



# 2002 SUMMARY OF LEGISLATION

IOWA GENERAL ASSEMBLY  
IOWA LEGISLATIVE SERVICE BUREAU  
REGULAR AND EXTRAORDINARY SESSIONS

**SUMMARY OF LEGISLATION ENACTED IN THE YEAR 2002 BY THE  
SECOND REGULAR SESSION AND  
THE FIRST\* AND SECOND EXTRAORDINARY SESSIONS OF THE  
SEVENTY-NINTH GENERAL ASSEMBLY AND SIGNED BY THE GOVERNOR**

**Prepared by the Legislative Service Bureau**

**PURPOSE**

This summary of legislation enacted by the 2002 General Assembly has been prepared for the use of legislators and other interested parties. The summary of each legislative enactment has been assigned to a major subject category. This compilation provides interested persons with quick reference to legislation enacted in specific areas and generally informs persons of the contents and effective date of the legislation.

**HOW TO FIND A SUMMARY**

If you know the original file number of a particular bill, you may refer to the chart on pages v and vii to locate the category in which the summary will be found. Otherwise, each subject category begins with a table of contents listing the file number and the chapter title from the 2002 Iowa Acts and a listing of related legislation directing the reader to the category in which the summary is located and briefly explaining how the category at hand is related.

**EFFECTIVE DATE**

The effective date of the legislative enactments is July 1, 2002, unless otherwise specified in an individual summary.

**FISCAL YEAR**

For purposes of this summary of legislation, "fiscal year 2002-2003," and "FY 2002-2003," for example, both describe the fiscal year beginning July 1, 2002, and ending June 30, 2003.

**VETOED BILLS**

Bills vetoed by the Governor are included and noted in this summary. Item vetoes by the Governor are specified in their particular summary.

\*Pursuant to a proclamation of the Governor, the General Assembly convened the First Extraordinary Session on April 22, 2002. However, the General Assembly adjourned the special session without taking action on any legislation.

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**LOCATION OF SUMMARIES BY FILE NUMBER****Senate Files**

<b><u>Number</u></b>	<b><u>Major Subject</u></b>	<b><u>Number</u></b>	<b><u>Major Subject</u></b>
SF 144	Transportation	SF 2197	Criminal Law, Procedure & Corrections
SF 165	State Government	SF 2201	State Government
SF 335	Agriculture	SF 2203	State Government
SF 348	Education	SF 2205	Children & Youth
SF 374	Health & Safety	SF 2207	Natural Resources
SF 415	Criminal Law, Procedure & Corrections	SF 2210	Agriculture
SF 429	Energy & Public Utilities	SF 2212	Agriculture
SF 437	Natural Resources & Outdoor Recreation	SF 2228	Education
SF 466	Human Services	SF 2231	Health & Safety
SF 503	Agriculture	SF 2258	Education
SF 2018	State Government	SF 2259	Education
SF 2034	Criminal Law, Procedure & Corrections	SF 2260	Education
SF 2048	Economic Development	SF 2268	Agriculture
SF 2051	Natural Resources	SF 2272	Agriculture
SF 2057	State Government	SF 2273	State Government
SF 2079	Transportation	SF 2275	State Government
SF 2084	Business, Banking & Insurance	SF 2277	State Government
SF 2086	Energy & Public Utilities	SF 2278	Local Government
SF 2098	Criminal Law, Procedure & Corrections	SF 2279	Business, Banking & Insurance
SF 2100	Civil Law, Procedure & Court Administration	SF 2280	Human Services
SF 2116	State Government	SF 2286	Civil Law, Procedure & Court Administration
SF 2118	Health & Safety	SF 2288	Criminal Law, Procedure & Corrections
SF 2121	Labor & Employment	SF 2293	Agriculture
SF 2124	State Government	SF 2301	Criminal Law, Procedure & Corrections
SF 2133	State Government	SF 2304	Appropriations
SF 2134	Business, Banking & Insurance	SF 2305	Taxation
SF 2140	Appropriations	SF 2309	Agriculture
SF 2141	Civil Law, Procedure & Court Administration	SF 2315	Education
SF 2145	Environmental Protection	SF 2316	Education
SF 2146	Criminal Law, Procedure & Corrections	SF 2317	Business, Banking & Insurance
SF 2155	Health & Safety	SF 2318	Taxation
SF 2156	Transportation	SF 2320	Civil Law, Procedure & Court Administration
SF 2160	Economic Development	SF 2321	Taxation
SF 2167	State Government	SF 2323	Education
SF 2168	Education	SF 2325	State Government
SF 2190	Labor & Employment	SF 2326	Appropriations
SF 2192	Transportation	SF 2328	Education
SF 2195	Health & Safety		



