 9E.15. Deletes language in the short form  
9 certificates of notarial acts which specifies when a notary's  
10 commission is to expire. Code section 9E.6A requires the same  
11 information to appear on the notary public's stamp or seal  
12 that appears on those same certificates.

13 Code sections 12.72 and 12.82. Substitutes the word  
14 "treasurer" for the word "authority" in language relating to  
15 the treasurer of state's authority to receive and deposit  
16 moneys into bond reserve funds associated with the vision Iowa  
17 fund and the school infrastructure fund.

18 Code section 15.333. Changes language relating to the  
19 refunding of unused corporate tax credits for new investment  
20 which is related to the creation of new jobs at a new or  
21 expanded business, corrects references to "S corporations",  
22 and specifies the tax return to which a tax credit claim must  
23 be attached to qualify for the tax credit. The former term  
24 "subchapter S corporations" was changed to "S corporations" in  
25 2000 Acts, chapter 1194.

26 Code section 15E.1. Adds a definition that specifies that  
27 where the term "department" is used in the chapter entitled  
28 "DEVELOPMENT ACTIVITIES", the term refers to the department of  
29 economic development.

30 Code section 15E.193C. Adds the word "paragraph" that was  
31 inadvertently omitted in two places from language pertaining  
32 to tax exemptions that may be claimed for the value of certain  
33 property located within enterprise zones.

34 Code section 84A.4. Strikes the words "and not five" in  
35 language specifying when regional advisory boards are required

1 to meet. Under Code section 84A.1A, five members of the  
2 workforce development board are required to assent to various  
3 board actions, whereas a request by a majority of the members  
4 of the regional advisory board is sufficient to require a  
5 meeting.

6 Code section 85A.20. Changes the pronoun "its" to the more  
7 specific "the physicians'" in language relating to the  
8 investigation of occupational diseases.

9 Code section 88.5. Changes the word "paragraph" to  
10 "subsection" in language contained in subsection 7 of this  
11 Code section which relates to special variances in  
12 occupational safety and health standards. There is only one  
13 paragraph in subsection 7.

14 Code section 123.14. Corrects a reference regarding the  
15 divisions and agencies responsible for assisting the division  
16 of beer, wine, and liquor law enforcement in the performance  
17 of the division's duties. The duties formerly performed by  
18 the department of inspections and appeals are now performed by  
19 the alcoholic beverages division of the department of  
20 commerce.

21 Code section 124C.1. Changes the word "section" to  
22 "chapter" in the definitions section for the chapter on the  
23 cleanup of clandestine laboratory sites.

24 Code section 135.63. Deletes obsolete language in  
25 provisions relating to when a certificate of need is required  
26 for an institutional health service. The provisions being  
27 eliminated expired on June 30, 1998, and placed limitations on  
28 the processing and consideration of certificate of need  
29 applications for new or changed institutional health services  
30 for intermediate care facilities for persons with mental  
31 retardation.

32 Code section 135.78. Deletes obsolete language relating to  
33 the initial collection of financial and utilization data used  
34 in the monitoring of hospital and health care facility charges  
35 and costs by the department of public health.

1 Code section 154.6. Clarifies language relating to  
2 submission of information pertaining to continuing education  
3 program attendance by persons licensed to practice optometry.

4 Code section 154A.9. Deletes the word "recent" in language  
5 specifying that a recent photograph is not required to be  
6 attached to an application for licensure or a permit as a  
7 hearing aid dispenser.

8 Code section 154A.20. Strikes the words "to" and "either"  
9 in language pertaining to the conditions under which a hearing  
10 aid dispenser or temporary permit holder is required to  
11 suggest in writing to a person that consultation with a  
12 licensed physician specializing in diseases of the ear or with  
13 a duly licensed physician would be in the person's best  
14 interests. The word "bill" is also replaced with the word  
15 "chapter" in language relating to when hearing aid dispensers  
16 may sell a hearing aid to a person who is twelve years of age  
17 or younger. The licensing of hearing aid dispensers is  
18 performed pursuant to the authority granted in Code chapter  
19 154A.

20 Code section 154A.23. Adds the words "the permit of the"  
21 to a reference to temporary permit holders in language  
22 relating to complaints and proceedings against hearing aid  
23 dispensers and temporary permit holders.

24 Code section 161B.1. Deletes language describing the  
25 composition and duties of the agricultural energy management  
26 advisory council. The council has completed its duties and  
27 has disbanded.

28 Code section 163.6. Clarifies the definition of the term  
29 "department" in a provision relating to the collection of  
30 samples of blood in slaughter facilities. The department of  
31 agriculture and land stewardship is responsible for performing  
32 the duties described under the Code section unless the United  
33 States department of agriculture is otherwise specified.

34 Code section 163.51. Changes the word "of" to the word  
35 "for" in language regarding the compensation of owners for

1 property inadvertently destroyed as a result of the department  
2 of agriculture and land stewardship's regulation of activities  
3 in a quarantined area.

4 Code section 165A.4. Changes the word "must" to "shall" in  
5 language imposing a duty to separate infected cattle. Code  
6 section 4.1, subsection 30, provides that the term "shall"  
7 imposes a duty.

8 Code section 169A.13. Changes the words "each fifth year"  
9 to "every five years" to clarify that renewal of recording of  
10 livestock brands is to occur at five-year intervals after the  
11 original recording of the brand.

12 Code section 173.1A. Changes the word "section" to  
13 "chapter" in the definitions section for the Code chapter  
14 pertaining to state fairs.

15 Code section 175A.2. Clarifies that members of the grape  
16 and wine development commission are not entitled to any  
17 compensation or expenses. Code section 7E.6 relates to the  
18 payment of per diem and expenses for various boards and  
19 commissions.

20 Code section 175A.3. Changes language from "approve" to  
21 "propose" regarding the grape and wine development  
22 commission's role in rules adopted by the department of  
23 agriculture to administer the grape and wine development  
24 provisions of Code chapter 175A. The commission is subject to  
25 the authority of the department.

26 Code section 192.132. Repeals a requirement that an  
27 applicant for a milk tester's license submit to examination  
28 and demonstrate that the applicant is competent to test cream  
29 and milk according to an approved process. This is not a  
30 requirement for the federal regulatory milk program, which is  
31 the process in place in Iowa for the inspection of milk.

32 Code section 216B.4. Changes the term "administrator" to  
33 the term "director" in language relating to acceptance of  
34 federal aid by the chief executive officer of the department  
35 for the blind. When the department for the blind was a

1 division of the department of human rights, that position was  
2 referred to as the "administrator". The department for the  
3 blind was made a separate department in 1988, as a result of  
4 the enactment of 1988 Acts, chapter 1277.

5 Code sections 225.12 and 225.30. Strikes the word "an"  
6 from language regarding the filing of a physician's report on  
7 a patient of a psychiatric hospital pursuant to Code section  
8 225.10. Although information is required to be filed under  
9 the Code sections, it is not in the form of the legal document  
10 known as "an information", which is used by prosecutors to set  
11 out facts and charges in criminal cases.

12 Code section 225B.7. Deletes obsolete language regarding  
13 the request and receipt of grants and other activities  
14 conducted during the initial years of the establishment of the  
15 prevention coordination system in the prevention of  
16 disabilities Code chapter.

17 Code section 229.14. Strikes the word "as" in language  
18 relating to a chief medical officer's report for persons  
19 hospitalized on an inpatient basis for mental illness  
20 treatment. Adds the words "copies of" to language regarding  
21 the provision of relevant court orders to treatment providers  
22 for mental illness treatment. The first change corrects a  
23 clerical error. The second change conforms the language  
24 relating to receipt of information to other provisions in the  
25 same Code chapter.

26 Code section 233.1. Eliminates a comma in language  
27 defining the term "institutional health facility", to avoid  
28 limiting the possible applicability of the 24-hour, seven-day  
29 accessibility requirement to only hospital emergency rooms.

30 Code section 233.6. Changes the words "the Act" to "this  
31 chapter", in newborn infant custody release procedures to  
32 conform that portion of the procedures to the other provisions  
33 within the same Code section.

34 Code section 235B.16. Adds a reference to Code section  
35 232.69, to clarify language describing combined requirements

1 for reporters of child and dependent adult abuse. Code  
2 section 232.69 specifies the training required for mandatory  
3 reporters of child abuse. This change is consistent with  
4 other language in this section which addresses the combined  
5 training requirements.

6 Code section 236.3. Changes "petitioner" to "plaintiff",  
7 and "plaintiff's filing" fees to fees "for the filing of the  
8 petition" in matters relating to commencement of domestic  
9 abuse actions. The person filing the petition in this Code  
10 section is referred to as the "plaintiff" and is not required  
11 to pay fees for the filing of the petition.

12 Code section 263A.2. Adds the words "and approval of the  
13 governor" which requires the state board of regents to seek  
14 approval of the governor after authorization by a  
15 constitutional majority of the general assembly to undertake  
16 and carry out certain projects. This conforms the language  
17 with the language in Code section 262A.4, which relates to  
18 similar projects.

19 Code section 294A.14. Adds a reference to Code section  
20 256.7, subsection 21, to a paragraph that describes  
21 comprehensive school transformation activities. The paragraph  
22 previously contained a reference to Code section 280.18, which  
23 was repealed by 2001 Acts, chapter 159, section 18, and Code  
24 section 256.7, subsection 21, is the provision which is used  
25 to enumerate requirements relating to student achievement  
26 goals.

27 Code section 303.2. Replaces the word "department" with  
28 the word "commission" in language relating to the agency with  
29 which the department of cultural affairs is to coordinate  
30 activities regarding the battle flag collection. The  
31 department of veterans affairs is a federal agency. The  
32 commission of veterans affairs is a state agency.

33 Code sections 309.1 and 309.75. Repeals definitions in  
34 Code section 309.75 and moves the definitions of "bridge" and  
35 "culvert" to Code section 309.1, placing the definitions for

1 the chapter in one Code section.

2 Code section 309.41. Adds a citation to Code section  
3 309.40A regarding optional advertisement and letting of  
4 contracts for construction of secondary roads. Code section  
5 309.40A contains an additional exception to the public bid  
6 requirements in Code section 309.41.

7 Code section 309.75. Strikes a set of definitions for the  
8 terms "bridge" and "culvert". These definitions are reenacted  
9 in another portion of this Act as new sections in another  
10 definitions section, Code section 309.1, in this same Code  
11 chapter. This combines all of the generally applicable  
12 definitions for Code chapter 309 into a single Code section.

13 Code section 321.34. Adds a comma in provisions relating  
14 to the issuance of special armed forces services plates,  
15 clarifying that the conditions specified are conditions for  
16 eligibility to request the plates and do not determine whether  
17 or not payment of the \$15 fee is required. This comports with  
18 the language immediately following the enumeration of the  
19 conditions.

20 Code section 321.45. Changes the term "mobile home dealer"  
21 to "manufactured or mobile home retailer" in a provision  
22 relating to the titling of mobile or manufactured homes to  
23 conform with similar terminology changes made in 2001 Acts,  
24 chapter 153.

25 Code sections 321.46 and 321.49. Changes the term  
26 "manufactured home retailer" to "manufactured or mobile home  
27 retailer" to conform with similar terminology changes made in  
28 2001 Acts, chapter 153.

29 Code section 321.56. Changes the words "under the  
30 following circumstances" to "if all of the following  
31 circumstances apply" to clarify that all of the circumstances  
32 must be met in order for an out-of-state commercial motor  
33 vehicle to be allowed to travel into this state without first  
34 being registered.

35 Code sections 321.57 and 321.58. Changes references to

1 "manufactured home retailer" to "dealer" in provisions  
2 relating to automotive dealers and changes references to  
3 "manufactured home retailer" and "manufactured home retailers"  
4 to "manufactured or mobile home retailer" and "manufactured or  
5 mobile home retailers" to conform with similar terminology  
6 changes made in 2001 Acts, chapter 153.

7 Code section 321.104. Eliminates reference to a  
8 requirement previously in Code section 321.45, subsection 4,  
9 which was repealed by 1996 Acts, chapter 1152, § 26, and  
10 related to the transfer of mobile or manufactured homes. The  
11 word "dealer" is also changed to "manufactured or mobile home  
12 retailer" to conform with similar terminology changes made in  
13 2001 Acts, chapter 153.

14 Code section 321.445. Strikes an obsolete reference to the  
15 six-month period from July 1, 1986, through December 1, 1986,  
16 during which period peace officers were to issue only warning  
17 citations for violations of seat belt and safety harness usage  
18 requirements.

19 Code section 336.16. Changes "county or city auditor" to  
20 "county auditor or city clerk". The election functions for a  
21 city are performed by the city clerk.

22 Code section 384.84A. Adds the words "is filed" to  
23 language relating to a petition asking that the question of  
24 issuing bonds for stormwater drainage construction be  
25 submitted to the registered voters of a city. For similar  
26 usage, see Code section 422B.12(4)(a).

27 Code section 422A.2. Adds the words "is filed" to language  
28 relating to a petition asking that the question of issuance of  
29 bonds secured by revenues derived from the local hotel and  
30 motel tax be submitted to the registered voters of a city or  
31 unincorporated area. For similar usage, see Code section  
32 422B.12(4)(a).

33 Code section 426.6. Strikes the word "they" in language  
34 relating to a list compiled by the county auditor of all  
35 tracts of agricultural land for which a tax credit may be

1 claimed. This is consistent with references to the tax credit  
2 which appear later in the same paragraph.

3 Code section 427.1. Adds an internal reference to  
4 subsection 33, regarding Indian housing authority property, to  
5 language regarding filing a claim for property tax exemption.  
6 The insertion of the internal reference is due to the  
7 reference to subsection 14 that is contained in subsection 33  
8 of this Code section. The words "that Act" are replaced with  
9 the words "chapter 17A" in reference to the Iowa  
10 administrative procedure Act in subsection 16.

11 Code section 432.11. Repeals the provision permitting the  
12 insurance commissioner to approve premium tax exemptions for  
13 basic benefit health plans. The basis for approval of a  
14 premium tax exemption for these types of plans, which was  
15 contained in subchapter II of chapter 513B, was repealed  
16 effective January 1, 2002, by 2001 Acts, chapter 69, section  
17 38.

18 Code section 435.27. Changes the term "manufactured home  
19 retailer's" to "manufactured or mobile home retailer's" to  
20 comport with similar changes made in 2001 Acts, chapter 153.

21 Code section 437A.3. The word "acquired" is added in  
22 language in subsection 17 describing acquisitions which  
23 constitute a "major addition" for purposes of taxation of  
24 electricity and natural gas providers. This is consistent  
25 with the lead-in language of this subsection.

26 Code section 453A.42. Conforms the use of the language  
27 describing sweepings of tobacco in the definition of "tobacco  
28 product" to the language in the definition of the same term in  
29 Code section 453A.1, subsection 26.

30 Code section 455B.473. Strikes the words "It shall also be  
31 unlawful to" and adds the words "A person shall not" relating  
32 to prohibitions against depositing a regulated substance in an  
33 underground storage tank under certain circumstances.

34 Code section 455B.484. Subsections 10, 12, and 13 of this  
35 section are stricken as they involved one-time activities that

1 have been completed.

2 Code section 476.27. Corrects a reference to successors in  
3 interest of a railroad corporation in the definition of  
4 "railroad right-of-way" in this provision relating to public  
5 utility crossings and railway property.

6 Code section 483A.7. The sentence containing a reference  
7 to Code section 481A.38, requiring a drawing for nonresident  
8 hunting licenses, is stricken. Code section 481A.38 was  
9 amended by 2001 Acts, chapter 134, section 1, to eliminate the  
10 drawing requirement and now authorizes the commission to adopt  
11 procedures, by rule, to issue the licenses.

12 Code section 483A.8. The sentence containing a reference  
13 to Code section 481A.38, requiring a drawing for nonresident  
14 hunting licenses, is stricken. Code section 481A.38 was  
15 amended by 2001 Acts, chapter 134, section 1, to eliminate the  
16 drawing requirement and now authorizes the commission to adopt  
17 procedures, by rule, to issue the licenses. Also, an  
18 additional reference to "the drawing" is stricken, and  
19 language is added to clarify the rights of a nonresident  
20 owning land in this state to apply for deer hunting licenses.

21 Code section 502.612. Repeals an obsolete transition  
22 provision that was enacted to deal with proceedings which were  
23 pending when the 1974 revisions to the uniform securities act,  
24 chapter 502, were enacted. The 1974 revisions were contained  
25 in 1974 Iowa Acts, chapter 1239.

26 Code sections 513C.5, 513C.10, and 513C.11. Changes  
27 references to the individual health benefit reinsurance  
28 association board to the comprehensive health insurance  
29 association board established in Code section 514E.2. The  
30 individual health benefit reinsurance association board was  
31 eliminated in 2001 Acts, chapter 125.

32 Code section 514A.3. Strikes references to Code section  
33 507B.4, subsections 12 and 13, Code 1979, which were stricken  
34 in 1980 Acts, chapter 1015, section 61.

35 Code section 514J.5. Adds the words "from the date of

1 receipt" to clarify the beginning of a time period for  
2 contesting a certification for external review decision by the  
3 insurance commissioner. Also adds the words "of the date of  
4 the request" to clarify the beginning of a time period during  
5 which the commissioner shall notify an enrollee or the  
6 enrollee's treating health care provider of the reasons for  
7 refusal of a request for external review. Also adds the word  
8 "promptly" after the word "notify" in language regarding the  
9 commissioner's obligation to notify the carrier or organized  
10 delivery system of the reasons for upholding a certificate for  
11 external review.