**LOCATION OF SUMMARIES BY FILE NUMBER****House Files**

<b>Number</b>	<b>Major Subject</b>	<b>Number</b>	<b>Major Subject</b>
HF 518	Civil Law, Procedure & Court Administration	HF 2418	Local Government
HF 582	Local Government	HF 2430	Human Services
HF 583	Environmental Protection	HF 2446	Business, Banking & Insurance
HF 608	Business, Banking & Insurance	HF 2447	Natural Resources
HF 678	Civil Law, Procedure & Court Administration	HF 2448	Local Government
HF 681	Business, Banking & Insurance	HF 2453	Health & Safety
HF 2009	Elections, Ethics & Campaign Finance	HF 2454	Education
HF 2035	Taxation	HF 2467	Education
HF 2075	State Government	HF 2472	Elections, Ethics & Campaign Finance
HF 2078	Economic Development	HF 2475	Education
HF 2082	Natural Resources & Outdoor Recreation	HF 2482	Education
HF 2109	Gaming	HF 2487	Business, Banking & Insurance
HF 2112	Transportation	HF 2488	State Government
HF 2116	Taxation	HF 2492	Agriculture
HF 2135	Local Government	HF 2495	Criminal Law, Procedure & Corrections
HF 2138	Education	HF 2497	Business, Banking & Insurance
HF 2139	Education	HF 2506	Criminal Law, Procedure & Corrections
HF 2150	State Government	HF 2507	Criminal Law, Procedure & Corrections
HF 2151	Education	HF 2509	Business, Banking & Insurance
HF 2152	Local Government	HF 2510	Agriculture
HF 2153	Criminal Law, Procedure & Corrections	HF 2514	Agriculture
HF 2183	Education	HF 2515	Education
HF 2190	Civil Law, Procedure & Court Administration	HF 2518	Children & Youth
HF 2191	Civil Law, Procedure & Court Administration	HF 2530	Agriculture
HF 2192	Health & Safety	HF 2531	Civil Law, Procedure & Court Administration
HF 2193	Transportation	HF 2532	State Government
HF 2201	Criminal Law, Procedure & Corrections	HF 2536	State Government
HF 2229	Economic Development	HF 2538	Elections, Ethics & Campaign Finance
HF 2230	Criminal Law, Procedure & Corrections	HF 2539	Civil Law, Procedure & Court Administration
HF 2245	Appropriations	HF 2546	Criminal Law, Procedure & Corrections
HF 2246	Local Government	HF 2547	Human Services
HF 2248	State Government	HF 2549	Education
HF 2249	State Government	HF 2552	Children & Youth
HF 2264	Health & Safety	HF 2554	Environmental Protection
HF 2271	Economic Development	HF 2565	Civil Law, Procedure & Court Administration
HF 2281	State Government	HF 2571	Education
HF 2289	Local Government	HF 2582	Appropriations
HF 2291	Local Government	HF 2584	Taxation
HF 2310	Energy & Public Utilities	HF 2585	Taxation
HF 2317	Transportation	HF 2586	Economic Development
HF 2338	Criminal Law, Procedure & Corrections	HF 2587	Energy & Public Utilities
HF 2339	Civil Law, Procedure & Court Administration	HF 2591	Natural Resources
HF 2340	Human Services	HF 2592	Economic Development
HF 2341	Energy & Public Utilities	HF 2612	Appropriations
HF 2344	Labor & Employment	HF 2613	Appropriations
HF 2345	Criminal Law, Procedure & Corrections	HF 2614	Appropriations
HF 2363	Criminal Law, Procedure & Corrections	HF 2615	Appropriations
HF 2365	Local Government	HF 2616	Natural Resources
HF 2378	Economic Development	HF 2617	Agriculture
HF 2394	Education	HF 2620	Agriculture
HF 2395	Human Services	HF 2621	Taxation
HF 2399	Children & Youth	HF 2622	Taxation
HF 2404	Education	HF 2623	Appropriations
HF 2409	Elections, Ethics & Campaign Finance	HF 2625	Appropriations*
HF 2416	Human Services	HF 2626	Appropriations*
HF 2417	Environmental Protection	HF 2627	Appropriations*





## AGRICULTURE

- SENATE FILE 335** - Sales and Use Taxes on Livestock — Feed, Feed Supplements, and Additives for Farm Deer and Bison
- SENATE FILE 503** - Open Feedlots
- SENATE FILE 2210** - Interests in Agricultural Land — Qualified Enterprises
- SENATE FILE 2212** - Secured Transactions — Landlord Liens
- SENATE FILE 2268** - Regulation, Protection, and Disposition of Animals
- SENATE FILE 2272** - Acquisition or Holding of Agricultural Land — Permanent Residents
- SENATE FILE 2293** - Animal Feeding Operations and Environmental Regulation
- SENATE FILE 2309** - Regulation of Beef and Pork Processors
- HOUSE FILE 2492** - Farm Aid Associations — Termination or Conversion to Nonprofit Corporations
- HOUSE FILE 2510** - Movement of Dairy Cattle From Livestock Markets
- HOUSE FILE 2514** - Eradication of Animals With Contagious Diseases — Owner Indemnification
- HOUSE FILE 2530** - Pseudorabies Control
- HOUSE FILE 2617** - Regulation of Milk and Milk Products
- HOUSE FILE 2620** - Farmers Markets

### RELATED LEGISLATION

- SENATE FILE 437** - Snowmobiles and All-Terrain Vehicles — Titling, Registration, and Use  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act amends various sections of the Code Chapter 321G relating to the operation, registration and titling of all-terrain vehicles and snowmobiles, and exempts snowmobiles and all-terrain vehicles used exclusively as farm implements from the registration requirements.
- SENATE FILE 2051** - State Interagency Missouri River Authority  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act creates a State Interagency Missouri River Authority to represent the State of Iowa as a member of the Missouri River Basin Association. The Secretary of Agriculture is a member of the authority.
- SENATE FILE 2057** - Dr. Norman E. Borlaug World Food Prize Day  
*SEE STATE GOVERNMENT.* This Act authorizes and requests the Governor to issue annually a proclamation designating October 16 as Dr. Norman E. Borlaug World Food Prize Day.
- SENATE FILE 2084** - Farm Implement, Motorcycle, and All-Terrain Vehicle Franchises or Dealerships  
*SEE BUSINESS, BANKING & INSURANCE.* This Act regulates the business relationship between persons merchandising all-terrain vehicles and persons supplying the all-terrain vehicles to those merchandisers under two Code chapters. Code Chapter 322D governs agreements involving the merchandising of motorcycles and certain agreements for agricultural equipment. Code Chapter 322F is the Code chapter governing agreements involving the merchandising of agricultural equipment. The Act provides that the same terms and conditions that apply under those Code chapters for motorcycles and agricultural equipment also apply to agreements involving all-terrain vehicles.
- SENATE FILE 2160** - Dry Fire Hydrant and Rural Water Supply Education and Demonstration Project  
*SEE ECONOMIC DEVELOPMENT.* This Act defines the term “dry fire hydrant” for purposes of the Dry Fire Hydrant and Rural Water Supply Education and Demonstration Project administered by the Department of Economic Development.
- SENATE FILE 2207** - Conservation Easements  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act provides that a conservation easement may be acquired to promote agriculture.

- SENATE FILE 2275** - Substantive Code Corrections  
**SEE STATE GOVERNMENT.** This Act contains statutory corrections that 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. Changes made in the area of agriculture include striking obsolete references to the Book of Agriculture, the Agricultural Energy Management Advisory Council, farmers institutes, and the repealed chapter on frozen food locker plants. The definition of “department” is clarified in a provision relating to the collection of samples of blood in slaughter facilities. A variety of changes and corrections are made in the Agrichemical Remediation chapter. A reference to the Agrichemical Reimbursement Board is corrected. In a provision relating to various infectious and contagious diseases among animals, changes are made in language regarding the compensation of owners for property inadvertently destroyed due to regulation of activities in a quarantined area, in language relating to separating cattle infected with paratuberculosis, and in various provisions relating to pseudorabies control. Clarifications are also made in the following: language describing the renewal of recording of livestock brands, the definitions section of the State Fair chapter, and language relating to the Grape and Wine Development Commission. A reference to the National Livestock and Meat Board and the Pork Industry Group is eliminated from language relating to distribution of funds from the assessment on pork producers to various agriculture industry organizations. An examination requirement applicable to milk tester’s license applicants is repealed. In provisions governing various agricultural liens, changes are made in language relating to the enforcement of custom cattle feedlot liens, in language defining the term “personal representative” in the Commodity Production Contract Lien chapter, and by replacing the term “owner of the commodity” with “contractor” in the chapter. A change is made in language relating to a list compiled by the county auditor of all tracts of agricultural land entitled to tax credit. The language describing sweepings of tobacco in the definition of “tobacco product” is conformed in two Code sections in Code Chapter 453A.
- SENATE FILE 2304** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions  
**SEE APPROPRIATIONS.** This Act makes, reduces and transfers appropriations for FY 2001-2002 and includes transfers to the General Fund of the State from the Value-Added Agricultural Products and Processes Financial Assistance Fund, the Environment First Fund, and the Brucellosis and Tuberculosis Eradication Fund. The Act takes effect March 1, 2002.
- SENATE FILE 2316** - Sale of Iowa State University of Science and Technology Dairy Research Farm — Use of Proceeds  
**SEE EDUCATION.** This Act directs Iowa State University of Science and Technology to develop, immediately after the effective date of the Act, a plan to sell the university’s 1,100-acre Ankeny dairy breeding research farm and use the proceeds to establish a new dairy research and dairy teaching facility or for its Plant Sciences Institute. The Act takes effect May 2, 2002.
- SENATE FILE 2325** - State Agency Regulatory Functions — Miscellaneous Reorganizations, Transfers, and Revisions  
**SEE STATE GOVERNMENT.** This Act relates to certain regulatory functions. The Act reorganizes duties of the Department of Inspections and Appeals (DIA), transfers the Court Appointed Special Advocate Program from the judicial branch to the DIA, reorganizes the structure of the Department of Natural Resources (DNR), provides for legislative review of agencies, and addresses regulation of birth centers. The Act includes a transfer of the responsibilities for oversight and testing of rural wells and water supplies from the DNR to the Iowa Department of Public Health.
- HOUSE FILE 2584** - Property Taxation — Vineyard Real Estate and Buildings  
**SEE TAXATION.** This Act provides that a vineyard and buildings used in connection with a vineyard are agricultural property for purposes of property taxation.
- HOUSE FILE 2623** - Compensation for Public Employees and Additional Provisions  
**SEE APPROPRIATIONS.** This Act relates to compensation and benefits for public officials and employees, county mental health allowed growth, regulatory and other related matters of the state, and makes and reduces appropriations. The Act also allows moneys in the Value-Added Agricultural Products and Process Financial Assistance Fund to be used for administration of the fund.

- HOUSE FILE 2625** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — Fiscal Year 2001-2002 — SECOND EXTRAORDINARY SESSION  
*SEE APPROPRIATIONS.* This Act addresses public funding provisions and related matters by making, transferring and reducing appropriations in order to balance the State General Fund budget for FY 2001-2002. The Act includes transfers and reductions that affect agricultural interests and affects distribution of tax credits under the New Jobs and Income Program and the Enterprise Zone Program to members of a farmers' cooperative that owns an ethanol-producing facility.
- HOUSE FILE 2627** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — 2002-2003 and Prior Fiscal Years — SECOND EXTRAORDINARY SESSION  
*SEE APPROPRIATIONS.* This Act provides FY 2002-2003 appropriations from the General Fund of the State to the executive and judicial branches of state government, reduces or limits standing appropriations, and transfers appropriations. The Act is organized into divisions corresponding to the General Assembly's joint appropriations subcommittees and includes appropriations for the Department of Agriculture and Land Stewardship and the Department of Natural Resources and agencies and programs connected to those departments. The Act also provides corrective amendments to provisions of S.F. 2293.



## AGRICULTURE

### **SENATE FILE 335 - Sales and Use Taxes on Livestock — Feed, Feed Supplements, and Additives for Farm Deer and Bison**

BY COMMITTEE ON AGRICULTURE. Code Chapter 422, Division IV, provides for retail sales tax and exemptions. Code Section 422.45 contains exemptions for items related to livestock production (e.g., the sale of equipment and machinery or replacement parts for equipment or machinery associated with livestock production, and the sale of bedding materials). This Act amends the definition of “livestock” contained in Code Section 422.42 to include farm deer and bison, as well as ostriches, rheas and emus (already considered livestock under Code Section 4.1). “Farm deer” in several Code sections, including Code Section 189A.2, means an animal belonging to the cervidae family and classified as part of the dama species of the dama genus, commonly referred to as fallow deer; part of the elaphus species of the cervus genus, commonly referred to as red deer or elk; or part of the nippon species of the cervus genus, commonly referred to as sika. However, a farm deer does not include any unmarked free-ranging elk. In addition, the Act exempts from the sales and use taxes the sale of feed to be used for consumption by farm deer and bison. The Act also exempts sales of feed supplements and additives used for the same purpose.

The Act provides that refunds of taxes, interest or penalties that arise from claims resulting from the Act’s enactment for sales occurring between April 1, 1995, and March 6, 2002, are limited to \$50,000 and may only be paid based on claims filed prior to October 1, 2002.

The Act takes effect March 6, 2002, and is retroactively applicable to April 1, 1995.

### **SENATE FILE 503 - Open Feedlots**

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act provides for the regulation of open feedlots by the Department of Natural Resources (DNR), and establishes standards of construction for pollution control structures. Specifically, the Act amends Code Chapter 455B to establish design standards for the construction of settled open feedlot effluent basins. The Act defines “open feedlot” in a manner similar to that defined by the DNR under 567 IAC, Chapter 65, to mean an unroofed or partially roofed animal feeding operation if crop, vegetation or forage growth or residue cover is not maintained as part of the animal feeding operation during the period that animals are confined there. The Act defines a “settled open feedlot effluent basin” as an impoundment that collects and stores settled open feedlot effluent (a combination of manure, precipitation-induced runoff, or other runoff originating from an open feedlot after its settleable solids have been removed).

The Act provides that if the DNR requires that a settled open feedlot effluent basin be constructed according to design standards, regardless of whether the DNR requires the owner to be issued a construction permit, any design standards for the basin must be established by administrative rule that exclusively accounts for special design characteristics of open feedlots and related basins, including but not limited to the dilute composition of settled open feedlot effluent as collected and stored in the basins.

The Act also directs the Code Editor to transfer provisions of the Act to any new Code chapter required to conform with S.F. 2293, which transfers provisions regulating animal feeding operations to a new Code chapter.

### **SENATE FILE 2210 - Interests in Agricultural Land — Qualified Enterprises**

BY COMMITTEE ON AGRICULTURE. This Act provides that a qualified entity involved in baby chick and fertilized egg production may hold agricultural land for purposes of farming. Code Chapter 9H generally prohibits corporate entities from holding an interest in agricultural land used in farming. Code Chapter 567 also prohibits nonalien residents, foreign businesses, and foreign governments from holding such an interest.