12 Code section 514J.7. Adds "in writing" to specify how  
13 notification to an enrollee of the means to contact an  
14 independent review entity and of the right to submit  
15 additional information. Adds a requirement that a notice  
16 regarding an external review sent by an independent review  
17 entity be sent to an insurance carrier, in addition to the  
18 enrollee. Corrects grammar by striking the word "of" and  
19 adding the word "containing" in language describing the  
20 contents of a notice, clarifies that the carrier is also to  
21 receive the notice, and strikes the word "reasonably", adding  
22 instead, "it is reasonable" in language relating to what an  
23 independent review entity may consider when conducting an  
24 external review of a health care coverage decision.

25 Code sections 518A.41 and 518A.43. The words "agent" and  
26 "such agent" are stricken, and the words "insurance producer"  
27 and "an insurance producer" are added, to reflect the change  
28 implemented in 2001 Acts, chapter 16.

29 Code section 522B.1. Strikes the word "licensed" and adds  
30 the word "regulated" to the definition of "insurer"; the  
31 definition of "license" relates to insurance producers, and  
32 states that the holding of a license does not create authority  
33 to represent the insurer. Also, strikes the word "authorized"  
34 and inserts the word "licensed" in the definition of "limited  
35 lines producer", as the person involved would be an insurance

1 producer, thus licensed.

2 Code section 522B.3. Adds the word "or" in a series  
3 describing the types of activities that may be performed  
4 without an insurance producers license.

5 Code section 522B.6. Adds the words "legal name or" to the  
6 notice requirements that must be performed by insurance  
7 licensees within 30 days of a change. The subsection  
8 currently provides a penalty for failure to timely inform the  
9 commissioner of a change in legal name.

10 Code section 523A.102. Adds the words "funeral services"  
11 to the definition of items for which a burial account may be  
12 used. Funeral services are mentioned throughout the chapter  
13 as being a potential item which may be paid for with funds  
14 from a burial account.

15 Code section 523A.202. Adds the words "or the seller" to  
16 language in subsection 2 regarding funds required to be  
17 deposited in an interest-bearing burial account. This  
18 comports with the scenario described in subsection 1 of this  
19 same Code section.

20 Code sections 523A.302 and 523A.601. Strikes the word  
21 "funeral" and inserts "mortuary science" as it relates to  
22 services identified as subject to a preneed trust fund or  
23 purchase agreement for merchandise and services related to  
24 death. Also, strikes the words "chapter 156" and insert the  
25 citation "section 156.1". The term "funeral services" is not  
26 defined in Code chapter 156, but mortuary science is. The  
27 appropriate term to refer to the various funeral arrangements  
28 and services is "mortuary science".

29 Code section 523A.402. Adds the words "to the  
30 establishment" to language regarding the irrevocable  
31 assignment of burial trust funds.

32 Code sections 523A.501 and 523A.502. Deletes language  
33 regarding grant or denial of an application for a permit to  
34 operate and a sales permit for an establishment which sells  
35 preneed cemetery merchandise, funeral merchandise, funeral

1 services or a combination of these, within 30 days, stating  
2 the commissioner of insurance's failure to act shall not be  
3 deemed approval of the application. Inserts language  
4 indicating specific circumstances regarding effectiveness of  
5 the application at noon on the thirtieth day after a completed  
6 application or an amendment is filed, if no denial order is in  
7 effect and no proceeding is pending.

8 Code section 523A.901. Deletes the words "for at least"  
9 and adds the word "within" to clarify language relating to the  
10 statute of limitations and filing requirements for a petition  
11 to be commenced against an establishment selling preneed  
12 cemetery or funeral merchandise or services. Also deletes the  
13 words "recording or" and adds the words "recorder of" to  
14 correct a clerical error in language relating to the  
15 constructive notice of the filing of a petition for  
16 liquidation of an establishment in the county where real  
17 property is located. Also deletes the word "of", and adds the  
18 word "in" regarding summary jurisdiction of a proceeding by a  
19 liquidator to hear and determine the rights of parties.

20 Code section 554.8106. Strikes a reference to paragraph  
21 "b" to conform the provision to the changes made in the  
22 section through the revised UCC article 9 model act by the  
23 national conference of commissioners on uniform state laws.

24 Code section 554.9109. Rearranges citations to conform the  
25 provision to the changes made in the section through the  
26 revised UCC article 9 model act by the national conference of  
27 commissioners on uniform state laws. The provisions on leases  
28 are subject to the provisions of article 9 through the  
29 provisions contained in Code section 554.9110.

30 Code section 554.9521. Changes the words "written record"  
31 to "amendment" so that the substance of subsection 2 is not  
32 just reflected in the subsection headnote. There are only two  
33 types of documents that are filed with the secretary of  
34 state's office under the revised article 9: initial financing  
35 statements, which are dealt with under subsection 1; and

1 amendments, which come under this subsection.

2 Code section 554.9602. Corrects usage in a reference to  
3 Code section 554.9607 in this provision which lists the rules  
4 which govern the rights of debtors or obligors and duties of  
5 secured parties.

6 Code section 579A.3. Strikes the word "foreclose" and  
7 replaces it with "enforce" in language relating to the  
8 enforcement of custom cattle feedlot liens. This is  
9 consistent with similar enforcement provisions for  
10 agricultural supply dealers' liens in Code chapter 570A and  
11 for commodity production contract liens in Code chapter 579B.

12 Code section 579B.1. Strikes the word "or" in language  
13 defining the term "personal representative" in the commodity  
14 production contract lien chapter. This conforms this  
15 definition to the definition of the same term which is  
16 contained in the custom cattle feedlot lien chapter, Code  
17 chapter 579A. Both terms were amended in 2001 Acts, chapter  
18 25.

19 Code section 579B.3. Replaces the term "owner of the  
20 commodity" with the term "contractor" in the commodity  
21 production contract lien chapter. This provision describes  
22 the relationship between the contract producer and the  
23 contractor for purposes of article 9 of the uniform commercial  
24 code, Code chapter 554. A "contractor" is defined in Code  
25 chapter 579B as the owner of the commodity at the time that  
26 the commodity is under the authority of the contract producer.

27 Code section 602.8107. Adds the words "and law enforcement  
28 initiative" to language relating to priority of payment of  
29 criminal penalty surcharges from moneys deposited with the  
30 clerk of court in criminal cases. The law enforcement  
31 initiative surcharge was established in 2001 Acts, chapter  
32 168, and is currently being paid at the same time as the  
33 criminal penalty surcharge is being paid.

34 Code sections 633.231 and 633.304A. Conforms the language  
35 of these two sections to the requirements of Code section

1 633.410, which is cited in both statutes. Code section  
2 633.410 provides that claims, other than charges, against a  
3 decedent's estate are forever barred unless filed with the  
4 clerk within the later to occur of "four months after the date  
5 of the second publication of the notice to creditors or one  
6 month after service of notice by ordinary mail".

7 Code sections 633.304, 633.305, and 633.3109. Strikes the  
8 words and figures ", subsection 1, 2, 3, or 4" as relates to  
9 Code section 633.219 defining the term "heir" for purposes of  
10 intestate succession. Two new classifications of persons were  
11 added as possible "heirs" under the intestacy statute in 1995  
12 and 2000, but, although those individuals would have rights in  
13 an estate or trust proceeding, these notice provisions were  
14 apparently overlooked at the time of the additions. Removing  
15 the Code subsection references will eliminate the issue.

16 Code sections 726.3 and 726.6. Strikes the word "or" and  
17 adds the words "and any" to language regarding persons who may  
18 not be charged with neglect or abandonment of a dependent  
19 person.

20 Code section 902.3A. Strikes the word "or" and adds the  
21 word "and" to language regarding the procedures for violations  
22 of parole or work release under Code chapters 905 and 908, and  
23 rules adopted under those Code chapters.

24 2001 Iowa Acts, chapter 55, section 7. Strikes the word  
25 "must" and adds the word "shall" in Code section 542D.7,  
26 subsection 3, paragraph "a", regarding maintenance of  
27 competency for accounting practitioners.

28 2001 Iowa Acts, chapter 55, section 13. Adds the word  
29 "otherwise" in language restricting who may use the title or  
30 designation "accountant".

31 DIVISION II

32 The following statutory corrections were originally  
33 contained in or as amendments to Senate File 106, during the  
34 2001 Regular Session of the Seventy-ninth General Assembly.

35 Code section 10.1. Replaces references to Code chapter 486

1 with references to Code chapter 486A. Code chapter 486 was  
2 repealed, and superseded by Code chapter 486A, effective  
3 January 1, 2001, as a result of the passage of 1998 Acts,  
4 chapter 1201.

5 Code section 13B.4. Adds the words "in juvenile  
6 proceedings" to language describing the kinds of actions in  
7 which the state public defender coordinates the legal  
8 representation of indigents. Code sections 232.141, 815.9,  
9 and 815.10 provide for the appointment of the state public  
10 defender's designee in juvenile matters.

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

15 Code section 14B.101. Adds a definition of the term  
16 "department" to the Code chapter relating to the information  
17 technology department. Although the Code chapter contains  
18 many references to the term "department", the term was never  
19 defined.

20 Code section 14B.105. Corrects language relating to the  
21 appointment of the members to the information technology  
22 council. Not all of the members, or potential members, listed  
23 in Code section 14B.105, subsection 1, paragraph "a",  
24 subparagraphs (3) through (7), are appointed by the governor.  
25 The provision is effective upon enactment and is retroactively  
26 applicable to April 25, 2000.

27 Code section 15E.195. Replaces "the effective date of this  
28 Act" with "July 1, 1998". The language that is codified at  
29 subsection 2 of this Code section was enacted in section 12 of  
30 1998 Acts, chapter 1175, which was effective July 1, 1998,  
31 under Code section 3.7, subsection 1.

32 Code section 29A.17. Corrects language relating to the  
33 adjutants general and the appointment of aides in the military  
34 staff of the governor. Updates to the language of this Code  
35 section made in 2000 Acts, chapter 1020, changed the

1 application of the residency requirement and power of the  
2 governor to appoint additional staff.

3 Code section 29A.66. Changes the word "the" to "those" to  
4 clarify that it is the powers and duties of the governor, the  
5 adjutant general, and the deputy adjutants general that are to  
6 be the same for the national guard as the powers and duties  
7 are for the Iowa state guard. 2000 Acts, chapter 1020,  
8 changed the word "such" to the present word "the".

9 Code section 48A.31. Corrects a reference to the bureau of  
10 vital records in a provision relating to the transmission by  
11 the state registrar of vital statistics to the state registrar  
12 of voters of a list of all persons 17 and one-half years of  
13 age and older whose deaths have been reported to the bureau.

14 Code section 56.2. Strikes language in the definition of  
15 the term "express advocacy" which was held unconstitutional by  
16 the federal Eighth Circuit Court in Iowa Right to Life v. Kay  
17 Williams et al., Case No. 98-4078.

18 Code section 56.14. Strikes a prohibition relating to the  
19 placement of political yard signs which was held  
20 unconstitutional in Whitton v. City of Gladstone, 54 F.3d 1400  
21 (8th Cir., 1995).

22 Code section 97B.50A. Changes the word "twenty-five" to  
23 "the applicable years of service" in language relating to  
24 eligibility of special service members for disability benefits  
25 under the Iowa public employees' retirement system. Language  
26 in Code section 97B.49B, which had previously set the years of  
27 service level at 25 years, was amended in 2000 Acts, chapter  
28 1077, and the years of service language was changed to depend  
29 on when the service member retired.

30 Code section 101.22. Strikes the word "a" and adds the  
31 words "an annual" before the words "fee of ten dollars" to  
32 coincide with language in the last sentence of the subsection  
33 that refers to the "annual renewal fee".

34 Code section 123.39. Changes the words "the chapter" to  
35 "this chapter" in language relating to the suspension,

1 revocation, or imposition of a civil penalty against certain  
2 licensees under the alcoholic beverages chapter.

3 Code section 135.43. Changes a reference to the division  
4 of vital records to the bureau of vital records in language  
5 relating to persons on the child death review team. This  
6 corrects the name of that bureau and conforms the language to  
7 a very similar provision in Code section 135.109. Corrects  
8 language in provisions relating to the confidentiality of  
9 records and information produced for the child death review  
10 team. Nearly identical language is contained in a similar  
11 kind of provision, Code section 135.111, which pertains to the  
12 disclosure of confidential records and information to the  
13 domestic abuse death review team.

14 Code section 135.110. Adds the words "or convicted" to  
15 language relating to the investigations of the relationships  
16 between decedent victims and the perpetrators in domestic  
17 abuse death cases. "Domestic abuse death" is defined under  
18 Code section 135.108 as including deaths caused by either  
19 alleged or convicted perpetrators.

20 Code section 137C.7. Strikes obsolete language that  
21 related to hotel licenses that were issued and inspections  
22 that were conducted by the department of agriculture and land  
23 stewardship prior to January 1, 1979. The licenses expire one  
24 year from the date of issue and those licensing and inspection  
25 functions are now performed by the department of inspections  
26 and appeals.

27 Code section 139A.10. Strikes the words "by the  
28 magistrate" from language relating to compensation of officers  
29 designated to forcibly remove and isolate or quarantine a  
30 person infected with a dangerous communicable disease. This  
31 provision was previously contained in former Code section  
32 139.13 and referred, prior to 1967, to a procedure that was at  
33 that time contained in Code chapter 137. In 1967 Acts,  
34 chapter 163, section 26, the procedure for applying to the  
35 magistrate for the appointment of these officers was

1 eliminated. The procedure is now handled through the local  
2 board of health.

3 Code section 139A.30. Changes the word "chapter" to  
4 "subchapter" in language relating to the confidentiality of  
5 reports which include the identity of persons infected with a  
6 sexually transmitted disease or infection. The language from  
7 this Code section previously was contained in former Code  
8 section 140.3. The provision applied to the contents of that  
9 chapter, which is now contained in subchapter II of Code  
10 chapter 139A.

11 Code section 161.2. Adds the words "are located" to  
12 language contained in subsection 9, defining what constitutes  
13 a fertilizer site in the agrichemical remediation chapter.  
14 This is consistent with the manner in which another definition  
15 of "pesticide site" is constructed. Subsection 14 is  
16 stricken. That term is not defined in Code section 455B.602.  
17 Corrects the use of the name of the agrichemical remediation  
18 board in the definition of the term "board" in the  
19 agrichemical remediation chapter. This conforms the name to  
20 the name as given in Code section 161.3, which is referenced  
21 in the definition of the term "board".

22 Code section 161.6. Strikes the word "remediation" and  
23 inserts the words "site cleanup" in language relating to the  
24 classification and prioritization of contaminated agrichemical  
25 sites. The term "active site cleanup" is defined for purposes  
26 of that chapter, whereas "active remediation" is not defined.

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

32 Code section 166D.7. Moves the words "each month" from  
33 language relating to standards which must be met for the  
34 recertification to occur to language describing what must be  
35 done for a swine herd to be certified as free from

1 pseudorabies infection.

2 Code section 166D.10. Corrects an incorrect citation to  
3 Code section 166D.9 to reflect the correct citation of Code  
4 section 166D.10A in a provision in the pseudorabies chapter  
5 which describes the inspection and other requirements which  
6 apply to the movement of swine.

7 Code section 166D.10B. Changes the word "swine" to "pigs"  
8 in the term "feeder swine". This Code section relates to what  
9 swine can be maintained at approved premises and refers in the  
10 balance of the Code section to "feeder pigs" and "cull swine"  
11 as the kinds of swine that may be maintained at that location.

12 Code section 183A.7. Eliminates a reference to the  
13 national livestock and meat board and the pork industry group,  
14 in language relating to distribution of funds from the  
15 assessment on pork producers to various agriculture industry  
16 organizations. The national livestock and meat board and the  
17 pork industry group never were established as an entity.

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

23 Code section 207.22. Adds a federal public law number  
24 cite, to Pub. L. No. 95-87, to the reference to title IV in  
25 the Code chapter pertaining to coal mining. Title IV is also  
26 referenced in Code section 207.21, in conjunction with this  
27 public law number, and those references indicate that this  
28 public law contains that particular title.

29 Code sections 216A.102 and 476.66. Corrects the name in  
30 two references to the low-income home energy assistance  
31 program, which is a federal energy assistance program  
32 referenced in Code sections 216A.101, 216A.103, 476.20, and  
33 476.51. Obsolete language relating to bringing existing  
34 utilities into compliance with the customer contribution fund  
35 requirements is also deleted in subsection 7 of Code section

1 476.66.

2 Code section 232.141. Changes the word "made" to "paid"  
3 and corrects an internal reference in language describing the  
4 compensation of court-appointed attorneys in juvenile matters.  
5 The first change is consistent with other language within the  
6 subsection. The language which provides for the calculation  
7 of the county's base cost is found in paragraph "b" of  
8 subsection 3 in this Code section.

9 Code section 256D.1. Changes the word "comprehensive" to  
10 "comprehension" in language describing the types of accuracy  
11 and fluency skills for which the department of education is to  
12 identify diagnostic assessment tools as part of the Iowa early  
13 intervention block grant program. This change is consistent  
14 with other language found in Code section 256D.2.

15 Code section 272C.3. Adds a reference to Code section  
16 455B.219 to correspond to the correction made in Code section  
17 272C.4 in this Act.

18 Code section 272C.4. Changes a citation to Code section  
19 455B.191 to a citation to Code section 455B.219. Code section  
20 272C.1, subsection 6, paragraph "x", refers to the director of  
21 the department of natural resources in certifying water  
22 treatment operators under Code sections 455B.211 through  
23 455B.224.