The Act creates new Code Chapter 10D. It provides that notwithstanding any other provision of law (including provisions in Code Chapters 9H and 567), a qualified enterprise may hold an interest in agricultural land for a designated or incidental use. According to the Act, a qualified enterprise is a domestic or foreign corporation, a nonprofit corporation, a limited liability company, a cooperative association, or a foreign business. Code Section 567.1 defines a foreign business as a corporation incorporated under the laws of a foreign country, or a business entity whether or not incorporated, in which a majority interest is owned directly or indirectly by nonresident aliens.

The Act provides that a qualified enterprise must comply with certain requirements in order to hold agricultural land in this state. It must file a notice with the Office of Secretary of State by June 30, 2002, declaring an intention to acquire or hold agricultural land under the Code chapter. It can hold a total of not more than 1,280 acres of agricultural land, but not more than 800 acres in any one county. In addition, it can only hold the agricultural land for a designated or incidental use. A designated use must relate to producing baby chicks or fertile chicken eggs for sale or resale as breeding stock or breeding stock progeny; research related to the genetic characteristics of chickens; or the production and sale of products using biotechnological systems or techniques for use in the manufacture of animal vaccine, pharmaceutical, or nutraceutical products. An incidental use must be for a purpose

related to the sale of a surplus commodity that is produced or kept on the agricultural land, or the sale of any by-product that is produced as part of a designated use.

The Act provides that the Attorney General or a county attorney is responsible for enforcing the provisions of the new Code chapter. A person violating the provisions of Code Chapter 10D is subject to a civil penalty of not more than \$25,000 and must be divested of any land held in violation of the new Code chapter. Each day that a violation exists constitutes a separate violation. The person must pay all court costs and fees. The Act provides that a court may grant an injunction in order to restrain violations of the Code chapter's provisions.

The Act also amends Code Chapter 10B, which provides for reporting of agricultural land holdings. The Act provides that a person required to file a report pursuant to Code Chapter 10D is not required to register with the Office of Secretary of State under Code Chapter 567.

The Act takes effect March 28, 2002.

#### **SENATE FILE 2212 - Secured Transactions — Landlord Liens**

BY COMMITTEE ON COMMERCE. This Act amends provisions in Code Chapter 570 providing for a landlord's lien. Code Chapter 570 protects the credit interests of landlords who lease their premises to farmers, by providing landlords a lien for the rent upon crops grown on the leased land and on other personal property of the tenant.

In 2000, the General Assembly enacted, effective July 1, 2001, H.F. 2513 (2000 Iowa Acts, Chapter 1149), adopting revised Article 9 of the Uniform Commercial Code as proposed by the American Law Institute and the National Conference of Commissioners on Uniform State Laws, and conforming amendments to a number of articles within Code Chapter 554 as well as other Code chapters providing for security interests and liens, including Code Chapter 570. Under Code Sections 554.9308, 554.9310, and 554.9501, in order to perfect a security interest or agricultural lien, the secured party must file a financing statement in the Office of the Secretary of State. According to Code Section 554.9515, the financing statement is effective for five years unless the secured party files a continuation statement. Code Section 554.9513 provides that a debtor may require that the secured party who had a perfected position file a termination statement with the Office of Secretary of State in order to alert other creditors that the secured party no longer has a perfected interest in the collateral.

Prior to the revision of Article 9, liens created in statutes outside Code Chapter 554 were not affected by its provisions. These liens include types of statutory liens involving agricultural producers, such as the landlord's lien created in Code Chapter 570. Revised Article 9 provides filing requirements for perfecting these statutory liens referred to under revised Article 9 as "agricultural liens" and controls issues relating to priority of conflicting security interests and agricultural liens. In 2000, H.F. 2513 amended Code Chapter 570 to require a landlord to file a financing statement in order to perfect a lien in farm products, e.g., crops. House File 2513 provided for the contents of the financing statement, and provided that if perfected, it would enjoy priority over conflicting security interests or liens even if they were perfected earlier.

The Act amends Code Section 570.1, which in part provides for the filing of financing statements. The Act provides that, notwithstanding Code Section 554.9515, a financing statement continues to be effective until a termination statement is filed. Current Code Section 570.2 provides that the lien continues for one year after a year's rent falls due, but in no case more than six months after the term of the lease expires.

#### **SENATE FILE 2268 - Regulation, Protection, and Disposition of Animals**

BY COMMITTEE ON JUDICIARY. This Act amends a number of Code chapters providing for the treatment and disposition of animals. The Act amends provisions in Code Chapter 351, providing for the regulation of stray dogs, and Code Chapter 717B, providing for offenses involving nonlivestock. The Act creates a new Code Chapter 717D, prohibiting certain animal contests.

The Act amends Code Section 351.37, providing that a dog may be apprehended and impounded if the dog is running at large and there is no proof that the dog has a valid rabies vaccination. The Code section provides that once a dog has been impounded, a local board of health or law enforcement official is required to send a notice to the dog's owner within two days providing that the owner may redeem the dog before the local board of health or law enforcement official provides for its disposition, including destruction. The owner must redeem the dog within seven days from the delivery of the notice. The Act provides that the notice must be sent within two days after the dog has been impounded, and that notice is delivered when the local board of health or law enforcement official mails the notice. According to the Act, delivery of the notice is conditioned on the board or official being able to reasonably determine the owner's name and current address by accessing a tag or other device that is on or a part of the dog.

Code Chapter 717B prohibits a person from abusing, neglecting or torturing animals (other than livestock which are subject to Code Chapter 717, or wild animals, including game), with certain exceptions, and imposes criminal penalties upon violators. Abuse occurs when a person other than the animal's owner acts to injure or destroy the animal. Neglect occurs when the owner

injures, destroys, or otherwise fails to care properly for an animal. Torture occurs when any person inflicts upon an animal severe physical pain with a depraved or sadistic intent to cause prolonged suffering or death. The Code chapter authorizes a local authority (i.e., a county or city) to rescue an animal in cases of neglect. The rescue must be performed by a peace officer after consulting with a licensed veterinarian. The local authority must post a notice of the rescue at the rescue site. The Code chapter also provides for the maintenance of rescued animals. The disposition of the animals must be determined by a court in a civil proceeding on an expedited basis. The Code chapter provides for the payment by the owner of the costs of maintaining the animal by the local authority. It also provides for the disposition of the animal, including by sale or humane destruction.