24 Code section 303.86. Conforms the name of the Iowa state  
25 arts council, by striking the word "state", to the name as it  
26 is found in Code sections 303.1 and 303.8.

27 Code section 321.219. Strikes the words "section or in  
28 violation of this" from this provision which prohibits persons  
29 from allowing unauthorized minors to drive. The Code section  
30 does not authorize minors to drive.

31 Code section 321.279. Adds the words "or by flashing red  
32 and blue lights" to the provision which describes the warning  
33 signal which, when given by a peace officer and not obeyed,  
34 constitutes the offense of eluding a law enforcement vehicle.  
35 Peace officer vehicles were permitted to be equipped with blue

1 lights in addition to red lights by 2000 Acts, chapter 1045,  
2 sections 2 and 3.

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

7 Code section 321J.17. Adds language regarding licensed  
8 substance abuse treatment providers to language relating to  
9 drinking driver courses that are provided by community  
10 colleges. In 2000 Acts, chapter 1138, licensed substance  
11 abuse treatment providers were also authorized to provide  
12 these courses.

13 Code section 322C.2. Strikes the definitions of the terms  
14 "distributor's representative" and "manufacturer's  
15 representative" from the Code chapter relating to travel  
16 trailer dealers, manufacturers, and distributors. Those terms  
17 are no longer used in this Code chapter as the result of the  
18 passage of 2000 Acts, chapters 1016 and 1154.

19 Code sections 331.424A and 331.424B. Strikes, in  
20 provisions relating to tax levies for the county mental  
21 health, mental retardation, and developmental disabilities  
22 services fund and for cemeteries, references to Code sections  
23 444.25B and 444.25A and 444.25B, respectively. Code sections  
24 444.25A and 444.25B contain obsolete property tax limitations  
25 applicable to the 1996, 1997, and 1998 tax years and are also  
26 repealed, for that reason, in this bill.

27 Code sections 331.756, 910.1, 910.2, 910.3, and 910.9.  
28 Conforms references to court-appointed attorney fees and the  
29 expenses of a public defender to the changes that were made in  
30 2000 Acts, chapter 1115, section 9, in the same type of  
31 language as in Code section 910.2.

32 Code sections 403.6 and 403.17. Strikes the word "city" in  
33 the urban renewal chapter. In Code section 403.6, it is  
34 replaced with the word "municipal". In Code section 403.17,  
35 it is replaced with the word "municipality". Code chapter 403

1 was made applicable to counties in 1991, with the passage of  
2 1991 Acts, chapter 214.

3 Code section 404A.3. Changes the term "certificate of  
4 appropriation" to "certificate of appropriateness" in the  
5 provision which describes the standards which are to be  
6 followed in the establishment of criteria and standards by the  
7 state historic preservation office for rehabilitation  
8 projects. A procedure for issuance of certificates of  
9 appropriateness for historical preservation districts may be  
10 found in Code sections 303.27 through 303.30.

11 Code section 422.4. Deletes an obsolete provision in the  
12 income, sales, services, and franchise chapter that relates to  
13 the calculation of the standard deduction factor for the 1989  
14 calendar year.

15 Code section 422.45. Obsolete applicability language  
16 referring to payments made on or after July 1, 1984, which is  
17 contained in subsection 24, unnumbered paragraph 2, is  
18 stricken.

19 Code section 422.52. Replaces the words "state treasurer"  
20 and "treasurer" with the word "department". The department of  
21 revenue and finance now performs this collection of and  
22 transfer of revenue from the tax on sales of motor vehicle  
23 fuel.

24 Code section 422B.1. Moves the phrase "of the result of  
25 the election" after the words "written notice". The "abstract  
26 of votes" language was added in 1999 with the passage of 1999  
27 Acts, chapter 156. The abstract of votes is the result of the  
28 election.

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

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

35 Code section 432.1. Adds the word "insurance" between the

1 words "county mutual" and "associations" so that the term  
2 refers to county mutual insurance associations. Code chapter  
3 518, a section of which is referenced in this paragraph,  
4 relates to the regulation of county mutual insurance  
5 associations.

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

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

11 Code section 455B.601. Corrects a reference to the  
12 agricultural remediation board.

13 Code section 455E.11. Changes a Code section reference  
14 from Code section 139A.31 to Code section 139A.21. This Code  
15 section was amended by 2000 Acts, chapter 1066, section 47,  
16 and this change conforms the Code section citations in this  
17 subparagraph to the changes made in sections 46, 48, and 49 of  
18 that same 2000 Act.

19 Code section 486A.1102. Changes a reference to the agent  
20 of a foreign limited liability company to a reference to the  
21 agent of a foreign limited liability partnership contained in  
22 the uniform partnership Act.

23 Code section 511.8. The word "that" is substituted for the  
24 word "this" in language relating to financial instruments used  
25 in hedging transactions by certain insurers. This change is  
26 consistent with language contained in paragraphs "c" and "e"  
27 of the same subsection.

28 Code section 514.3. Adds the words "those articles and  
29 amendments" after the words "endorsed on or annexed to" in  
30 language relating to how the approval of the commissioner is  
31 to be attached to articles of incorporation and any amendments  
32 which are filed with the commissioner of insurance.

33 Code section 515.24. Adds the word "insurance" between the  
34 words "county mutual" and "associations" in provisions  
35 relating to the payment of tax on the gross amount of

1 reinsurance premiums received for the reinsurance of windstorm  
2 or hail risks written by county mutual insurance associations.

3 Code section 515F.3. Changes a reference to Code chapter  
4 518A to Code chapter 518. The provisions relating to the  
5 regulation of county mutual insurance associations are found  
6 in Code chapter 518.

7 Code section 518.17. Adds the word "insurance" between the  
8 words "state mutual" and "association". State mutual  
9 insurance associations are regulated under Code chapter 518A.

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

14 Code section 537A.10. Changes the words "less than fifty  
15 percent" to "fifty percent or less" to cover transfer of  
16 franchise situations in which ownership in the business was  
17 exactly 50 percent. This is consistent with language found in  
18 paragraph "g" of subsection 5 of this Code section.

19 Code section 543D.2. Updates the definition of the term  
20 "associate appraiser" to the term "real property appraiser  
21 trainee" in the Code chapter pertaining to real estate  
22 appraisals and appraisers.

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

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

33 Code section 543D.19. Changes the term "associate  
34 appraiser" to "real estate property appraiser trainee" to  
35 conform to the definition change made in Code section 543D.2.

1 Also changes the length of time for retention of records from  
2 three to five years to conform to federal requirements which  
3 apply to all real estate appraisers in Iowa.

4 Code section 554D.120. Strikes references to the division  
5 of information technology services of the department of  
6 general services in the uniform electronic transactions Act  
7 and replaces them with references to the information  
8 technology department. The information technology department  
9 assumed the duties of the information technology services  
10 division of the department of general services with the  
11 passage of 2000 Acts, chapter 1141.

12 Code section 595.13. Corrects and conforms language  
13 relating to the attestation of marriage and return of the  
14 certificate by the officiating minister or magistrate to  
15 language contained in Code section 144.36.

16 Code section 633.568. Conforms the notice provisions for  
17 the opening of conservatorships to the notice provisions for  
18 the opening of guardianships, contained in Code section  
19 633.554. The court procedures for both proceedings are  
20 otherwise virtually identical and interested parties are also  
21 virtually the same parties.

22 Code section 692A.7. Corrects language relating to the  
23 consequences for violations of certain sex offender registry  
24 requirements by persons on probation, parole, or other form of  
25 release.

26 Code section 692A.13. Substitutes the words "July 1, 1999"  
27 for "the effective date of this Act" in language relating to  
28 electronic access to sex offender registry information.  
29 Language relating to electronic access to this information  
30 first appeared in this Code section as a result of the passage  
31 of 1998 Acts, chapter 1168, but was stricken and rewritten in  
32 1999 Acts, chapter 112. Language relating to information  
33 received prior to July 1, 1999, was added in subparagraph (2)  
34 of subsection 3, paragraph "c".

35 Code section 714.16. Changes the word "or" to "of" in

1 language relating to misrepresentation of a business name by a  
2 supplier of a service or product in a local telephone  
3 directory or directory assistance database. This change is  
4 consistent with the language of the balance of the provision  
5 and is consistent with background materials used in  
6 preparation of the original legislation.

7 2000 Iowa Acts, chapter 1148. Redrafts a portion of this  
8 Act to omit redundant language in the new definition that was  
9 added to the listed Code definition sections.

10 2000 Iowa Acts, chapter 1228. Corrects a reference to the  
11 prevention of disabilities policy council in language relating  
12 to submission of a report by that council concerning council  
13 activities and duties.

14 DIVISION III

15 This division contains effective and retroactive  
16 applicability provisions which relate to and are explained in  
17 division II.

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## SENATE FILE 2275

H-8298

1 Amend Senate File 2275, as passed by the Senate, as  
2 follows:

3 1. Page 38, by inserting after line 29, the  
4 following:

5 "Sec. \_\_\_\_ . Section 554.9525, subsection 1,  
6 unnumbered paragraph 1, Code Supplement 2001, is  
7 amended to read as follows:

8 Except as otherwise provided in ~~subsection~~  
9 subsections 3 and 4, fees for services rendered by the  
10 filing office under this part must be set by rules  
11 adopted by the secretary of state's office for  
12 services for that office. The rule must set the fees  
13 for filing and indexing a record under this part on  
14 the following basis:

15 Sec. \_\_\_\_ . Section 554.9525, subsection 3, Code  
16 Supplement 2001, is amended to read as follows:

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

32 2. Page 43, by inserting after line 33, the  
33 following:

34 "Sec. \_\_\_\_ . Section 692A.1, subsection 4, paragraph  
35 m, Code Supplement 2001, is amended to read as  
36 follows:

37 m. Sexual exploitation of a minor in violation of  
38 section 728.12, ~~subsection 2 or 3.~~"

39 3. By renumbering as necessary.

By COMMITTEE ON JUDICIARY  
LARSON of Linn, Chairperson

H-8298 FILED MARCH 15, 2002

*Adopted*  
3-27-02  
(P 1018)

**SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2275**

**H-8491**

- 1 Amend the amendment, S-5270, to Senate File 2275,
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 38, the
- 4 following:
- 5 "\_\_\_\_. By striking page 69, line 5, through page
- 6 71, line 20."
- 7 2. By renumbering as necessary.

RECEIVED FROM THE SENATE

**H-8491** FILED APRIL 2, 2002

*House Concurred 4/2/02 (P.1154)*

HOUSE AMENDMENT TO  
SENATE FILE 2275

S-5270

1 Amend Senate File 2275, as passed by the Senate, as  
2 follows:

3 1. Page 38, by inserting after line 29, the  
4 following:

5 "Sec. \_\_\_\_\_. Section 554.9525, subsection 1,  
6 unnumbered paragraph 1, Code Supplement 2001, is  
7 amended to read as follows:

8 Except as otherwise provided in ~~subsection~~  
9 ~~subsections 3 and 4~~, fees for services rendered by the  
10 filing office under this part must be set by rules  
11 adopted by the secretary of state's office for  
12 services for that office. The rule must set the fees  
13 for filing and indexing a record under this part on  
14 the following basis:

15 Sec. \_\_\_\_\_. Section 554.9525, subsection 3, Code  
16 Supplement 2001, is amended to read as follows:

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

32 2. Page 43, by inserting after line 33, the  
33 following:

34 "Sec. \_\_\_\_\_. Section 692A.1, subsection 4, paragraph  
35 m, Code Supplement 2001, is amended to read as  
36 follows:

37 m. Sexual exploitation of a minor in violation of  
38 section 728.12, ~~subsection 2 or 3.~~"

39 3. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5270 FILED MARCH 27, 2002

*Senate Concurred*  
4.2-02  
(p. 890)

SENATE FILE 2275

S-5291

1 Amend the amendment, S-5270, to Senate File 2275,  
2 as passed by the Senate, as follows:

3 1. Page 1, by inserting after line 38, the  
4 following:

5 "\_\_\_\_\_. By striking page 69, line 5, through page  
6 71, line 20."

7 2. By renumbering as necessary.

By DONALD B. REDFERN

S-5291 FILED APRIL 1, 2002

*adopted*

*4-2-02*

*(P. 890)*

SENATE FILE 2275

AN ACT

RELATING TO STATUTORY CORRECTIONS WHICH MAY ADJUST LANGUAGE TO REFLECT CURRENT PRACTICES, INSERT EARLIER OMISSIONS, DELETE REDUNDANCIES AND INACCURACIES, DELETE TEMPORARY LANGUAGE, RESOLVE INCONSISTENCIES AND CONFLICTS, UPDATE ONGOING PROVISIONS, OR REMOVE AMBIGUITIES AND INCLUDING EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS.

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

DIVISION I

Section 1. Section 7A.20, subsection 1, Code Supplement 2001, is amended by striking the subsection.

Sec. 2. Section 9E.15, Code Supplement 2001, is amended to read as follows:

9E.15 SHORT FORMS.

The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by section 9E.14, subsection 1.

1. For an acknowledgment in an individual capacity:

State of .....

(County) of .....

This instrument was acknowledged before me on ..... by ..... (date) (name(s) of person(s))

(signature of notarial officer)

(Stamp or Seal)

Title (and Rank)

{My-commission-expires-+++}

2. For an acknowledgment in a representative capacity:

State of .....

(County) of .....

This instrument was acknowledged before me on (date) by (name(s) of person(s)) as (type of authority, e.g., officer, trustee, etc.) of (name of party on behalf of whom instrument was executed).

(signature of notarial officer)

(Stamp or Seal)

Title (and Rank)

{My-commission-expires-+++}

3. For a verification upon oath or affirmation:

State of .....

(County) of .....

Signed and sworn to (or affirmed) before me on ..... by ..... (date) (name(s) of person(s) making statement)

(signature of notarial officer)

(Stamp or Seal)

Title (and Rank)

{My-commission-expires-+++}

4. For witnessing or attesting a signature:

State of .....

(County) of .....

Signed or attested before me on ..... by ..... (date) (name(s) of person(s))

(signature of notarial officer)

(Stamp or Seal)

Title (and Rank)

{My-commission-expires-+++}

5. For attestation of a copy of a document:

State of .....  
(County) of .....

I certify that this is a true and correct copy of a document in the possession of .....

Dated .....

.....

(signature of notarial officer)

(Stamp or Seal)

.....

Title (and Rank)

{My-commission-expires:-:-}

Sec. 3. Section 12.72, subsection 4, paragraph d, Code Supplement 2001, is amended to read as follows:

d. To assure the continued solvency of any bonds secured by the bond reserve fund, provision is made in paragraph "a" for the accumulation in each bond reserve fund of an amount equal to the bond reserve fund requirement for the fund. In order further to assure maintenance of the bond reserve funds, the treasurer shall, on or before January 1 of each calendar year, make and deliver to the governor the treasurer's certificate stating the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor shall submit to both houses printed copies of a budget including the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Any sums appropriated by the general assembly and paid to the treasurer pursuant to this subsection shall be deposited by the authority treasurer in the applicable bond reserve fund.

Sec. 4. Section 12.82, subsection 4, paragraph d, Code Supplement 2001, is amended to read as follows:

d. To assure the continued solvency of any bonds secured by the bond reserve fund, provision is made in paragraph "a" for the accumulation in each bond reserve fund of an amount equal to the bond reserve fund requirement for the fund. In

order further to assure maintenance of the bond reserve funds, the treasurer shall, on or before January 1 of each calendar year, make and deliver to the governor the treasurer's certificate stating the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor shall submit to both houses printed copies of a budget including the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Any sums appropriated by the general assembly and paid to the treasurer pursuant to this subsection shall be deposited by the authority treasurer in the applicable bond reserve fund.

Sec. 5. Section 15.333, subsections 1 and 2, Code Supplement 2001, are amended to read as follows:

1. An eligible business may claim a corporate tax credit up to a maximum of ten percent of the new investment which is directly related to new jobs created by the location or expansion of an eligible business under the program. Any credit in excess of the tax liability for the tax year may be credited to the tax liability for the following seven years or until depleted, whichever occurs earlier. Subject to prior approval by the department of economic development in consultation with the department of revenue and finance, an eligible business whose project primarily involves the production of value-added agricultural products may elect to receive a refund of all or a portion of an unused tax credit. For purposes of this section, an eligible business includes a cooperative described in section 521 of the Internal Revenue Code which is not required to file an Iowa corporate income tax return, and whose project primarily involves the production of ethanol. The refund may be used against a tax liability imposed under chapter 422, division II, III, or V. If the business is a partnership, subchapter S corporation, limited liability company, or estate or trust electing to have the income taxed directly to the individual, an individual may

claim the tax credit allowed. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of the partnership, subchapter S corporation, limited liability company, or estate or trust. For purposes of this section, "new investment directly related to new jobs created by the location or expansion of an eligible business under the program" means the cost of machinery and equipment, as defined in section 427A.1, subsection 1, paragraphs "e" and "j", purchased for use in the operation of the eligible business, the purchase price of which has been depreciated in accordance with generally accepted accounting principles, and the cost of improvements made to real property which is used in the operation of the eligible business.

2. An eligible business whose project primarily involves the production of value-added agricultural products, that elects to receive a refund of all or a portion of an unused tax credit, shall apply to the department of economic development for tax credit certificates. An eligible business whose project primarily involves the production of value-added agricultural products shall not claim a tax credit under this section unless a tax credit certificate issued by the department of economic development is attached to the taxpayer's tax return for the tax year during for which the tax credit is claimed. For purposes of this section, an eligible business includes a cooperative described in section 521 of the Internal Revenue Code which is not required to file an Iowa corporate income tax return, and whose project primarily involves the production of ethanol. A tax credit certificate shall not be valid until the tax year following the date of the project completion. A tax credit certificate shall contain the taxpayer's name, address, tax identification number, the date of project completion, the amount of the tax credit, other information required by the department of revenue and finance. The department of economic development shall not issue tax credit certificates which total more than four million dollars during a fiscal year. If the department

receives applications for tax credit certificates in excess of four million dollars, the applicants shall receive certificates for a prorated amount. The tax credit certificates shall not be transferred. For a cooperative described in section 521 of the Internal Revenue Code that is not required to file an Iowa corporate income tax return, the department of economic development shall require that the cooperative submit a list of its members and the share of each member's interest in the cooperative. The department shall issue a tax credit certificate to each member contained on the submitted list.

Sec. 6. NEW SECTION. 15E.1 DEFINITION.

As used in this chapter, unless the context otherwise requires, "department" means the Iowa department of economic development.

Sec. 7. Section 15E.193C, subsection 7, paragraph c, Code Supplement 2001, is amended to read as follows:

c. The county or city for which an eligible enterprise zone is certified may exempt from all property taxation all or a portion of the value added to the property upon which an eligible development business constructs, expands, or rehabilitates property in an enterprise zone. The amount of value added for purposes of this paragraph shall be the amount of the increase in assessed valuation of the property following the construction, expansion, or rehabilitation by the development business in the enterprise zone. If an exemption provided pursuant to this paragraph is made applicable to only a portion of the property within an enterprise zone, the definition of that subset of eligible property must be by uniform criteria that further some planning objective established by the city or county enterprise zone commission and approved by the city or county. The exemption may be allowed for a period not to exceed ten years beginning the year the eligible development business enters into an agreement with the county or city to construct, expand, or rehabilitate property in an enterprise zone.

Sec. 8. Section 84A.4, subsection 3, Code Supplement 2001, is amended to read as follows:

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

Sec. 9. Section 85A.20, Code Supplement 2001, is amended to read as follows:

85A.20 INVESTIGATION.

The workers' compensation commissioner may designate the industrial hygiene physician of the Iowa department of public health and two physicians selected by the dean of the university of Iowa college of medicine, from the staff of the college, who shall be qualified to diagnose and report on occupational diseases. For the purpose of investigating occupational diseases, the physicians shall have the use, without charge, of all necessary laboratory and other facilities of the university of Iowa college of medicine and of the university hospital at the state university of Iowa, and of the Iowa department of public health in performing ~~its~~ the physicians' duties.

Sec. 10. Section 88.5, subsection 7, Code Supplement 2001, is amended to read as follows:

7. SPECIAL VARIANCE. Where there are conflicts with standards, rules, or regulations promulgated by any federal agency other than the United States department of labor, special variances from standards, rules, or regulations promulgated under this chapter may be granted to avoid such regulatory conflicts. Such variances shall take into consideration the safety of the employees involved. Notwithstanding any other provision of this chapter, and with

respect to this paragraph subsection, any employer seeking relief under this provision must file an application with the commissioner and the commissioner shall forthwith hold a hearing at which employees or other interested persons, including representatives of the federal regulatory agencies involved, may appear and, upon the showing that such a conflict indeed exists, the commissioner may issue a special variance until the conflict is resolved.

Sec. 11. Section 123.14, subsection 2, Code 2001, is amended to read as follows:

2. The other law enforcement divisions of the department of public safety, the county attorney, the county sheriff and the sheriff's deputies, and the police department of every city, and the alcoholic beverages division of the department of inspections ~~and appeals~~ commerce, shall be supplementary aids to the division of beer and liquor law enforcement. Any neglect, misfeasance, or malfeasance shown by any peace officer included in this section shall be sufficient cause for the peace officer's removal as provided by law. Nothing in this section shall be construed to affect the duties and responsibilities of any county attorney or peace officer with respect to law enforcement.

Sec. 12. Section 124C.1, unnumbered paragraph 1, Code 2001, is amended to read as follows:

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

Sec. 13. Section 135.63, subsection 4, Code 2001, is amended by striking the subsection.

Sec. 14. Section 135.78, Code 2001, is amended to read as follows:

135.78 DATA TO BE COMPILED.

~~Immediately upon July 1, 1978, or as soon thereafter as reasonably possible,~~ The department shall begin to compile all relevant financial and utilization data in order to have available the statistical information necessary to properly monitor hospital and health care facility charges and costs. Such data shall include necessary operating expenses,

appropriate expenses incurred for rendering services to patients who cannot or do not pay, all properly incurred interest charges, and reasonable depreciation expenses based on the expected useful life of the property and equipment involved. The department shall also obtain from each hospital and health care facility a current rate schedule as well as any subsequent amendments or modifications of that schedule as it may require. In collection of the data required by sections 135.74 to 135.78, the department and other state agencies shall co-ordinate their reporting requirements.

Sec. 15. Section 154.6, Code Supplement 2001, is amended to read as follows:

154.6 EXPIRATION AND RENEWAL OF LICENSES.

Every license to practice optometry shall expire in multiyear intervals as determined by the board. Application for renewal of such license shall be made in writing to the Iowa department of public health at least thirty days prior to the expiration date, accompanied by the required renewal fee and ~~the licensee shall submit~~ accompanied by evidence of the licensee's attendance of continuing education programs in this field.

Sec. 16. Section 154A.9, Code Supplement 2001, is amended to read as follows:

154A.9 APPLICATIONS.

Applications for licensure or for a temporary permit shall be on forms prescribed and furnished by the board and shall not require that a recent photograph of the applicant be attached to the application form. An applicant shall not be ineligible for certification because of age, citizenship, sex, race, religion, marital status or national origin although the application may require citizenship information. The board may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of fitting or selection and sale of hearing aids. Character references may be required, but shall not be obtained from licensed hearing aid dispensers.

Sec. 17. Section 154A.20, subsection 3, Code Supplement 2001, is amended to read as follows:

3. Whenever any of the following conditions are found to exist either from observations by the licensed hearing aid dispenser or person holding a temporary permit or on the basis of information furnished by a prospective hearing aid user, the hearing aid dispenser or person holding a temporary permit shall, prior to fitting and selling a hearing aid to any individual, suggest to that individual in writing that the individual's best interests would be served if the individual would consult a licensed physician specializing in diseases of the ear, or if no such licensed physician is available in the community, then to a duly licensed physician:

- a. Visible congenital or traumatic deformity of the ear.
- b. History of, or active drainage from the ear within the previous ninety days.
- c. History of sudden or rapidly progressive hearing loss within the previous ninety days.
- d. Acute or chronic dizziness.
- e. Unilateral hearing loss of sudden or recent onset within the previous ninety days.
- f. Significant air-bone gap (greater than or equal to 15dB ANSI 500, 1000 and 2000 Hz. average).
- g. Obstruction of the ear canal, either by structures of undetermined origin, such as foreign bodies, impacted cerumen, redness, swelling, or tenderness from localized infections of the otherwise normal ear canal.

Sec. 18. Section 154A.20, subsection 5, Code Supplement 2001, is amended to read as follows:

5. No hearing aid shall be sold by any individual licensed under this ~~bill~~ chapter to a person twelve years of age or younger, unless within the preceding six months a recommendation for a hearing aid has been made by a physician specializing in otolaryngology. A replacement of an identical hearing aid within one year shall be an exception to this requirement.

Sec. 19. Section 154A.23, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

Any person wishing to make a complaint against a licensee or holder of a temporary permit shall file a written statement with the board within twelve months from the date of the action upon which the complaint is based. If the board determines that the complaint alleges facts which, if proven, would be cause for the suspension or revocation of the license of the licensee or the permit of the holder of a temporary permit, it shall make an order fixing a time and place for a hearing and requiring the licensee or holder of a temporary permit complained against to appear and defend. The order shall contain a copy of the complaint, and the order and copy of the complaint shall be served upon the licensee or holder of a temporary permit at least twenty days before the date set for hearing, either personally or as provided in section 154A.21. Continuance or adjournment of a hearing date may be made for good cause. At the hearing the licensee or holder of a temporary permit may be represented by counsel. The licensee or holder of a temporary permit and the board may take depositions in advance of hearing and after service of the complaint, and either may compel the attendance of witnesses by subpoenas issued by the board. The board shall issue such subpoenas at the request of a licensee or holder of a temporary permit. Either party taking depositions shall give at least five days' written notice to the other party of the time and place of such depositions, and the other party may attend, with counsel, if desired, and cross-examine.

Sec. 20. Section 161B.1, subsection 2, Code 2001, is amended by striking the subsection.

Sec. 21. Section 163.6, subsection 1, paragraph a, Code Supplement 2001, is amended to read as follows:

a. "Department" means the department of agriculture and land stewardship or unless the United States department of agriculture is otherwise specified.

Sec. 22. Section 163.51, subsection 4, paragraph b, Code Supplement 2001, is amended to read as follows:

b. Upon the request of the executive council, the department shall develop and submit a plan to the executive council that compensates an owner of for property, other than an animal, that is inadvertently destroyed by the department as a result of the department's regulation of activities in a quarantined area. The plan shall not be implemented without the approval of at least three members of the executive council. The payment of the compensation under the plan shall be made in the same manner as provided in section 163.15. The owner may submit a claim for compensation prior to the plan's implementation. The executive council may apply the plan retroactively, but not earlier than June 1, 2001.

Sec. 23. Section 165A.4, Code Supplement 2001, is amended to read as follows:

165A.4 INFECTED CATTLE.

The owner of infected cattle shall mark the cattle by punching the letter "C" through the right ears of the cattle as required by the department. A person shall not sell infected cattle other than directly to a slaughtering establishment, or to a concentration point for sale directly to a slaughtering establishment, for immediate slaughter. Cattle marked with a letter "C" that are kept at a concentration point must shall be kept separate and apart.

Sec. 24. Section 169A.13, Code Supplement 2001, is amended to read as follows:

169A.13 RENEWAL OF BRAND AND FEE.

Each owner of a brand which is recorded pursuant to section 169A.4 shall renew the brand each-fifth-year every five years after originally recording the brand and pay a renewal fee. The amount of the renewal fee is twenty-five dollars. The secretary shall notify every owner of a brand of record at least thirty days prior to the date of the renewal period. If the owner of a brand of record does not renew the brand and pay the renewal fee within six months after it is due, the owner shall forfeit the brand and the brand shall no longer be recorded. A forfeited brand shall not be issued to any other person for five years following date of forfeiture.

Sec. 25. Section 173.1A, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

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

Sec. 26. Section 175A.2, subsection 4, Code Supplement 2001, is amended to read as follows:

4. Members are not entitled to receive compensation or reimbursement of expenses from the department as otherwise provided notwithstanding anything to the contrary in section 7E.6.

Sec. 27. Section 175A.3, subsection 2, paragraph e, Code Supplement 2001, is amended to read as follows:

e. Approve Propose rules proposed for adoption by the department for-adoption pursuant to chapter 17A required for the administration of this chapter.

Sec. 28. Section 216B.4, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The administrator director may accept financial aid from the government of the United States for carrying out rehabilitation and physical restoration of the blind and for providing library services to persons who are blind and persons with physical disabilities.

Sec. 29. Section 225.12, Code 2001, is amended to read as follows:

225.12 VOLUNTARY PUBLIC PATIENT -- PHYSICIAN'S REPORT.

A physician filing an information under section 225.10 shall include a written report to the judge, giving such a history of the case as will be likely to aid in the observation, treatment, and hospital care of the person named in the information and describing the same in detail.

Sec. 30. Section 225.30, Code Supplement 2001, is amended to read as follows:

225.30 BLANKS -- AUDIT.

The medical faculty of the university of Iowa college of medicine shall prepare blanks containing such questions and requiring such information as may be necessary and proper to be obtained by the physician who examines a person or

respondent whose referral to the state psychiatric hospital is contemplated. A judge may request that a physician who examines a respondent as required by section 229.10 complete such blanks in duplicate in the course of the examination. A physician who proposes to file an information under section 225.10 shall obtain and complete such blanks in duplicate and file them with the information. The blanks shall be printed by the state and a supply thereof shall be sent to the clerk of each district court of the state. The director of revenue and finance shall audit, allow, and pay the cost of the blanks as other bills for public printing are allowed and paid.

Sec. 31. Section 225B.7, subsection 2, Code Supplement 2001, is amended by striking the subsection.

Sec. 32. Section 229.14, subsection 2, paragraph d, Code Supplement 2001, is amended to read as follows:

d. If the court orders treatment of the respondent on an outpatient or other appropriate basis as described in the chief medical officer's report pursuant to subsection 1, paragraph "c", the order shall provide that, should the respondent fail or refuse to submit to treatment in accordance with the court's order, the court may order that the respondent be taken into immediate custody as provided by section 229.11 and, following notice and hearing held in accordance with the procedures of section 229.12, may order the respondent treated as on an inpatient basis requiring full-time custody, care, and treatment in a hospital until such time as the chief medical officer reports that the respondent does not require further treatment for serious mental impairment or has indicated the respondent is willing to submit to treatment on another basis as ordered by the court. If a patient is transferred for treatment to another provider under this paragraph, the treatment provider who will be providing the outpatient or other appropriate treatment shall be provided with copies of relevant court orders by the former treatment provider.

Sec. 33. Section 233.1, subsection 2, paragraph a, Code Supplement 2001, is amended to read as follows:

a. "Institutional health facility" means a hospital as defined in section 135B.1, including a facility providing medical or health services that is open twenty-four hours per day, seven days per week and is a hospital emergency room, or a health care facility as defined in section 135C.1.

Sec. 34. Section 233.6, subsection 2, Code Supplement 2001, is amended to read as follows:

2. Educational materials, public information announcements, and other resources to develop awareness of the availability of the newborn safe haven Act, among adolescents, young parents, and others who might avail themselves of the Act this chapter.

Sec. 35. Section 235B.16, subsection 5, paragraph e, Code Supplement 2001, is amended to read as follows:

e. A person required to complete both child abuse and dependent adult abuse mandatory reporter training may complete the training through a program which combines child abuse and dependent adult abuse curricula and thereby meet the training requirements of both this subsection and section 232.69 simultaneously. A person who is a mandatory reporter for both child abuse and dependent adult abuse may satisfy the combined training requirements of this subsection and section 232.69 through completion of a two-hour training program, if the training program curriculum is approved by the appropriate licensing or examining board or the abuse education review panel established by the director of public health pursuant to section 135.11.

Sec. 36. Section 236.3, unnumbered paragraph 2, Code Supplement 2001, is amended to read as follows:

The filing fee and court costs for an order for protection under this chapter shall be waived for the plaintiff. The clerk of court, the sheriff of any county in this state, and other law enforcement and corrections officers shall perform their duties relating to service of process without charge to the petitioner plaintiff. When an order for protection is entered by the court, the court may direct the defendant to pay to the clerk of court the plaintiff's-filing fees for the

filing of the petition and reasonable costs of service of process if the court determines the defendant has the ability to pay the plaintiff's fees and costs.

Sec. 37. Section 263A.2, Code 2001, is amended to read as follows:

263A.2 LEGISLATIVE-APPROVAL-BEFORE-ACTING-HEREUNDER  
AUTHORIZATION OF GENERAL ASSEMBLY AND GOVERNOR.

Subject to and in accordance with the provisions of this chapter, the state board of regents after authorization by a constitutional majority of the general assembly and approval by the governor may undertake and carry out any project as defined in this chapter at the state university of Iowa. The state board of regents is authorized to operate, control, maintain, and manage buildings and facilities and additions to such buildings and facilities at said institution. All contracts for the construction, reconstruction, completion, equipment, improvement, repair, or remodeling of any buildings, additions, or facilities shall be let in accordance with the provisions of section 262.34. The title to all real estate acquired under the provisions of this chapter and the improvements erected thereon shall be taken and held in the name of the state of Iowa.

Sec. 38. Section 294A.14, unnumbered paragraph 12, Code Supplement 2001, is amended to read as follows:

For purposes of this section, "comprehensive school transformation" means activities which focus on the improvement of student achievement and the attainment of student achievement goals under section 256.7, subsection 21, and section 280.12. A comprehensive school transformation plan submitted by a school district shall demonstrate the manner in which the components of the plan are integrated with a school's student achievement goals. Components of the plan may include, but are not limited to, providing salary increases to teachers who implement site-based shared decision making, building-based goal-oriented compensation mechanism, or approved innovative educational programs; who focus on student outcomes; who direct accountability for student

achievement or accountability for organizational success; and who work to foster relationships between a school and businesses or public agencies which provide health and social services.

Sec. 39. Section 303.2, subsection 2, paragraph k, Code Supplement 2001, is amended to read as follows:

k. Administer, preserve, and interpret the battle flag collection assembled by the state in consultation and coordination with the department commission of veterans affairs and the department of general services. A portion of the battle flag collection shall be on display at the state capitol and the state historical building at all times, unless on loan approved by the department of cultural affairs.

Sec. 40. Section 309.1, Code 2001, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. "Bridge" includes any structure including supports, erected over a depression or an obstruction, such as water, a highway, or railway. A bridge has a track or passageway for carrying traffic or other moving loads and has an opening measured along the center of the roadway of more than twenty feet. The measurement shall be between the inside faces of abutments, the inside faces of the exterior walls of multiple box culverts, the spring lines of arches, and the horizontal measurement of circular or elliptical structures.

a. The length of a bridge is the overall measurement from back to back of backwalls and abutments measured along the center of the roadway.

b. Multiple pipes, where the distance between openings is less than half the smaller contiguous opening, may be included as a bridge, provided the pipes meet the other definitional requirements for bridges in this subsection.