The Act makes a number of changes to Code Section 717B.4, providing for the disposition of neglected animals, and Code Section 717B.5, providing for the rescue of those animals. Many of the changes are made to enhance the readability of the sections. There are also a number of substantive changes. The Act provides that the local authority may rescue and a court may provide for the disposition of a “threatened animal,” which is defined to mean an animal that is abused, neglected or tortured. The Act provides that both the owner of the animal and a person who is not the owner, but who maintains the animal, are responsible parties in a dispositional proceeding. Thus, a nonowner may be liable for the maintenance of the animal under the custody or supervision of a local authority. The Act provides that the responsible party is liable for dispositional expenses, which include expenses incurred by a local authority in rescuing an animal, maintaining the animal until the conclusion of a dispositional proceeding, and disposing of the animal. The Act also reduces the time that the responsible party may be granted a continuance from 40 to 30 days. It provides that the local authority may provide notice of a rescue by mail or personal service. The Act also requires that following a rescue, a local authority must petition a court for disposition of the animal within 10 days of the rescue.

The Act creates a new Code Chapter 717D, which prohibits activities associated with a contest event which is a function organized for the entertainment or profit of spectators where an animal is injured, tormented or killed. The event must involve a contest animal, which is defined to mean a bull involved in bullfighting or bull baiting, a bear involved in bear baiting, a chicken involved in cock fighting, or a dog involved in dog fighting.

The Act prohibits a person from owning or operating an establishment located in this state in which a contest event occurs or is to occur; acting as a promoter of a contest event, regardless of whether the contest event occurs in this state or another state; acting as a trainer of a contest animal engaged or to be engaged in a contest event conducted in this state or another state; acting as a transporter moving a contest animal in this state; or acting as a spectator of a contest event conducted in this state, regardless of whether the person paid admission to witness the contest event.

The Act provides a number of exceptions that reiterate the Act only applies to contest events, and also does not apply to an action to be carried out under authority of state law.

The Act provides that a person who violates a provision of Code Chapter 717D is guilty of a serious misdemeanor. In addition, a local authority may confiscate a contest animal that is trained with a contest device or is part of a contest event. The contest animal may be rescued and disposed of as neglected livestock or other animal pursuant to Code Section 717.5 (applying to livestock) or 717B.4 (applying to animals other than livestock). The Act provides that if a contest animal is not rescued and disposed of pursuant to Code Section 717.5 or 717B.4, it shall be forfeited to the state and subject to disposition as ordered by the court. In addition, the Act provides that a court must order the owner of the contest animal to pay an amount that shall not be more than the expenses incurred in maintaining or disposing of the contest animal. The court may also order that the person pay reasonable attorney fees and expenses related to the investigation of the case to be taxed as other court costs. If more than one person has a divisible interest in the contest animal, the amount required to be paid must be prorated based on the percentage of interest in the contest animal owned by each person. The moneys are to be paid to the local authority incurring the expense.

The Act repeals Code Section 717B.7, which also prohibits a person from arranging, promoting or staging an exhibition at which an animal is tormented.

### **SENATE FILE 2272 - Acquisition or Holding of Agricultural Land — Permanent Residents**

BY COMMITTEE ON JUDICIARY. This Act amends Code Chapter 567, which in part prohibits a nonresident alien, foreign business, or foreign government from acquiring or holding agricultural land in this state. The prohibition is provided in Code Section 567.3.

Code Section 567.1 provides a number of definitions for the chapter. “Agricultural land” is defined to mean land suitable for use in farming. The term “farming” includes cultivating the land, raising livestock, and producing timber and nursery products. The term “nonresident alien” is defined to mean an individual who is not a citizen of the United States and has not been classified as a permanent resident alien by the U. S. Immigration and Naturalization Service (INS).



The Act addresses a specific provision that refers to the status of permanent resident aliens. The Act provides that the term “nonresident alien” does not include an individual who is lawfully admitted for permanent residence by the INS, regardless of whether the individual’s lawful permanent resident status is conditional.

Code of Federal Regulations, Title 8, § 216.1, provides that within 90 days immediately preceding the second anniversary of the date on which an alien obtained permanent residence, the alien must file a petition to remove conditions on residence with the INS. Section 216.3 of Title 8 provides that during the two-year conditional period, the INS may terminate the alien’s conditional permanent resident status upon cause. Section 216.4 of Title 8 provides for the filing of a joint petition by spouses that may include dependent children.

Code Section 567.6 provides that a person who acquires an interest in agricultural land, and whose resident status changes, must divest the interest within two years.

### **SENATE FILE 2293 - Animal Feeding Operations and Environmental Regulation**

BY COMMITTEE ON AGRICULTURE. This Act amends provisions in several Code chapters, and principally Code Chapter 455B, regulating animal feeding operations by the Department of Natural Resources (DNR), including confinement feeding operations, originally enacted in 1995 by H.F. 519 (1995 Iowa Acts, Chapter 195) and amended in 1998 by H.F. 2494 (1998 Iowa Acts, Chapter 1209). Provisions relating to animal feeding operation statutes are divided in three places in Code Chapter 455B: Division I, which provides for departmental administration and enforcement; Division II, which regulates air quality regulations (e.g., separation distance requirements); and Division III, which regulates water quality (e.g., construction permit requirements, manure management plan requirements, and manure storage and application requirements). This Act also amends Code Chapter 455J, which provides for a Manure Storage Indemnity Fund established in order to reimburse expenses incurred by a county or, in some cases, the DNR, for cleaning up the site.

#### *CONFINEMENT FEEDING OPERATIONS*

The Act generally regulates confinement feeding operations and the application of manure originating from confinement feeding operations. The Act specifically regulates confinement feeding operation structures, including confinement feeding operation buildings; manure storage structures, including formed (e.g., concrete) and unformed (i.e., earthen) structures; and egg washwater storage structures.

#### *ANIMAL UNITS*

Regulations affecting confinement feeding operations are often based on size. Prior to the enactment of this Act, the size of a confinement feeding operation was determined generally according to its animal weight capacity. The Act uses animal unit capacity in lieu of animal weight capacity and generally converts animal weight capacity to animal unit capacity throughout the affected Code sections. An animal unit is based on the species of animals being regulated. Slaughter or feeder cattle equal 1 animal unit, immature dairy cattle equal 1 animal unit, mature dairy cattle equal 1.4 animal units, butcher or breeding swine weighing more than 55 pounds equal 0.4 animal unit, swine weighing between 15 and 55 pounds equal 0.1 animal unit, sheep or lambs equal 0.1 animal unit, horses equal 2 animal units, turkeys equal 0.018 animal unit, and broiler or layer chickens equal 0.01 animal unit. The Act continues to exempt small animal feeding operations from many requirements of Code Chapter 455B. Prior to the enactment of this Act, a small animal feeding operation had an animal weight capacity of 200,000 pounds or less for animals other than cattle operations and 400,000 pounds or less for cattle operations. The Act provides that a small animal feeding operation has 500 animal units or less, regardless of species.

#### *FEES AND APPROPRIATIONS*

*Limitation on County Fees.* The Act expressly prohibits a county from imposing fees for the regulation of animal feeding operations under Code Chapter 455B.

*Animal Agriculture Compliance Fund.* The Act amends Code Chapter 455B, Division I, to establish a funding source for the administration and enforcement of provisions regulating animal feeding operations. The Act establishes a variable annual compliance fee (that cannot exceed 15 cents per animal unit), paid annually by owners of confinement feeding operations required to submit updated manure management plans as required in the Act. If the person submitting a manure management plan update is a contract producer, the contractor is assessed the annual compliance fee. The fee revenue is deposited into the Assessment Account of an Animal Agriculture Compliance Fund as established in the Act. The account is capped at \$1 million. The department must decrease the compliance fee to meet the \$1 million cap before the beginning of the next fiscal year. However, a person is not required to submit a manure management plan update earlier than March 1, 2003.

In addition to the annual compliance fee, the Act also establishes a number of one-time filing fees. A construction permit application filing fee of \$500 is established, which includes an application fee and an original manure management plan fee. For

owners of confinement feeding operations who are not required to apply for a construction permit, but must submit an original manure management plan, the owner must pay a \$250 fee. These fees are deposited into the General Account of the Animal Agriculture Compliance Fund.

*Manure Storage Indemnity Fund.* The Act restructures the method of calculating the amount of fees required to be paid into the Manure Storage Indemnity Fund established in Code Chapter 455J. This fund is made up of one-time fees imposed on owners of confinement feeding operations that support the cleanup of abandoned sites. The Code chapter provides for a progressive rate based on the size of the confinement feeding operation. A person required to apply for a construction permit or submit a manure management plan is required to submit a fee to be paid into the fund. The Act generally converts animal weight capacity to animal unit capacity. The Act first provides for confinement feeding operations required to be constructed pursuant to a permit. For a confinement feeding operation with an animal unit capacity of less than 1,000 animal units, the rate is 10 cents for animals other than poultry and 4 cents for poultry; for a confinement feeding operation with an animal unit capacity of 1,000 or more animal units but less than 3,000 animal units, the rate is 15 cents for animals other than poultry and 6 cents for poultry; and for a confinement feeding operation with an animal unit capacity of 3,000 or more animal units, the rate is 20 cents for animals other than poultry and 8 cents for poultry. For a person required to submit a manure management plan but not required to apply for a construction permit, the fee is 10 cents per animal unit.

*Transfer.* Since the Act provides that the annual compliance fees required to be deposited into the new Animal Agriculture Compliance Fund are effective on and after March 1, 2003, the Act authorizes the DNR to temporarily transfer moneys from the Manure Storage Indemnity Fund into the General Account of the Animal Agriculture Compliance Fund. The DNR must return the amount transferred according to a schedule established by the department, upon collection of all the new fees established in the Act. The DNR may return moneys from the assessment account if at any time moneys are not sufficiently available to make the return from the general account.

#### *AIR QUALITY REGULATIONS*

*Separation Distance Requirements.* Prior to enactment of this Act, various separation distance requirements were established between confinement feeding operation structures and homes, schools, businesses, churches, public use areas (portions of parks and cemeteries), and public thoroughfares. The law also provided various separation distance requirements between those structures and homes, schools, businesses, and churches located within the corporate limits of a city. Beginning March 1, 2003, the Act increases separation distances by 500 feet for new construction of confinement feeding operation structures and the expansion of those structures.

Prior to the enactment of this Act, confinement feeding operations could expand by constructing new structures subject to a number of factors, including the separation distance requirements according to animal weight capacity. Under this Act, the expansion of confinement feeding operations constructed prior to the enactment of the Act is still based on those factors according to animal weight capacities. The Act provides the same type of exceptions for expansion of confinement feeding operations constructed on and after March 1, 2003, based on animal unit capacity. However, the Act also provides that a confinement feeding operation may be expanded based on separation distances that applied when the confinement feeding operation was constructed rather than increased separation distance requirements established after the confinement feeding operation was constructed.

Several exceptions that applied to the separation distance requirements have been repealed. The Act eliminates an exception for a confinement feeding operation that stores manure exclusively on a dry matter basis (usually applicable to poultry operations). It also eliminates an exception for a confinement feeding operation structure constructed in proximity to a public thoroughfare that is shielded by a permanent vegetation barrier.

*Air Quality Monitoring.* The Act requires the DNR to conduct a comprehensive field study to monitor the level of airborne pollutants (defined as hydrogen sulfide, ammonia, or odor) emitted from animal feeding operations. The Act provides that plans and programs shall not provide for the enforcement of an air quality standard prior to December 1, 2004. Any air quality standard established by the DNR must be based on, and enforced at, distances measured from a confinement feeding operation structure to a separated location defined as a residence, school, church, business, or public use area (but not public thoroughfare). In providing for enforcement, the DNR must take all initial measurements at the separated location. If the DNR determines that a violation of a standard exists, it may conduct an investigation to trace the source of the airborne pollutant.

#### *PERMIT AND WATER QUALITY REQUIREMENTS*

*Electronic Filing.* The Act requires the DNR to adopt and promulgate forms for construction permits and manure management plans that must be made available on the Internet. The Act authorizes the DNR to adopt procedures for the electronic submission and approval of documents, such as permits, manure management plans, notices, and certifications.

*Construction Permit Requirements.* The Act decreases the threshold size of a confinement feeding operation required to be issued a construction permit. Prior to the enactment of this Act, the DNR was authorized to establish the threshold requirement. Under the Act, the construction of an unformed manure storage structure requires a permit, as does any confinement feeding operation of at least 1,000 animal units. As an example, prior to the enactment of this Act, a construction permit was required for a finishing swine operation with an animal weight capacity of 625,000 pounds (4,167 animals). Under the Act, a confinement feeding operation with 2,500 finishing swine is required to be constructed under a permit. A small animal feeding operation continues to be largely exempt from permit requirements. However, the Act now requires a small animal feeding operation to obtain a construction permit if an unformed manure storage structure is being constructed.

According to the Act, the DNR's decision to approve or disapprove an application for a construction permit must be based on whether the application is submitted according to procedures required by the DNR and the application meets standards established by the DNR. Under certain conditions, an applicant must submit a statement by a professional engineer certifying that the construction of a manure storage structure complies with the requirements of state law. The statement is required if the confinement feeding operation structure is an unformed manure storage structure. It is also required for the construction of three or more confinement feeding operation structures that disrupt drainage if the confinement feeding operation meets threshold requirements (3,000 animal units for animals other than swine maintained as part of a swine farrowing and gestating operation or farrow-to-finish operation or cattle maintained as part of a cattle operation; 1,250 animal units for swine maintained as part of a swine farrowing and gestating operation; 2,750 animal units for swine maintained as part of a farrow-to-finish operation; and 4,000 animal units for cattle maintained as part of a cattle operation). The DNR must approve the lowering of the groundwater table for an unformed manure storage structure as part of a construction permit application.