NEW SUBSECTION. 1B. "Culvert" includes any structure not classified as a bridge which provides an opening under any roadway, except that this term does not include tile crossing the road, or intakes thereto, where the tile are a part of a tile line or system designed to aid subsurface drainage.

Sec. 41. Section 309.41, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Contracts not embraced within the provisions of section 309.40 or 309.40A shall be either advertised and let at a public letting; or, where the cost does not exceed the engineer's estimate, let through informal bid procedure by contacting at least three qualified bidders prior to letting the contract. The informal bids received together with a statement setting forth the reasons for use of the informal procedure and bid acceptance shall be entered in the minutes of the board of supervisors meeting at which such action was taken.

Sec. 42. Section 321.34, subsection 12A, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

An owner of a vehicle referred to in subsection 12 who applies for any type of special registration plates associated with service in the United States armed forces shall be issued one set of the special registration plates at no charge, but shall be subject to the annual registration fee of fifteen dollars, if all of the following conditions are met:

Sec. 43. Section 321.45, subsection 4, Code Supplement 2001, is amended to read as follows:

4. After acquiring a used mobile home or manufactured home to be titled in Iowa, a manufactured or mobile home dealer retailer, as defined in section 322B.27, shall within thirty days apply for and obtain from the county treasurer of the dealer's retailer's county of residence a new certificate of title for the mobile home or manufactured home. In the event that there is a prior lien or encumbrance to be released, as required by section 321.50, subsection 4, the thirty-day time period in this subsection does not begin to run until the lien or encumbrance is released.

Sec. 44. Section 321.46, subsection 2, Code Supplement 2001, is amended to read as follows:

2. Upon filing the application for a new registration and a new title, the applicant shall pay a title fee of ten

dollars and a registration fee prorated for the remaining unexpired months of the registration year. A manufacturer applying for a certificate of title pursuant to section 322G.12 shall pay a title fee of two dollars. However, a title fee shall not be charged to a manufactured or mobile home retailer applying for a certificate of title for a used mobile home or manufactured home, titled in Iowa, as required under section 321.45, subsection 4. The county treasurer, if satisfied of the genuineness and regularity of the application, and in the case of a mobile home or manufactured home, that taxes are not owing under chapter 435, and that applicant has complied with all the requirements of this chapter, shall issue a new certificate of title and, except for a mobile home, manufactured home, or a vehicle returned to and accepted by a manufacturer as described in section 322G.12, a registration card to the purchaser or transferee, shall cancel the prior registration for the vehicle, and shall forward the necessary copies to the department on the date of issuance, as prescribed in section 321.24. Mobile homes or manufactured homes titled under chapter 448 that have been subject under section 446.18 to a public bidder sale in a county shall be titled in the county's name, with no fee, and the county treasurer shall issue the title.

Sec. 45. Section 321.49, subsection 3, Code Supplement 2001, is amended to read as follows:

3. A manufactured or mobile home retailer who acquires a used mobile home or manufactured home, titled in Iowa, and who does not apply for and obtain a certificate of title from the county treasurer of the manufactured or mobile home retailer's county of residence within thirty days of the date of acquisition, as required under section 321.45, subsection 4, is subject to a penalty of ten dollars. A certificate of title shall not be issued to the manufactured or mobile home retailer until the penalty is paid.

Sec. 46. Section 321.56, subsection 1, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

The operator of a commercial motor vehicle which is not registered within the state as required pursuant to this chapter or chapter 326 or which does not have an interstate fuel permit, as required under chapter 452A, may enter the state and travel to a commercial vehicle dealer or repair facility and exit the state under if all of the following circumstances apply:

Sec. 47. Section 321.57, subsections 1, 2, 4, and 5, Code Supplement 2001, are amended to read as follows:

1. A manufactured-home-retailer dealer owning any vehicle of a type otherwise required to be registered under this chapter may operate or move the vehicle upon the highways solely for purposes of transporting, testing, demonstrating, or selling the vehicle without registering the vehicle, upon condition that the vehicle display in the manner prescribed in sections 321.37 and 321.38 a special plate issued to the owner as provided in sections 321.58 to 321.62. Additionally, a new car dealer or a used car dealer may operate or move upon the highways a new or used car or trailer owned by the dealer for either private or business purposes without registering it if the new or used car or trailer is in the dealer's inventory and is continuously offered for sale at retail, and there is displayed on it a special plate issued to the dealer as provided in sections 321.58 to 321.62.

2. In addition, while a service customer is having the customer's own vehicle serviced or repaired by the manufactured-home-retailer dealer, the service customer of the manufactured-home-retailer dealer may operate upon the highways a motor vehicle owned by the manufactured-home retailer dealer, except a motor truck or truck tractor, upon which there is displayed a special plate issued to the manufactured-home-retailer dealer, provided all of the requirements of this section are complied with.

4. The provisions of this section and sections 321.58 to 321.62, shall not apply to any vehicles offered for hire, work or service vehicles owned by a transporter or manufactured home-retailer dealer.

5. Manufactured or mobile home retailers licensed under chapter 322B may transport and deliver mobile homes or manufactured homes in their inventory upon the highways of this state with a special plate displayed on the mobile home or manufactured home as provided in sections 321.58 to 321.62.

Sec. 48. Section 321.58, Code Supplement 2001, is amended to read as follows:

321.58 APPLICATION.

All ~~manufactured-home-retailers~~ dealers, transporters, new motor vehicle wholesalers licensed under chapter 322, and manufactured or mobile home retailers licensed under chapter 322B, upon payment of a fee of seventy dollars for two years, one hundred forty dollars for four years, or two hundred ten dollars for six years, may make application to the department upon the appropriate form for a certificate containing a general distinguishing number and for one or more special plates as appropriate to various types of vehicles subject to registration. The applicant shall also submit proof of the applicant's status as a bona fide transporter, new motor vehicle wholesaler licensed under chapter 322, manufactured or mobile home retailer licensed under chapter 322B, or manufactured-home-retailer dealer, as reasonably required by the department. Dealers in new vehicles shall furnish satisfactory evidence of a valid franchise with the manufacturer of the vehicles authorizing the dealership.

Sec. 49. Section 321.104, subsection 6, Code Supplement 2001, is amended to read as follows:

6. For a dealer manufactured or mobile home retailer to sell or transfer a mobile home or manufactured home without delivering to the purchaser or transferee a certificate of title or a manufacturer's or importer's certificate properly assigned to the purchaser, or to transfer a mobile home or manufactured home without disclosing to the purchaser the owner of the mobile home or manufactured home in a manner prescribed by the department pursuant to rules, ~~or-to-fail-to-certify-within-seven-days-to-the-proper-county-treasurer-the-information-required-under-section-321.45, subsection 4,~~ or to

fail to apply for and obtain a certificate of title for a used mobile home or manufactured home, titled in Iowa, acquired by the dealer manufactured or mobile home retailer within thirty days from the date of acquisition as required under section 321.45, subsection 4.

Sec. 50. Section 321.445, subsection 2, unnumbered paragraph 3, Code Supplement 2001, is amended by striking the unnumbered paragraph.

Sec. 51. Section 336.16, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

A city may withdraw from the library district upon a majority vote in favor of withdrawal by the electorate of the city in an election held on a motion by the city council. The election shall be held simultaneously with a general or city election. Notice of a favorable vote to withdraw shall be sent by certified mail to the board of library trustees of the library district and the county auditor or city auditor clerk, as appropriate, prior to January 10, and the withdrawal shall be effective on July 1.

Sec. 52. Section 384.84A, subsection 2, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

If, before the date fixed for taking action to authorize the issuance of revenue bonds for the storm water drainage construction project, a petition signed by eligible electors residing within the city equal in number to at least three percent of the registered voters of the city is filed, asking that the question of issuing revenue bonds for the storm water drainage construction project be submitted to the registered voters of the city, the council, by resolution, shall declare the project abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds for the storm water drainage construction project if the cost of the project and population of the city meet one of the following criteria:

Sec. 53. Section 422A.2, subsection 4, paragraph f, unnumbered paragraph 2, Code Supplement 2001, is amended to read as follows:

If at any time before the date fixed for taking action for the issuance of the bonds, a petition signed by eligible electors residing in the city or the unincorporated area equal in number to at least three percent of the registered voters of the city or unincorporated area is filed, asking that the question of issuing the bonds be submitted to the registered voters of the city or unincorporated area, the council or board of supervisors acting on behalf of an unincorporated area shall either by resolution declare the proposal to issue the bonds to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds.

Sec. 54. Section 426.6, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

The agricultural land tax credit allowed each year shall be computed as follows: On or before April 1, the county auditor shall list by school districts all tracts of agricultural lands which they are entitled to credit, together with the taxable value for the previous year, together with the budget from each school district for the previous year, and the tax rate determined for the general fund of the district in the manner prescribed in section 444.3 for the previous year, and if such tax rate is in excess of five dollars and forty cents per thousand dollars of assessed value, the auditor shall multiply the tax levy which is in excess of five dollars and forty cents per thousand dollars of assessed value by the total taxable value of the agricultural lands entitled to credit in the district, and on or before April 1, certify the amount to the department of revenue and finance.

Sec. 55. Section 427.1, subsection 14, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

A society or organization claiming an exemption under subsection 5, ~~or subsection 8, or 33~~ shall file with the assessor not later than February 1 a statement upon forms to be prescribed by the director of revenue and finance, describing the nature of the property upon which the exemption

is claimed and setting out in detail any uses and income from the property derived from the rentals, leases, or other uses of the property not solely for the appropriate objects of the society or organization. Upon the filing and allowance of the claim, the claim shall be allowed on the property for successive years without further filing as long as the property is used for the purposes specified in the original claim for exemption. When the property is sold or transferred, the county recorder shall provide notice of the transfer to the assessor. The notice shall describe the property transferred and the name of the person to whom title to the property is transferred.

Sec. 56. Section 427.1, subsection 16, Code Supplement 2001, is amended to read as follows:

16. REVOKING OR MODIFYING EXEMPTION. Any taxpayer or any taxing district may make application to the director of revenue and finance for revocation or modification ~~for~~ of any exemption, based upon alleged violations of this chapter. The director of revenue and finance may also on the director's own motion set aside or modify any exemption which has been granted upon property for which exemption is claimed under this chapter. The director of revenue and finance shall give notice by mail to the taxpayer or taxing district applicant and to the societies or organizations claiming an exemption upon property, exemption of which is questioned before or by the director of revenue and finance, and shall hold a hearing prior to issuing any order for revocation or modification. An order made by the director of revenue and finance revoking or modifying an exemption shall be applicable to the tax year commencing with the tax year in which the application is made to the director or the tax year commencing with the tax year in which the director's own motion is filed. An order made by the director of revenue and finance revoking or modifying an exemption is subject to judicial review in accordance with chapter 17A, the Iowa administrative procedure Act. Notwithstanding the terms of ~~that Act~~ chapter 17A, petitions for judicial review may be filed in the district court having

jurisdiction in the county in which the property is located, and must be filed within thirty days after any order revoking or modifying an exemption is made by the director of revenue and finance.

Sec. 57. Section 435.27, subsection 1, Code Supplement 2001, is amended to read as follows:

1. A mobile home or manufactured home converted to real estate under section 435.26 may be reconverted to a home as provided in this section when it is moved to a manufactured home community or mobile home park or a manufactured or mobile home retailer's inventory. When the home is located within a manufactured home community or mobile home park, the home shall be taxed pursuant to section 435.22, subsection 1.

Sec. 58. Section 437A.3, subsection 17, paragraph d, Code Supplement 2001, is amended to read as follows:

d. Any property described in section 437A.16 in this state acquired by a person not previously subject to taxation under this chapter.

Sec. 59. Section 453A.42, subsection 14, Code 2001, is amended to read as follows:

14. "Tobacco products" means cigars; little cigars as defined herein; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings to of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but shall not include cigarettes as defined in section 453A.1, subsection 3.

Sec. 60. Section 455B.473, subsection 8, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

It shall be unlawful to deposit or accept a regulated substance in an underground storage tank which has not been registered and issued permanent and annual tank management fee renewal tags pursuant to subsections 1 through 6. ~~It shall~~

~~also-be-unlawful-to~~ A person shall not deposit a regulated substance in an underground storage tank after receiving notice from the department that the underground storage tank is not covered by an approved form of financial responsibility in accordance with section 455B.474, subsection 2.

Sec. 61. Section 455B.484, subsections 10, 12, and 13, Code Supplement 2001, are amended by striking the subsections.

Sec. 62. Section 476.27, subsection 1, paragraph g, subparagraph (2), Code Supplement 2001, is amended to read as follows:

(2) A right-of-way or other interest in real estate that is occupied or managed by or on behalf of a railroad corporation, the trustees of a railroad corporation, or the successor in interest or of a railroad corporation, including an abandoned railroad right-of-way that has not otherwise reverted pursuant to chapter 327G.

Sec. 63. Section 483A.7, subsection 3, Code Supplement 2001, is amended to read as follows:

3. A nonresident wild turkey hunter is required to have a nonresident hunting license and a nonresident wild turkey hunting license and pay the wildlife habitat fee. The commission shall annually limit to two thousand three hundred licenses the number of nonresidents allowed to have wild turkey hunting licenses. Of the two thousand three hundred licenses, one hundred fifty licenses shall be valid for hunting with muzzle loading shotguns only. ~~The number of nonresident-wild-turkey-hunting-licenses-shall-be-determined as-provided-in-section-483A-30.~~ The commission shall allocate the nonresident wild turkey hunting licenses issued among the zones based on the populations of wild turkey. A nonresident applying for a wild turkey hunting license must exhibit proof of having successfully completed a hunter safety and ethics education program as provided in section 483A.27 or its equivalent as determined by the department before the license is issued.

Sec. 64. Section 483A.8, subsections 3 and 5, Code Supplement 2001, are amended to read as follows:

3. A nonresident hunting deer is required to have a nonresident hunting license and a nonresident deer license and must pay the wildlife habitat fee. The commission shall annually limit to eight thousand five hundred licenses the number of nonresidents allowed to have deer hunting licenses. Of the first six thousand nonresident deer licenses issued, not more than thirty-five percent of the licenses shall be bow season licenses and, after the first six thousand nonresident deer licenses have been issued, all additional licenses shall be issued for antlerless deer only. ~~The number of nonresident deer hunting licenses shall be determined as provided in section 481A.30.~~ The commission shall allocate the nonresident deer hunting licenses issued among the zones based on the populations of deer. However, a nonresident applicant may request one or more hunting zones, in order of preference, in which the applicant wishes to hunt. If the request cannot be fulfilled, the applicable fees shall be returned to the applicant. A nonresident applying for a deer hunting license must exhibit proof of having successfully completed a hunter safety and ethics education program as provided in section 483A.27 or its equivalent as determined by the department before the license is issued.

5. A nonresident owning land in this state may apply for one of the first six thousand nonresident deer licenses not limited to antlerless deer, and the provisions of subsection 3 shall apply. However, if a nonresident owning land in this state is unsuccessful in the drawing obtaining one of the first six thousand nonresident deer licenses, the landowner shall be given preference for one of the two thousand five hundred antlerless only nonresident deer licenses. A nonresident owning land in this state shall pay the fee for a nonresident antlerless only deer license and the license shall be valid to hunt on the nonresident's land only. A nonresident owning land in this state is eligible for only one nonresident deer license annually. If one or more parcels of land have multiple nonresident owners, only one of the nonresident owners is eligible for a nonresident antlerless

only deer license. If a nonresident jointly owns land in this state with a resident, the nonresident shall not be given preference for a nonresident antlerless only deer license. The department may require proof of land ownership from a nonresident landowner applying for a nonresident antlerless only deer license.

Sec. 65. Section 513C.5, subsection 2, Code Supplement 2001, is amended to read as follows:

2. Notwithstanding subsection 1, the commissioner, with the concurrence of the board of the ~~Iowa individual health benefit reinsurance association~~ established under chapter 514E, may by order reduce or eliminate the allowed rating bands provided under subsection 1, paragraphs "a", "b", "c", and "e", or otherwise limit or eliminate the use of experience rating.

Sec. 66. Section 513C.10, subsection 2, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

Rates for basic and standard coverages as provided in this chapter shall be determined by each carrier or organized delivery system as the product of a basic and standard factor and the lowest rate available for issuance by that carrier or organized delivery system adjusted for rating characteristics and benefits. Basic and standard factors shall be established annually by the ~~Iowa individual health benefit reinsurance comprehensive health insurance~~ association board with the approval of the commissioner. Multiple basic and standard factors for a distinct grouping of basic and standard policies may be established. A basic and standard factor is limited to a minimum value defined as the ratio of the average of the lowest rate available for issuance and the maximum rate allowable by law divided by the lowest rate available for issuance. A basic and standard factor is limited to a maximum value defined as the ratio of the maximum rate allowable by law divided by the lowest rate available for issuance. The maximum rate allowable by law and the lowest rate available for issuance is determined based on the rate restrictions

under this chapter. For policies written after January 1, 2002, rates for the basic and standard coverages as provided in this chapter shall be calculated using the basic and standard factors and shall be no lower than the maximum rate allowable by law. However, to maintain assessable loss assessments at or below one percent of total health insurance premiums or payments as determined in accordance with subsection 6, the Iowa ~~individual health benefit reinsurance~~ comprehensive health insurance association board with the approval of the commissioner may increase the value for any basic and standard factor greater than the maximum value.

Sec. 67. Section 513C.11, subsection 1, Code 2001, is amended to read as follows:

1. A self-funded employer-sponsored health benefit plan qualified under the federal Employee Retirement Income Security Act of 1974 may voluntarily elect to participate in the Iowa individual health benefit reinsurance association established in section 513C.10 in accordance with the plan of operation and subject to such terms and conditions adopted by the board of the association established in section 514E.2 to provide portability and continuity to its covered employees and their covered spouses and dependents subject to the same terms and conditions as a participating insurer.

Sec. 68. Section 514A.3, subsection 1, paragraph m, Code Supplement 2001, is amended to read as follows:

m. A provision as follows:

RIGHT TO RETURN POLICY: The insured has the right, within ten days after receipt of this policy, to return it to the company at its home office or branch office or to the agent through whom it was purchased, and if so returned the premium paid will be refunded and the policy will be void from the beginning and the parties shall be in the same position as if a policy had not been issued.

The foregoing provision shall be prominently printed on the first page of the policy or attached to the policy.

The provisions of this paragraph "m" ~~and section 507B-47~~ ~~subsections i2 and i3~~ shall apply to any insurance policy

which is delivered or issued for delivery or renewed in this state on or after July 1, 1978.

Sec. 69. Section 514J.5, subsection 3, Code Supplement 2001, is amended to read as follows:

3. The carrier or organized delivery system has three business days from the date of receipt to contest the commissioner's certification decision. If the commissioner finds that the request for external review is not eligible for certification, the commissioner, within two business days of the date of the request, shall notify the enrollee, or the enrollee's treating health care provider acting on behalf of the enrollee, in writing of the reasons that the request for external review is not eligible for certification.

If the commissioner finds that the request for external review is eligible for certification, notwithstanding the contest by the carrier or organized delivery system, the commissioner shall promptly notify the carrier or organized delivery system in writing of the reasons for upholding the certification.

Sec. 70. Section 514J.7, subsection 1, paragraph b, Code Supplement 2001, is amended to read as follows:

b. Notify in writing the enrollee, and the enrollee's treating health care provider, of the name, address, and telephone number of the independent review entity and of the enrollee's and treating health care provider's right to submit additional information.

Sec. 71. Section 514J.7, subsection 2, Code Supplement 2001, is amended to read as follows:

2. The independent review entity, within three business days of receipt of the notice, shall select a person to perform the external review and shall provide notice to the enrollee of and the carrier containing a brief description of the person including the reasons the person selected is an expert in the treatment of the medical condition under review. The independent review entity does not need to disclose the name of the person. A copy of the notice shall be sent by facsimile to the commissioner. If the independent review

entity does not have a person who is an expert in the treatment of the medical condition under review and certified by the commissioner to conduct an independent review, the independent review entity may either decline the review request or may request from the commissioner additional time to have such an expert certified. The independent review entity shall notify the commissioner by facsimile of its choice between these options within three business days of receipt of the notice from the carrier or organized delivery system. The commissioner shall provide a notice to the enrollee and carrier or organized delivery system of the independent review entity's decision and of the commissioner's decision as to how to proceed with the external review process within three business days of receipt of the independent review entity's decision.

Sec. 72. Section 514J.7, subsection 6, Code Supplement 2001, is amended to read as follows:

6. The independent review entity shall notify the enrollee and the enrollee's treating health care provider of any additional medical information required to conduct the review within five business days of receipt of the documentation required under subsection 4. The enrollee or the enrollee's treating health care provider shall provide the requested information to the independent review entity within five days after receipt of the notification requesting additional medical information. The independent review entity may reasonably decide whether it is reasonable to consider any information provided by the enrollee or the enrollee's treating health care provider after the five-day period. The independent review entity shall notify the commissioner and the carrier or organized delivery system of this request.

Sec. 73. Section 518A.41, Code 2001, is amended to read as follows:

518A.41 AGENTS TO BE LICENSED.

No person or corporation shall solicit any application for insurance for any association in this state without having procured from the commissioner of insurance a license

authorizing the person or corporation to act as agent an insurance producer. Violation of this provision shall constitute a serious misdemeanor.

Sec. 74. Section 518A.43, Code 2001, is amended to read as follows:

518A.43 CANCELLATION OF LICENSE.

The commissioner of insurance may, for a just and reasonable cause, cancel the license of such-agent an insurance producer after due notice and hearing.

Sec. 75. Section 522B.1, subsections 6 and 9, Code Supplement 2001, are amended to read as follows:

6. "Insurer" means a person engaged in the business of insurance who is licensed regulated under chapter 508, 512B, 515, or 520.

9. "Limited lines producer" means a person authorized licensed by the commissioner to sell, solicit, or negotiate limited lines insurance.

Sec. 76. Section 522B.3, subsection 2, paragraph b, subparagraph (1), Code Supplement 2001, is amended to read as follows:

(1) Secures and furnishes information for the purpose of group life insurance, group property and casualty insurance, group annuities, or group or blanket accident and health insurance.

Sec. 77. Section 522B.6, subsection 7, Code Supplement 2001, is amended to read as follows:

7. A licensee shall inform the commissioner by any means acceptable to the commissioner of a change of legal name or address within thirty days of the change. Failure to timely inform the commissioner of a change in legal name or address may result in a penalty as specified in section 522B.17.

Sec. 78. Section 523A.102, subsection 3, Code Supplement 2001, is amended to read as follows:

3. "Burial account" means an account established by a person with a financial institution for the purpose of funding the future purchase of cemetery merchandise, funeral merchandise, funeral services, or a combination thereof without any related trust agreement.

Sec. 79. Section 523A.202, subsection 2, Code Supplement 2001, is amended to read as follows:

2. All funds required to be deposited by the purchaser or the seller for a purpose described in section 523A.201 shall be deposited consistent with one of the following methods:

a. The payments shall be deposited directly into an interest-bearing burial account in the purchaser's name.

b. The purchaser or the seller shall deposit payments directly into a separate trust account in the purchaser's name. The account may be made payable to the seller upon the death of the purchaser or the designated beneficiary, provided that, until death, the purchaser retains the exclusive power to hold, manage, pledge, and invest the trust account funds and may revoke the trust and withdraw the funds, in whole or in part, at any time during the term of the agreement.

c. The purchaser or the seller shall deposit payments directly into a separate trust account in the name of the purchaser, as trustee, for the named beneficiary, to be held, invested, and administered as a trust account for the benefit and protection of the beneficiary. The depositor shall notify the financial institution of the existence and terms of the trust, including at a minimum, the name of each party to the agreement, the name and address of the trustee, and the name and address of the beneficiary. The account may be made payable to the seller upon the beneficiary's death.

d. The payments shall be deposited in the name of the trustee, as trustee, under the terms of a master trust agreement and the trustee may invest, reinvest, exchange, retain, sell, and otherwise manage the trust fund for the benefit and protection of the named beneficiary.

Sec. 80. Section 523A.302, Code Supplement 2001, is amended to read as follows:

523A.302 IDENTIFICATION OF MERCHANDISE AND SERVICE PROVIDER.

If a burial trust fund identifies, either in the trust fund records or in a related purchase agreement, the seller who will provide the cemetery merchandise, funeral merchandise,

funeral services, or a combination thereof, the trust fund records or the related purchase agreements must contain a statement signed by an authorized representative of the seller agreeing to furnish the cemetery merchandise, funeral merchandise, funeral services, or a combination thereof upon the death of the beneficiary. The burial trust fund shall not identify a specific seller as payee unless the trust fund records or the related purchase agreements, if any, contain the signature of an authorized representative of the seller and, if the agreement is for funeral mortuary science services as mortuary science is defined in chapter 156 section 156.1, the name of a funeral director licensed to deliver those services. A person may enter into agreements authorizing the establishment of more than one burial trust fund and agreeing to furnish the applicable merchandise and services.

Sec. 81. Section 523A.402, subsection 5, paragraph a, Code Supplement 2001, is amended to read as follows:

a. Except as necessary and appropriate to satisfy the requirements regarding burial trust funds under Title XIX of the federal Social Security Act, the annuity shall not be owned by the establishment or irrevocably assigned to the establishment and any designation of the establishment as a beneficiary shall not be made irrevocable.

Sec. 82. Section 523A.501, subsection 6, Code Supplement 2001, is amended to read as follows:

~~6. The commissioner shall grant or deny a permit application within thirty days after receipt, but the commissioner's failure to act within that time period shall not be deemed approval of the application. If no denial order is in effect and no proceeding is pending under section 523A.503, the application becomes effective at noon of the thirtieth day after a completed application or an amendment completing the application is filed, unless waived by the applicant. The commissioner may specify an earlier effective date. Automatic effectiveness under this subsection shall not be deemed approval of the application. If the commissioner does not grant the permit, the commissioner shall notify the~~

person in writing of the reasons for the denial. The permit shall disclose on its face the permit holder's employer or the establishment on whose behalf the applicant will be making or attempting to make sales, the permit number, and the expiration date.

Sec. 83. Section 523A.502, subsection 8, Code Supplement 2001, is amended to read as follows:

8. ~~The commissioner shall grant or deny a permit application within thirty days after receipt, but the commissioner's failure to act within that time period shall not be deemed approval of the application.~~ If no denial order is in effect and no proceeding is pending under section 523A.503, the application becomes effective at noon of the thirtieth day after a completed application or an amendment completing the application is filed, unless waived by the applicant. The commissioner may specify an earlier effective date. Automatic effectiveness under this subsection shall not be deemed approval of the application. If the commissioner does not grant the permit, the commissioner shall notify the applicant in writing of the reasons for the denial.

Sec. 84. Section 523A.601, subsection 4, Code Supplement 2001, is amended to read as follows:

4. A purchase agreement shall be signed by the purchaser, the seller, and if the agreement is for funeral ~~mortuary~~ mortuary science services as mortuary science is defined in chapter 156 section 156.1, a person licensed to deliver funeral services.

Sec. 85. Section 523A.901, subsection 5, paragraph c, Code Supplement 2001, is amended to read as follows:

c. A statute of limitations or defense of laches shall not run with respect to an action against an establishment between the filing of a petition for liquidation against the establishment and the denial of the petition. An action against the establishment that might have been commenced when the petition was filed may be commenced ~~for-at-least~~ within sixty days after the petition is denied.

Sec. 86. Section 523A.901, subsection 8, paragraph a, Code Supplement 2001, is amended to read as follows:

a. After a petition for liquidation has been filed, a transfer of real property of the establishment made to a person acting in good faith is valid against the liquidator if made for a present fair equivalent value. If the transfer is not made for a present fair equivalent value, then the transfer is valid to the extent of the present consideration actually paid for which amount the transferee shall have a lien on the property transferred. The commencement of a proceeding in liquidation is constructive notice upon the recording of a copy of the petition for or order of liquidation with the ~~recording or recorder of~~ recorder of deeds in the county where any real property in question is located. The exercise by a court of the United States or a state or jurisdiction to authorize a judicial sale of real property of the establishment within a county in a state shall not be impaired by the pendency of a proceeding unless the copy is recorded in the county prior to the consummation of the judicial sale.

Sec. 87. Section 554.8106, subsection 6, Code Supplement 2001, is amended to read as follows:

6. A purchaser who has satisfied the requirements of subsection 3 or 4 has control, even if the registered owner in the case of subsection 3, ~~paragraph "b"~~ or the entitlement holder in the case of subsection 4, retains the right to make substitutions for the uncertificated security or security entitlement, to originate instructions or entitlement orders to the issuer or securities intermediary, or otherwise to deal with the uncertificated security or security entitlement.

Sec. 88. Section 554.9109, subsection 1, paragraph e, Code Supplement 2001, is amended to read as follows:

e. a security interest arising under section 554.2401, 554.2505, 554.2711, subsection 3, ~~section 554.9110~~ or 554.13508, subsection 5 as provided in section 554.9110; and

Sec. 89. Section 554.9521, subsection 2, Code Supplement 2001, is amended to read as follows:

2. AMENDMENT FORM. A filing office that accepts written records may not refuse to accept a written record amendment in

a form and format approved by the secretary of state by rule adopted pursuant to chapter 17A except for a reason set forth in section 554.9516, subsection 2. The forms shall be consistent with those set forth in the final official text of the 1999 revisions to Article 9 of the Uniform Commercial Code promulgated by the American law institute and the national conference of commissioners on uniform state laws.

Sec. 90. Section 554.9525, subsection 1, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

Except as otherwise provided in subsection subsections 3 and 4, fees for services rendered by the filing office under this part must be set by rules adopted by the secretary of state's office for services for that office. The rule must set the fees for filing and indexing a record under this part on the following basis:

Sec. 91. Section 554.9525, subsection 3, Code Supplement 2001, is amended to read as follows:

3. RESPONSE TO INFORMATION REQUEST. A rule adopted pursuant to subsection 1 must set the fee for responding to a request for information from the filing office, including for communicating whether there is on file any financing statement naming a particular debtor. However, if the filing office is in the county, the board of supervisors for the county may adopt an ordinance or resolution setting the fee for responding to a request for the information. A fee for responding to a request communicated in writing must be not less than twice the amount of the fee for responding to a request communicated by another medium authorized by the office of secretary of state or the board of supervisors for the filing office where its filing office is located.

Sec. 92. Section 554.9602, subsection 3, Code Supplement 2001, is amended to read as follows:

3. section 554.9607, subsection 3, which deals with collection and enforcement of as to collateral;

Sec. 93. Section 579A.3, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

While the cattle are located at the custom cattle feedlot, the custom cattle feedlot operator may ~~foreclose~~ enforce a lien created in section 579A.2 in the manner provided for the enforcement of an agricultural lien as provided in chapter 554, article 9, part 6. After the cattle have left the custom cattle feedlot, the custom cattle feedlot operator may enforce the lien by commencing an action at law for the amount of the lien against either of the following:

Sec. 94. Section 579B.1, subsection 13, Code Supplement 2001, is amended to read as follows:

13. "Personal representative" means a person who is authorized by a contract producer to act on behalf of the contract producer, including by executing an agreement, managing a contract operation, or filing a financing statement perfecting a lien, and enforcing a lien as provided in this chapter.

Sec. 95. Section 579B.3, subsection 2, Code Supplement 2001, is amended to read as follows:

2. A contract producer who is a party to a production contract executed pursuant to section 579B.2 shall have a lien as provided in this section. The contract producer is a secured party and the ~~owner-of-the-commodity~~ contractor is a debtor for purposes of chapter 554, article 9. The amount of the lien shall be the amount owed to the contract producer pursuant to the terms of the production contract, which may be enforced as provided in section 579B.5.

Sec. 96. Section 602.8107, subsection 2, paragraph b, Code Supplement 2001, is amended to read as follows:

b. Fines or penalties and criminal penalty and law enforcement initiative surcharges.

Sec. 97. Section 633.231, Code Supplement 2001, is amended to read as follows:

633.231 NOTICE IN INTESTATE ESTATES -- MEDICAL ASSISTANCE CLAIMS.

Upon opening administration of an intestate estate, the administrator may, in accordance with section 633.410, provide by ordinary mail to the entity designated by the department of

human services, a notice of opening administration of the estate and of the appointment of the administrator, which shall include a notice to file claims with the clerk within the later to occur of fifteen months from the second publication of the notice to creditors or two months from the date of mailing of this notice, or thereafter be forever barred.

The notice shall be in substantially the following form:

NOTICE OF OPENING ADMINISTRATION OF ESTATE, OF APPOINTMENT OF ADMINISTRATOR, AND NOTICE TO CREDITOR

In the District Court of Iowa

In and for .... County.

In the Estate of ....., Deceased

Probate No. ...

To the Department of Human Services Who May Be Interested in the Estate of ....., Deceased, who died on or about .... (date):

You are hereby notified that on the ... day of ... (month), ... (year), an intestate estate was opened in the above-named court and that ..... was appointed administrator of the estate.

You are further notified that the birthdate of the deceased is .... and the deceased's social security number is ...-.- ..... The birthdate of the spouse is .... and the spouse's social security number is ...-.-....., and that the spouse of the deceased is alive as of the date of this notice, or deceased as of .... (date).

You are further notified that the deceased was/was not a disabled or a blind child of the medical assistance recipient by the name of ....., who had a birthdate of .... and a social security number of ...-.-....., and the medical assistance debt of that medical assistance recipient was waived pursuant to section 249A.5, subsection 2, paragraph "a", subparagraph (1), and is now collectible from this estate pursuant to section 249A.5, subsection 2, paragraph "b".

Notice is hereby given that if the department of human services has a claim against the estate for the deceased

person or persons named in this notice, the claim shall be filed with the clerk of the above-named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of fifteen months from the second publication of this the notice to creditors or two months from the date of the mailing of this notice, unless otherwise allowed or paid, the claim is thereafter forever barred.

Dated this ... day of .... (month), ... (year)

.....

Administrator of estate

.....

Address

.....

Attorney for administrator

.....

Address

Date of second publication

... day of .... (month), ... (year)

{Date-to-be-inserted-by-publisher}

Sec. 98. Section 633.304, unnumbered paragraph 2, Code 2001, is amended to read as follows:

As used in this section, "heir" means only such person as would, in an intestate estate, be entitled to a share under section 633.219~~-subsection-17-27-37-or-4~~.

Sec. 99. Section 633.304A, Code Supplement 2001, is amended to read as follows:

633.304A NOTICE OF PROBATE OF WILL -- MEDICAL ASSISTANCE CLAIMS.