*Matrix.* The Act establishes a new procedure for approving or disapproving applications for construction permits applicable on and after March 1, 2003. The new procedure is based on the scoring of a master matrix. The purpose of the master matrix is to provide a comprehensive assessment mechanism in order to produce a statistically verifiable basis for determining whether to approve or disapprove an application. The master matrix must include criteria valuing environmental and community impacts for use by county boards of supervisors and the DNR. The master matrix must be used to establish conditions for the construction of a confinement feeding operation structure and for the implementation of manure management practices, which conditions must be included in the approval of the construction permit or the original manure management plan. The Act specifically requires the master matrix to account for "critical public areas," which are parks, preserves, or recreation areas owned or managed by the federal, state or local government, if the land has a unique scenic, cultural, archeological, scientific, or historic significance or has a rare or valuable ecological system. The master matrix must also take into consideration currently defined high-quality water resources and protected water area systems.

The Act establishes a 10-member technical advisory committee to develop the master matrix, which is to be adopted by rule by March 1, 2003. From April 29, 2002, until March 1, 2003, the DNR must use an interim matrix that is specified in the Act in order to approve or disapprove applications for construction permits. The application must achieve a score of 100 points. Points are awarded based on the design and location of a confinement feeding operation structure as well as manure management practices.

A county board of supervisors must adopt a construction evaluation resolution in order to use a master matrix beginning March 1, 2003. Regardless of the use of a master matrix, a county board of supervisors may provide comments to the DNR regarding a construction permit application in the same manner as it did prior to the enactment of the Act. If the board submits a resolution, the board may evaluate a construction permit application and submit an adopted recommendation to the DNR to approve or disapprove the application. However, the board is prohibited from making a recommendation regarding the construction of a confinement feeding operation structure that is part of a confinement feeding operation constructed prior to April 1, 2002, and which has an animal unit capacity of 1,666 animal units or less (i.e., 4,165 finishing hogs or 4,165 sows, 1,666 beef cattle, or 166,600 chickens).

In completing the master matrix, a county board of supervisors must score all criteria according to the terms and conditions relating to construction as specified in the application or commitments for manure management that are to be incorporated into a manure management plan. The DNR must receive the county's comments or evaluation within 30 days following the applicant's delivery of the application to the department. Regardless of whether the DNR receives comments or an evaluation by a board, it must approve or disapprove the application within 60 days following the applicant's delivery of the application. The applicant may request or the DNR may require a continuance. The DNR must approve an application if the board, which has filed a construction evaluation resolution, submits an adopted recommendation to approve the application, which may be based on a satisfactory rating produced by the master matrix, and the DNR determines that the application meets the requirements of Code Chapter 455B. The DNR must disapprove an application that does not satisfy the requirements of Code Chapter 455B regardless of the adopted recommendation from the board or any result produced by using the master matrix. If the board submits an adopted recommendation to disapprove the application that is based on a rating produced by the master matrix, the DNR must first determine if the application meets the requirements of Code Chapter 455B. If the application meets the requirements of the

chapter but is disapproved by the board, the DNR must conduct an independent evaluation of the application using the master matrix. The DNR must approve the application if it achieves a satisfactory rating according to the department's evaluation. The DNR must disapprove the application if it produces an unsatisfactory rating regardless of whether the application satisfies the requirements of Code Chapter 455B. If the board submits only comments and not a construction evaluation resolution, the DNR must approve the application if it meets the requirements of Code Chapter 455B. Both the applicant and the board may contest the department's decision to the Environmental Protection Commission. The applicant may still contest the decision as a contested case proceeding before an administrative law judge.

*Construction Design Standards — Formed Manure Storage Structures.* The Act requires that beginning March 1, 2003, a person responsible for constructing a formed manure storage structure not constructed pursuant to a construction permit must state that the formed manure storage structure will be constructed according to the requirements of state law. The DNR must notify the owner that the construction design statement has been filed. The DNR may request information from the person submitting the construction design statement if the department determines it is incorrect or incomplete.

The Act requires the DNR to adopt rules establishing construction design standards for formed manure storage structures other than small animal feeding operations. The standards must be based, to every extent possible, on uniform standards, such as available standards promulgated by the American Society for Testing and Materials. The DNR may require that all or any part of the formed manure storage structure be constructed of concrete. The concrete standards for manure storage structures storing manure on a dry matter basis become effective upon the effective date of the new rules.

*Karst Terrain.* The Act prohibits a person from constructing an unformed manure storage structure on karst terrain or an area that drains into a known sinkhole. A person may only construct a formed manure storage structure on karst terrain, or an area that drains into a known sinkhole, if the structure meets upgraded construction design standards necessary to ensure that the structure does not pollute groundwater sources.

*Installation of Monitoring Wells.* The Act authorizes the DNR to require that the owner of a confinement feeding operation install and operate monitoring wells as part of an unformed manure storage structure.

*Manure Management Plans.* Prior law required an owner of a confinement feeding operation, or a person taking manure from an out-of-state confinement feeding operation for application on land in this state, to submit a manure management plan to the DNR for approval. This Act requires that the owner of a confinement feeding operation submit an updated manure management plan to the DNR on an annual basis. However, a person is not required to submit an updated manure management plan earlier than March 1, 2003.

The Act requires the DNR to develop a phosphorus index by rule. Phosphorus rules become effective on July 1, 2003. The index is to be used to determine application rates, based on the number of pounds of phosphorus that may be applied per acre and application practices, as stated in the manure management plan. According to the Act, the index must be based on the U.S. Department of Agriculture Natural Resources Conservation Service technical guide for Iowa. The Act requires the DNR to develop a state comprehensive nutrient management strategy. The Act establishes a staggered system for implementation of the phosphorus rules. All persons must include a phosphorus index within a manure management plan by July 1, 2005. The Act also requires the DNR to conduct a study of the phosphorus contamination in waters of the state.

*Separation Distance Requirements.* According to the Act, beginning March 1, 2003, a confinement feeding operation structure cannot be constructed closer than 500 feet from the surface intake of an agricultural drainage well (with departmental discretion to increase the separation distance requirements to 2,000 feet) and closer than 1,000 feet from a wellhead, cistern of an agricultural drainage well, or known sinkhole (with departmental discretion to increase the separation distance requirements to 2,000 feet). Beginning March 1, 2003, a confinement feeding operation structure cannot be constructed closer than 2,500 feet from a federal or state designated wetland, 1,000 feet from a major water source, or 500 feet from a water source other than a major water source. A water source is defined as a lake, river, reservoir, creek, stream, ditch, or other body of water or channel having definite banks and a bed with water flow, except lakes or ponds without outlet to which only one landowner is riparian. However, these separation distance requirements do not apply to farm ponds or privately owned lakes, or to a confinement feeding operation structure other than a manure storage structure or a manure storage structure constructed with a secondary containment barrier.