On admission of a will to probate, the executor may, in accordance with section 633.410, provide by ordinary mail to the entity designated by the department of human services, a notice of admission of the will to probate and of the appointment of the executor, which shall include a notice to file claims with the clerk within the later to occur of fifteen months from the second publication of the notice to creditors or two months from the date of mailing of this notice, or thereafter be forever

barred.

The notice shall be in substantially the following form:

NOTICE OF PROBATE OF WILL, OF APPOINTMENT OF EXECUTOR,  
AND NOTICE TO CREDITORS

In the District Court of Iowa

In and for .... County.

In the Estate of ....., Deceased

Probate No. ...

To the Department of Human Services, Who May Be Interested  
in the Estate of ....., Deceased, who died on or about ....  
(date):

You are hereby notified that on the ... day of ....  
(month), ... (year), the last will and testament of .....,  
deceased, bearing date of the ... day of .... (month), ...  
(year), was admitted to probate in the above-named court and  
that ..... was appointed executor of the estate.

You are further notified that the birthdate of the deceased  
is .... and the deceased's social security number is ...-...-  
.... The birthdate of the spouse is .... and the spouse's  
social security number is ...-...-...., and that the spouse of  
the deceased is alive as of the date of this notice, or  
deceased as of .... (date).

You are further notified that the deceased was/was not a  
disabled or a blind child of the medical assistance recipient  
by the name of ....., who had a birthdate of .... and a  
social security number of ...-...-...., and the medical  
assistance debt of that medical assistance recipient was  
waived pursuant to section 249A.5, subsection 2, paragraph  
"a", subparagraph (1), and is now collectible from this estate  
pursuant to section 249A.5, subsection 2, paragraph "b".

Notice is hereby given that if the department of human  
services has a claim against the estate for the deceased  
person or persons named in this notice, the claim shall be  
filed with the clerk of the above-named district court, as  
provided by law, duly authenticated, for allowance, and unless  
so filed by the later to occur of fifteen months from the  
second publication of this the notice to creditors or two

months from the date of mailing of this notice, unless  
otherwise allowed or paid, the claim is thereafter forever  
barred.

Dated this ... day of .... (month), ... (year)

.....  
Executor of estate  
.....  
Address

.....  
Attorney for executor

.....  
Address

Date of second publication  
... day of .... (month), ... (year)  
{Date-to-be-inserted-by-publisher}

Sec. 100. Section 633.305, unnumbered paragraph 2, Code  
2001, is amended to read as follows:

As used in this section, "heir" means only such person as  
would, in an intestate estate, be entitled to a share under  
section 633.219~~-subsection-17-27-37-or-4~~.

Sec. 101. Section 633.3109, subsection 1, Code 2001, is  
amended to read as follows:

1. As used in this section, "heir" means only such person  
as would, in an intestate estate, be entitled to a share under  
section 633.219~~-subsection-17-27-37-or-4~~.

Sec. 102. Section 692A.1, subsection 4, paragraph m, Code  
Supplement 2001, is amended to read as follows:

m. Sexual exploitation of a minor in violation of section  
728.127~~-subsection-2-or-3~~.

Sec. 103. Section 726.3, Code Supplement 2001, is amended  
to read as follows:

726.3 NEGLECT OR ABANDONMENT OF A DEPENDENT PERSON.

A person who is the father, mother, or some other person  
having custody of a child, or of any other person who by  
reason of mental or physical disability is not able to care  
for the person's self, who knowingly or recklessly exposes  
such person to a hazard or danger against which such person

cannot reasonably be expected to protect such person's self or who deserts or abandons such person, knowing or having reason to believe that the person will be exposed to such hazard or danger, commits a class "C" felony. However, a parent or person authorized by the parent ~~who has, in accordance with section 233.2, voluntarily released custody of a newborn~~ infant shall not be prosecuted for a violation of this section involving abandonment of that a newborn infant, if the parent or the person authorized by the parent has voluntarily released custody of the newborn infant in accordance with section 233.2.

Sec. 104. Section 726.6, subsection 2, Code Supplement 2001, is amended to read as follows:

2. A parent or person authorized by the parent ~~who has, in accordance with section 233.2, voluntarily released custody of a newborn infant~~ shall not be prosecuted for a violation of subsection 1, paragraph "f" relating to abandonment, if the parent or person authorized by the parent has voluntarily released custody of a newborn infant in accordance with section 233.2.

Sec. 105. Section 902.3A, subsection 1, paragraph d, Code Supplement 2001, is amended to read as follows:

d. A person on parole or work release under a determinate term of confinement imposed under this section shall be subject to the terms and conditions of parole or work release as set out in chapter 906. Violations of parole or work release shall be subject to the procedures set out in chapters 905 and 908 ~~or~~ and rules adopted under those chapters.

Sec. 106. Section 4.1, subsection 21A, section 321.500, section 602.8103, subsection 4, paragraph d, section 617.3, and section 708.11, subsection 5, Code 2001, are amended by striking the words ", 3d ed" or the words ", 3rd ed".

Sec. 107. Section 229.1 and section 602.8102, subsections 136 through 163, Code Supplement 2001, are amended by striking the words ", 3d ed".

Sec. 108. Section 229.26, Code Supplement 2001, is amended by striking the words "third edition,".

Sec. 109. Section 805.1, subsection 4, Code Supplement 2001, is amended by striking the words ", 3rd ed".

Sec. 110. Sections 192.132, 309.75, and 502.612, Code 2001, are repealed.

Sec. 111. Section 432.11, Code Supplement 2001, is repealed.

#### 2001 IOWA ACTS AMENDMENTS

Sec. 112. Section 542D.7, subsection 3, paragraph a, as enacted by 2001 Iowa Acts, chapter 55, section 7, is amended to read as follows:

a. An applicant for initial issuance or renewal of a permit to practice as a firm must shall show that notwithstanding any other provision of law, a simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members, and managers belongs to holders of a certificate issued by a state, and that such partners, officers, shareholders, members, and managers, who perform professional services in this state or for clients in this state, hold a certificate issued under section 542D.6 or 542D.19.

Sec. 113. Section 542D.13, subsection 9, as enacted by 2001 Iowa Acts, chapter 55, section 13, is amended to read as follows:

9. A person or firm not holding a certificate, permit, or license issued under section 542D.6, 542D.7, 542D.8, or 542D.19 shall not assume or use any title or designation that includes the word "accountant", "auditor", or "accounting", in connection with any other language that implies that such person or firm holds such a certificate, permit, or license or has special competence as an accountant or auditor. However, this subsection does not prohibit an officer, partner, member, manager, or employee of a firm or organization from affixing that person's own signature to a statement in reference to the financial affairs of such firm or organization with wording which designates the position, title, or office that the person holds, or prohibit any act of a public official or employee in the performance of such person's duties. This

subsection does not otherwise prohibit the use of the title or designation "accountant" by persons other than those holding a certificate or license under this chapter.

DIVISION II

Sec. 114. Section 10.1, subsection 4, Code 2001, is amended to read as follows:

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

Sec. 115. Section 10.1, subsection 19, Code 2001, is amended to read as follows:

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

Sec. 116. Section 13B.4, subsection 1, Code 2001, is amended to read as follows:

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

Sec. 117. Section 13B.8, subsection 2, Code 2001, is amended to read as follows:

2. The state public defender may appoint and may, for cause, remove the local public defender, assistant local public defenders, clerks, investigators, secretaries, or other employees ~~for cause~~. Each local public defender, and any

assistant local public defender, must be an attorney admitted to the practice of law before the Iowa supreme court.

Sec. 118. Section 14B.101, Code Supplement 2001, is amended by adding the following new subsection:

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

Sec. 119. Section 14B.105, subsection 1, paragraph b, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

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

Sec. 120. Section 15E.195, subsection 2, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

A city with a population of twenty-four thousand or more which designates an enterprise zone pursuant to section 15E.194, subsection 2, and in which an eligible enterprise zone is certified shall establish an enterprise zone commission to review applications from qualified businesses located within or requesting to locate within an enterprise zone to receive incentives or assistance as provided in section 15E.196. The enterprise zone commission shall review applications from qualified housing businesses requesting to

receive incentives or assistance as provided in section 15E.193B. The enterprise zone commission shall also review applications from qualified development businesses requesting to receive incentives or assistance as provided in section 15E.193C. The commission shall consist of nine members. Six of these members shall consist of one representative of an international labor organization, one member with economic development expertise chosen by the department of economic development, one representative of the city council, one member of the local community college board of directors, one member of the city planning and zoning commission, and one representative of the local workforce development center. These six members shall select the remaining three members. If the enterprise zone consists of an area meeting the requirements for eligibility for an urban enterprise community under Title XIII of the federal Omnibus Budget Reconciliation Act of 1993, one of the remaining three members shall be a representative of that community. If a city contiguous to the city designating the enterprise zone is included in an enterprise zone, a representative of the contiguous city, chosen by the city council, shall be a member of the commission. A city in which an eligible enterprise zone is certified shall have only one enterprise zone commission. If a city has established an enterprise zone commission prior to the effective date of this Act July 1, 1998, the city may petition to the department of economic development to change the structure of the existing commission.

Sec. 121. Section 29A.17, unnumbered paragraph 1, Code 2001, is amended to read as follows:

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

Sec. 122. Section 29A.66, Code 2001, is amended to read as follows:

29A.66 APPLICABLE POWERS AND DUTIES.

The powers and duties of the governor, the adjutant general, and the deputy adjutants general, with relation to the Iowa state guard, shall be the same as those powers and duties prescribed in this chapter for the those officers with relation to the national guard.

Sec. 123. Section 48A.31, Code 2001, is amended to read as follows:

48A.31 DECEASED PERSONS RECORD.

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

Sec. 124. Section 56.2, subsection 14, paragraph c, Code 2001, is amended by striking the paragraph.

Sec. 125. Section 56.14, subsection 2, paragraph a, Code 2001, is amended to read as follows:

a. ~~Yard signs shall not be placed on any property which adjoins a city, county, or state roadway sooner than forty-five days preceding a primary or general election and shall be removed within seven days after the primary or general election in which the name of the particular candidate or~~

~~ballot-issue-described-on-the-yard-sign-appears-on-the-ballot. Yard-signs-are-subject-to-removal-by-highway-authorities-as provided-in-section-319.13, or-by-county-or-city-law enforcement-authorities-in-a-manner-consistent-with-section 319.13. The placement or erection of yard signs shall be exempt from the requirements of chapter 480. Notice-may-be provided-to-the-chairperson-of-the-appropriate-county-central committee-if-the-highway-authorities-are-unable-to-provide notice-to-the-candidate, candidate's-committee, or-political committee-regarding-the-yard-sign.~~

Sec. 126. Section 97B.50A, subsection 7, paragraph b, subparagraph (4), Code 2001, is amended to read as follows:

(4) This paragraph does not apply to a member who is at least fifty-five years of age and would have completed a sufficient number of years of service if the member had remained in active special service employment. For purposes of this subparagraph, a sufficient number of years of service shall be twenty-five the applicable years of service for a special service member as described in section 97B.49B or twenty-two for a special service member as described in section 97B.49C.

Sec. 127. Section 101.22, subsection 4, Code 2001, is amended to read as follows:

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

Sec. 128. Section 123.39, subsection 1, paragraph a, Code 2001, is amended to read as follows:

a. The administrator or the local authority may suspend a license or permit issued pursuant to the this chapter for a period not to exceed one year, revoke the license or permit,

or impose a civil penalty not to exceed one thousand dollars per violation. Before suspension, revocation, or imposition of a civil penalty, the license or permit holder shall be given written notice and an opportunity for a hearing. The administrator may appoint a member of the division or may request an administrative law judge from the department of inspections and appeals to conduct the hearing and issue a proposed decision. Upon the motion of a party to the hearing or upon the administrator's own motion, the administrator may review the proposed decision in accordance with chapter 17A. Upon review of the proposed decision, the administrator may affirm, reverse, or modify the proposed decision. A licensee or permittee aggrieved by a decision of the administrator may seek judicial review of the administrator's decision in accordance with chapter 17A.

Sec. 129. Section 135.43, subsection 5, paragraph d, Code 2001, is amended to read as follows:

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

Sec. 130. Section 135.43, subsection 7, paragraph b, Code 2001, is amended to read as follows:

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

Sec. 131. Section 135.110, subsection 2, Code 2001, is amended to read as follows:

2. In performing duties pursuant to subsection 1, the review team shall review the relationship between the decedent victim and the alleged or convicted perpetrator from the point where the abuse allegedly began, until the domestic abuse death occurred, and shall review all relevant documents pertaining to the relationship between the parties, including but not limited to protective orders and dissolution, custody, and support agreements and related court records, in order to ascertain whether a correlation exists between certain events in the relationship and any escalation of abuse, and whether patterns can be established regarding such events in relation to domestic abuse deaths in general. The review team shall consider such conclusions in making recommendations pursuant to subsection 1.

Sec. 132. Section 137C.7, Code 2001, is amended to read as follows:

137C.7 LICENSE REQUIRED.

No person shall open or operate a hotel until a license has been obtained from the regulatory authority and until the hotel has been inspected by the regulatory authority. ~~A license issued by the department of agriculture prior to January 1, 1979 shall be valid until its expiration date. An inspection conducted by the department of agriculture prior to January 1, 1979 shall be valid for purposes of this section.~~ Each license shall expire one year from date of issue. A license is renewable. All licenses issued under the Iowa hotel sanitation code that are not renewed by the licensee on or before the expiration date shall be subject to a penalty of ten percent of the license fee if the license is renewed at a later date. A license is not transferable.

Sec. 133. Section 139A.10, Code 2001, is amended to read as follows:

139A.10 FEES FOR REMOVING.

The officers designated ~~by the magistrate~~ shall receive reasonable compensation for their services as determined by

the local board. The amount determined shall be certified and paid in the same manner as other expenses incurred under this chapter.

Sec. 134. Section 139A.30, Code 2001, is amended to read as follows:

139A.30 CONFIDENTIAL REPORTS.

Reports to the department which include the identity of persons infected with a sexually transmitted disease or infection, and all such related information, records, and reports concerning the person, shall be confidential and shall not be accessible to the public. However, such reports, information, and records shall be confidential only to the extent necessary to prevent identification of persons named in such reports, information, and records; the other parts of such reports, information, and records shall be public records. The preceding sentence shall prevail over any inconsistent provision of this chapter subchapter.

Sec. 135. Section 161.2, subsection 4, Code 2001, is amended to read as follows:

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

Sec. 136. Section 161.2, subsection 9, unnumbered paragraph 1, Code 2001, is amended to read as follows:

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

Sec. 137. Section 161.2, subsection 14, Code 2001, is amended by striking the subsection.

Sec. 138. Section 161.6, subsection 4, paragraph a, Code 2001, is amended to read as follows:

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

Sec. 139. Section 161.8, subsection 3, paragraph b, subparagraph (1), Code 2001, is amended to read as follows:

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

Sec. 140. Section 166D.7, subsection 1, paragraph a, Code 2001, is amended to read as follows:

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

Sec. 141. Section 166D.10, subsection 1, paragraph c, Code 2001, is amended to read as follows:

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

Sec. 142. Section 166D.10B, subsection 1, unnumbered paragraph 1, Code 2001, is amended to read as follows:

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

Sec. 143. Section 183A.7, unnumbered paragraph 3, Code 2001, is amended to read as follows:

From the moneys collected, deposited, and transferred to the council as provided in this chapter, the council shall first pay the costs of referendums held pursuant to this chapter. Of the moneys remaining, ~~at-least-ten-percent-shall be-remitted-to-the-national-livestock-and-meat-board-and-the-pork-industry-group~~, at least twenty-five percent shall be

remitted to the national pork producers council; and at least fifteen percent shall be remitted to the Iowa pork producers association, in the proportion the committee determines, for use by recipients in a manner not inconsistent with market development as defined in section 183A.1. Moneys remaining shall be spent as found necessary by the council to further carry out the provisions and purposes of this chapter.

Sec. 144. Section 202A.1, subsection 3, Code 2001, is amended to read as follows:

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

Sec. 145. Section 207.22, subsection 3, paragraph b, Code 2001, is amended to read as follows:

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

Sec. 146. Section 216A.102, subsection 1, Code 2001, is amended to read as follows:

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

Sec. 147. Section 232.141, subsection 3, paragraphs c and d, Code 2001, are amended to read as follows:

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

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

Sec. 148. Section 256D.1, subsection 1, paragraph b, unnumbered paragraph 1, Code 2001, is amended to read as follows:

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

Sec. 149. Section 272C.3, subsection 2, paragraph a, Code Supplement 2001, is amended to read as follows:

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

Sec. 150. Section 272C.4, subsection 6, Code Supplement 2001, is amended to read as follows:

6. Define by rule acts or omissions which are grounds for revocation or suspension of a license under section 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13, 455B.219, 455B.219, 542B.21, 542C.21, 543B.29, 544A.13, 544B.15, or

602.3203 or chapter 151, 155, 507B, or 522B, as applicable, and to define by rule acts or omissions which constitute negligence, careless acts or omissions within the meaning of section 272C.3, subsection 2, paragraph "b", which licensees are required to report to the board pursuant to section 272C.9, subsection 2;

Sec. 151. Section 303.86, Code 2001, is amended to read as follows:

303.86 ARTS COUNCIL.

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

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

Sec. 152. Section 321.219, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

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

Sec. 153. Section 321.279, subsection 1, Code 2001, is amended to read as follows:

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

Sec. 154. Section 321.560, subsection 1, paragraph b, Code Supplement 2001, is amended to read as follows:

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

Sec. 155. Section 321J.17, subsection 2, unnumbered paragraph 2, Code 2001, is amended to read as follows:

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

Sec. 156. Section 322C.2, subsections 4 and 7, Code 2001, are amended by striking the subsections.

Sec. 157. Section 331.424A, subsection 4, Code Supplement 2001, is amended to read as follows:

4. For the fiscal year beginning July 1, 1996, and for each subsequent fiscal year, the county shall certify a levy for payment of services. For each fiscal year, county revenues from taxes imposed by the county credited to the services fund shall not exceed an amount equal to the amount

of base year expenditures for services as defined in section 331.438, less the amount of property tax relief to be received pursuant to section 426B.2, in the fiscal year for which the budget is certified. The county auditor and the board of supervisors shall reduce the amount of the levy certified for the services fund by the amount of property tax relief to be received. A levy certified under this section is not subject to the appeal provisions of sections section 331.426 and ~~444:25B~~ or to any other provision in law authorizing a county to exceed, increase, or appeal a property tax levy limit.

Sec. 158. Section 331.424B, Code 2001, is amended to read as follows:

331.424B CEMETERY LEVY.

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

Sec. 159. Section 331.756, subsection 5, Code 2001, is amended to read as follows:

5. Enforce all forfeited bonds and recognizances and prosecute all proceedings necessary for the recovery of debts, revenues, moneys, fines, penalties, restitution of court-appointed attorney fees or ordered pursuant to section 815.9, including the expense of a public defender, and forfeitures accruing to the state, the county or a road district in the county, and all suits in the county against public service corporations which are brought in the name of the state. To assist in this duty, the county attorney may procure professional collection services provided by persons or organizations, including private attorneys, which are generally considered to have knowledge and special abilities

which are not generally available to state or local government or may designate another county official or agency to assist with collection efforts.

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

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

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

Sec. 160. Section 403.6, subsection 17, Code 2001, is amended to read as follows:

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

Sec. 161. Section 403.17, subsection 10, Code 2001, is amended to read as follows:

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

Sec. 162. Section 404A.3, subsection 2, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The state historic preservation office shall establish selection criteria and standards for rehabilitation projects

involving eligible property. The main emphasis of the standards shall be to ensure that a rehabilitation project maintains the integrity of the eligible property. To the extent applicable, the standards shall be consistent with the standards of the United States secretary of the interior for rehabilitation of eligible property that is listed on the national register of historic places or is designated as of historic significance to a district listed in the national register of historic places or shall be consistent with standards for issuance of certificates of ~~appropriation~~ appropriateness under sections 303.27 through 303.32.

Sec. 163. Section 422.4, subsection 2, paragraph c, Code 2001, is amended by striking the paragraph.

Sec. 164. Section 422.45, subsection 24, unnumbered paragraph 2, Code Supplement 2001, is amended by striking the unnumbered paragraph.

Sec. 165. Section 422.52, subsection 4, Code 2001, is amended to read as follows:

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

Sec. 166. Section 422B.1, subsection 6, paragraph b, Code 2001, is amended to read as follows:

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

Sec. 167. Section 426B.1, subsection 2, paragraphs a and b, Code 2001, are amended by striking the paragraphs.

Sec. 168. Section 427.2A, unnumbered paragraph 3, Code 2001, is amended by striking the unnumbered paragraph.

Sec. 169. Section 432.1, unnumbered paragraph 1, Code 2001, is amended to read as follows:

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

Sec. 170. Section 455B.190A, subsection 1, paragraph e, Code 2001, is amended by striking the paragraph.

Sec. 171. Section 455B.190A, subsection 2, paragraphs f and g, Code 2001, are amended to read as follows:

f. The department shall develop continuing education requirements for certification of a well contractor ~~in consultation-with-the-well-contractors'-council~~.

g. The examination shall be developed by the department ~~in consultation-with-the-well-contractors'-council~~. The examination shall be updated as necessary to reflect current groundwater law and well construction, maintenance, and abandonment practices.

Sec. 172. Section 455B.190A, subsections 3 and 6, Code 2001, are amended by striking the subsections.

Sec. 173. Section 455B.190A, subsection 4, Code 2001, is amended to read as follows:

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

Sec. 174. Section 455B.190A, subsection 5, unnumbered paragraph 1, Code 2001, is amended to read as follows:

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

Sec. 175. Section 455B.601, subsection 2, paragraph b, Code 2001, is amended to read as follows:

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

Sec. 176. Section 455E.11, subsection 2, paragraph b, subparagraph (1), Code Supplement 2001, is amended to read as follows:

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

Sec. 177. Section 476.66, subsections 1 and 7, Code 2001, are amended to read as follows:

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

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

Sec. 178. Section 486A.1102, subsection 2, Code 2001, is amended to read as follows:

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

Sec. 179. Section 511.8, subsection 22, paragraph d, Code 2001, is amended to read as follows:

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

Sec. 180. Section 514.3, Code 2001, is amended to read as follows:

514.3 APPROVAL BY COMMISSIONER.

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

Sec. 181. Section 515.24, Code 2001, is amended to read as follows:

515.24 TAX -- COMPUTATION.

For the purpose of determining the basis of any tax upon the "gross amount of premiums", or "gross receipts from premiums, assessments, fees, and promissory obligations", now

or hereafter imposed upon any fire or casualty insurance company under any law of this state, such gross amount or gross receipts shall consist of the gross premiums or receipts for direct insurance, without including or deducting any amounts received or paid for reinsurance except that any company reinsuring windstorm or hail risks written by county mutual insurance associations shall be required to pay a two percent tax on the gross amount of reinsurance premiums received upon such risks, but with such other deductions as provided by law, and in addition deducting any so-called dividend or return of savings or gains to policyholders; provided that as to any deposits or deposit premiums received by any such company, the taxable premiums shall be the portion of such deposits or deposit premiums earned during the year with such deductions therefrom as provided by law.

Sec. 182. Section 515F.3, subsection 6, Code 2001, is amended to read as follows:

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

Sec. 183. Section 518.17, unnumbered paragraph 2, Code 2001, is amended to read as follows:

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

Sec. 184. Section 536A.12, subsection 1, Code 2001, is amended to read as follows:

1. Each such license remains in full force and effect until surrendered, revoked, or until there is a change of control on or after January 1, 1996. A licensee, on or before the second day of January, shall pay to the superintendent the sum of two hundred fifty dollars as an annual license fee for the succeeding calendar year. When a

licensee changes its place of business from one location to another in the same city, it shall at once give written notice to the superintendent who shall attach to the license in writing the superintendent's record of the change and the date of the change, which is authority for the operation of the business under that license at the new place of business.

Sec. 185. Section 536A.30, subsection 4, Code 2001, is amended to read as follows:

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

Sec. 186. Section 537A.10, subsection 5, paragraph b, subparagraph (2), Code Supplement 2001, is amended to read as follows:

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

Sec. 187. Section 554D.120, subsection 2, Code 2001, is amended to read as follows:

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

Sec. 188. Section 554D.120, subsection 3, unnumbered paragraph 1, Code 2001, is amended to read as follows:

To the extent that a governmental agency of this state uses electronic records and electronic signatures under subsection 1 or 2, the office of the secretary of state and the division of information technology services-of-the department of general-services, jointly, and in consultation with the office of the attorney general, giving due consideration to security, may specify by rule all of the following:

Sec. 189. Section 595.13, Code 2001, is amended to read as follows:

595.13 CERTIFICATE -- RETURN.

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

Sec. 190. Section 633.568, Code 2001, is amended to read as follows:

633.568 NOTICE TO PROPOSED WARD.

1. a. If the proposed ward is an adult, notice of the filing of the petition shall be served upon the proposed ward in the manner of an original notice and the content of the notice is governed by the rules of civil procedure governing original notice.

b. Except where the ward is the petitioner, notice shall also be served upon the ward's spouse. If the ward has no spouse, notice shall be served upon the ward's adult children, if any.

2. a. If the proposed ward is a minor or if the proposed ward is an adult under a standby petition and the court determines, pursuant to section 633.575, subsection 1, paragraph "b", that the proposed ward is entitled to representation, notice in the manner of original notice, or another form of notice ordered by the court, given to the attorney appointed to represent the ward is notice to the proposed ward.

b. Notice shall also be served upon the:

(1) The parents of the proposed ward, if the ward is a minor.

(2) The spouse of the proposed ward, if the proposed ward is an adult. If the ward has no spouse, notice shall be serviced upon the proposed ward's adult children, if any.

3. Service of notice under this section upon persons other than the proposed ward shall be made upon such persons whose identities are reasonably ascertainable pursuant to section 633.40, subsection 5. Proof of service shall be made by affidavit, to which copies of all documents served shall be attached.

Sec. 191. Section 633.6202, subsection 2, paragraph o, Code 2001, is amended to read as follows:

o. Authorize or direct transfer ~~or~~ of a trust or trust property to or from another jurisdiction.

Sec. 192. Section 692A.7, subsection 1, Code 2001, is amended to read as follows:

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

Sec. 193. Section 692A.13, subsection 3, paragraph c, subparagraph (1), Code 2001, is amended to read as follows:

(1) Persons who commit a criminal offense against a minor, an aggravated offense, sexual exploitation, a sexually violent offense, or an other relevant offense on or after the effective-date-of-this-Act July 1, 1999, and who have been assessed to be "moderate-risk" or "high-risk".

Sec. 194. Section 714.16, subsection 2, paragraph n, subparagraph (1), unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

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

Sec. 195. Section 910.1, subsection 4, Code 2001, is amended to read as follows:

4. "Restitution" means payment of pecuniary damages to a victim in an amount and in the manner provided by the offender's plan of restitution. "Restitution" also includes fines, penalties, and surcharges, the contribution of funds to a local anticrime organization which provided assistance to law enforcement in an offender's case, the payment of crime victim compensation program reimbursements, payment of restitution to public agencies pursuant to section 321J.2, subsection 9, paragraph "b", court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney's attorney fees, or ordered pursuant to section 815.9, including the expense of a public defender, and the performance of a public service by an offender in an amount set by the court when the offender cannot reasonably pay all or part of the court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney's attorney fees, or ordered pursuant to section 815.9, including the expense of a public defender.

Sec. 196. Section 910.2, Code 2001, is amended to read as follows:

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

In all criminal cases in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, the sentencing court shall order that restitution be made by each offender to the victims of the offender's criminal activities, to the clerk of court for fines, penalties, surcharges, and, to the extent that the offender is reasonably able to pay, for crime victim assistance reimbursement, restitution to public agencies pursuant to section 321J.2, subsection 9, paragraph "b", court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney's attorney fees ordered pursuant to section 815.9, including the expense of a public defender, when applicable, or contribution to a local anticrime organization. However, victims shall be paid in full before fines, penalties, and surcharges, crime victim compensation program reimbursement, public agencies, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney's attorney fees, ordered pursuant to section 815.9, including the expenses of a public defender, or contributions to a local anticrime organization are paid. In structuring a plan of restitution, the court shall provide for payments in the following order of priority: victim, fines, penalties, and surcharges, crime victim compensation program reimbursement, public agencies, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney's attorney fees, or ordered pursuant to section 815.9, including the expense of a public defender, and contribution to a local anticrime organization.

When the offender is not reasonably able to pay all or a part of the crime victim compensation program reimbursement, public agency restitution, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney's attorney fees, ordered pursuant to section 815.9, including the expense of a public defender, or contribution to a local anticrime organization, the court may require the

offender in lieu of that portion of the crime victim compensation program reimbursement, public agency restitution, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney's attorney fees, ordered pursuant to section 815.9, including the expense of a public defender, or contribution to a local anticrime organization for which the offender is not reasonably able to pay, to perform a needed public service for a governmental agency or for a private nonprofit agency which provides a service to the youth, elderly, or poor of the community. When community service is ordered, the court shall set a specific number of hours of service to be performed by the offender which, for payment of court-appointed attorney's attorney fees or ordered pursuant to section 815.9, including the expenses of a public defender, shall be approximately equivalent in value to those costs. The judicial district department of correctional services shall provide for the assignment of the offender to a public agency or private nonprofit agency to perform the required service.

Sec. 197. Section 910.3, Code 2001, is amended to read as follows:

910.3 DETERMINATION OF AMOUNT OF RESTITUTION.

The county attorney shall prepare a statement of pecuniary damages to victims of the defendant and, if applicable, any award by the crime victim compensation program and expenses incurred by public agencies pursuant to section 321J.2, subsection 9, paragraph "b", and shall provide the statement to the presentence investigator or submit the statement to the court at the time of sentencing. The clerk of court shall prepare a statement of court-appointed attorney's attorney fees, ordered pursuant to section 815.9, including the expense of a public defender, and court costs including correctional fees claimed by a sheriff pursuant to section 356.7, which shall be provided to the presentence investigator or submitted to the court at the time of sentencing. If these statements are provided to the presentence investigator, they shall become a part of the presentence report. If pecuniary damage

amounts are not available at the time of sentencing, the county attorney shall provide a statement of pecuniary damages incurred up to that time to the clerk of court. The statement shall be provided no later than thirty days after sentencing. If a defendant believes no person suffered pecuniary damages, the defendant shall so state. If the defendant has any mental or physical impairment which would limit or prohibit the performance of a public service, the defendant shall so state. The court may order a mental or physical examination, or both, of the defendant to determine a proper course of action. At the time of sentencing or at a later date to be determined by the court, the court shall set out the amount of restitution including the amount of public service to be performed as restitution and the persons to whom restitution must be paid. If the full amount of restitution cannot be determined at the time of sentencing, the court shall issue a temporary order determining a reasonable amount for restitution identified up to that time. At a later date as determined by the court, the court shall issue a permanent, supplemental order, setting the full amount of restitution. The court shall enter further supplemental orders, if necessary. These court orders shall be known as the plan of restitution.

Sec. 198. Section 910.9, unnumbered paragraph 3, Code 2001, is amended to read as follows:

Fines, penalties, and surcharges, crime victim compensation program reimbursement, public agency restitution, court costs including correctional fees claimed by a sheriff pursuant to section 356.7, court-appointed attorney's attorney fees, and ordered pursuant to section 815.9, including the expenses for public defenders, shall not be withheld by the clerk of court until all victims have been paid in full. Payments to victims shall be made by the clerk of court at least quarterly. Payments by a clerk of court shall be made no later than the last business day of the quarter, but may be made more often at the discretion of the clerk of court. The clerk of court receiving final payment from an offender shall notify all victims that full restitution has been made. Each office or

individual charged with supervising an offender who is required to perform community service as full or partial restitution shall keep records to assure compliance with the portions of the plan of restitution and restitution plan of payment relating to community service and, when the offender has complied fully with the community service requirement, notify the sentencing court.

Sec. 199. Sections 444.25A, 444.25B, 444.26, and 444.27, Code 2001, are repealed.

Sec. 200. 2000 Iowa Acts, chapter 1148, section 1, is amended to read as follows:

SECTION 1. COUNTY SYSTEM FOR DATA STORAGE AND RETRIEVAL.

1. Chapters 6B, ~~10A~~ 11, 12B, ~~24~~ 35B, 43, 50, 62, 64, 65, 66, 69, 96, 99, ~~124E~~ ~~144~~ 147, ~~161A~~ 177A, 230, 257B, ~~306~~ ~~309~~ 311, 317, ~~321A~~ 347B, 353, ~~354~~ 357, 357C, ~~357B~~ ~~357E~~ ~~357F~~ ~~357G~~ 358, ~~358E~~ 359, 359A, 380, 384, ~~386~~ 420, ~~422~~ ~~424~~ ~~425~~ 426A, 428, 433, 434, ~~435~~ 436, ~~437~~ ~~437A~~ 438, 440, 441, 443, 444, 448, 449, ~~455E~~ 468, 556F, 557C, 558, 561, 595, 614, and 658, and-717B, Code 1999 and Code Supplement 1999, are amended by adding the following new definition:

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

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

Sec. 201. 2000 Iowa Acts, chapter 1148, is amended by adding the following new sections:

SEC. 1A. COUNTY SYSTEM FOR DATA STORAGE AND RETRIEVAL.

1. Sections 10A.101, 24.2, 124C.1, 144.1, 161A.3, 306.2, 309.1, 321A.1, 354.2, 357D.1, 357E.1, 357F.1, 357G.1, 358C.1, 386.1, 422.3, 424.2, 437.1, 437A.3, and 455I.1, Code 1999 and

Code Supplement 1999, are amended by adding the following new definition:

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

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

SEC. 1B. COUNTY SYSTEM FOR DATA STORAGE AND RETRIEVAL.

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

NEW DEFINITION. Unless the context otherwise requires, "book", "list", "record", or "schedule" kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

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

Sec. 202. 2000 Iowa Acts, chapter 1228, section 37, is amended to read as follows:

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

On or before December 15, 2000, the prevention of disabilities policy council shall submit a report to the governor and the general assembly providing findings and recommendations regarding the activities and duties of the commission council and the need for its continuation.

DIVISION III

Sec. 203. EFFECTIVE DATES.

1. The section of this Act amending section 14B.105, subsection 1, paragraph b, unnumbered paragraph 1, being deemed of immediate importance, takes effect upon enactment and applies retroactively to April 25, 2000.

2. The section of this Act amending section 714.16, subsection 2, paragraph n, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2000.

3. The section of this Act amending 2000 Iowa Acts, chapter 1228, section 37, being deemed of immediate importance, takes effect upon enactment and applies retroactively to May 17, 2000.

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MARY E. KRAMER  
President of the Senate

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BRENT SIEGRIST  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2275, Seventy-ninth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved 4/32, 2002

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THOMAS J. VILSACK  
Governor