The Act prohibits a confinement feeding operation structure from being constructed on land that is part of a 100-year floodplain. The DNR is required to develop by rule the location of each 100-year floodplain in the state. The Act provides that a person cannot be prohibited from constructing a confinement feeding operation on a 100-year floodplain unless designated by departmental rule. The Act provides special requirements until the effective date of the rules. A person cannot construct a confinement feeding operation structure on land containing alluvial soils unless the person satisfies certain conditions. If the person is not required to apply for a construction permit, the person must petition the DNR to determine whether the confinement feeding

operation structure is located on a 100-year floodplain. If the person is required to apply for a construction permit, the person must identify that the land contains alluvial soils and the DNR must determine whether the land is located on a 100-year floodplain.

Beginning March 1, 2003, new separation distances apply to the application of manure in proximity to water sources. Prior to the enactment of this Act, Code Section 455B.204A prohibited the application of manure within 200 feet from a “designated area,” which includes a known sinkhole, or a cistern, abandoned well, unplugged agricultural drainage well surface inlet, or drinking water well (but does not include a terrace tile inlet). The Act adds water source and designated protected wetland to this list. The Act retains an exception that allows a person to apply manure by incorporation within the 200-foot separation distance. The manure must be injected or incorporated on the same date as it is applied. The Act also retains an exception providing that manure may be applied within a 50-foot foot separation distance if an area of permanent vegetation is established. The Act provides that this includes filter strips and riparian forest buffers. The exception does not apply to an unplugged agricultural drainage well or surface intake to an unplugged agricultural drainage well. The Act authorizes the DNR to quadruple this land separation distance requirement on land located in proximity to a defined high-quality water resource as designated by departmental rule.

*Restitution for Water Pollution.* The Act creates a new Code Section 481A.151, providing that a person who is liable for pollution of state waters is also liable to pay restitution to the DNR for deposit into the State Fish and Game Protection Fund for injury to fish, wildlife, and other species injured by pollution. The DNR cannot duplicate damages collected under other applicable provisions of law and specifically provisions in Code Section 455B.392. The DNR is authorized to assess restitution amounts, including administrative costs to investigate pollution injuries pursuant to departmental rules. The rules must describe methods for investigation, methods of calculating values, and may establish liquidated damages for certain species within specified limits. Restitution amounts, except amounts for investigative costs, must be used to fund restoration or improvement of fisheries.

#### MISCELLANEOUS PROVISIONS

*AACO Repealed.* The Act repeals provisions establishing the Animal Agriculture Consulting Organization (AACO). The industry and government group was established in 1995 to consult with the DNR in establishing rules and implementing the law.

*Technical Changes.* The Act makes a number of technical changes necessary to enhance the readability of the provisions when codified. The Act changes the term “animal feeding operation structure” to “confinement feeding operation structure” when referring to buildings, manure storage structures, and egg washwater storage structures associated with confinement feeding operations. The Act also provides that the provisions of Code Chapter 455B affecting animal agriculture are to be transferred to a new Code chapter. The provisions are currently spread over several divisions of Code Chapter 455B and other Code chapters. The Act provides for the transfer and consolidation of provisions in other chapters providing for agricultural drainage wells.

*Effective Dates.* The Act was enacted on April 29, 2002, and generally provisions of the Act take effect on that date. However, a number of provisions take effect March 1, 2003, including Code Sections 455B.162 and 455B.163 (providing increased separation distance requirements between confinement feeding operation structures and residences, religious institutions, businesses, public use areas, and public thoroughfares); Code Section 455B.204 (providing increased separation distance requirements between confinement feeding operation structures and surface intakes of an agricultural drainage well, a wellhead, cistern or an agricultural drainage well, or known sinkhole, water source, and designated wetlands); Code Section 455B.204A (providing increased separation distance requirements for the application of manure and a designated area or high-quality water resource); Code Section 455B.200C (requiring construction design statements for formed manure storage structures); and Code Section 455B.200E (providing for construction permit application procedures, including county comments, and the use of the master matrix). In addition, concrete standards for manure storage structures storing manure exclusively on a dry matter basis take effect when new departmental rules are effective. A person is not required to file an updated manure management plan as required in Code Section 455B.203 earlier than March 1, 2003. Until March 1, 2003, the DNR must use an interim matrix and accept county comments in lieu of results produced from the master matrix. The DNR is authorized to adopt rules necessary to administer the Act.

*Applicability Dates.* Some provisions of this Act apply retroactively to require that a person obtain a construction permit and that the construction permit application be approved using an interim matrix under certain conditions. The application must be submitted to the DNR on or after April 1, 2002, but prior to April 29, 2002, regardless of whether the DNR has approved the application; a manure management plan must have been submitted to the DNR without a construction permit on or after April 1, 2002, but prior to April 29, 2002, regardless of whether the DNR has approved the plan; or construction of the confinement feeding operation structure did not begin on April 29, 2002, and the person would otherwise be required to submit a manure management plan prior to construction of the structure under the Act. In addition, for the Act to apply retroactively, the applicant must have incurred legal commitments based on the law as it existed on March 31, 2002. The evidence of a legal commitment must be submitted no later than 21 days after enactment.

Division XII of H.F. 2627 (see Appropriations) makes a number of corrective amendments to this Act.

**SENATE FILE 2309 - Regulation of Beef and Pork Processors**

BY IVERSON AND GRONSTAL. This Act amends Code Chapter 9H (Iowa's Corporate Farming Law), which in part provides for the regulation of beef and pork processors that exercise control over cattle or swine operations. Specifically, the Act amends Code Section 9H.1, which provides a number of definitions. The Act amends the definition for the term "processor" and creates a new definition, "qualified processor." The Act also amends Code Section 9H.2, which prohibits a processor of beef or pork from owning, controlling or operating a feedlot in this state. It also provides, with some exceptions, that a processor cannot enter into a contract feeding arrangement with a swine producer in this state.

Code Section 9H.1 defines "feedlot" to include a confinement building as well as any other area where livestock are maintained. The Act eliminates the term "feedlot" and replaces it with "cattle operation" and "swine operation."

The Act strikes references to specific business organizations that have been added to Code Sections 9H.1 and 9H.2 (e.g., limited partnerships and limited liability companies), but retains the term "person," which, under Code Section 4.1, includes a variety of legal entities, including limited partnerships and limited liability companies. The Act strikes other language that is currently inapplicable because a deadline has expired and makes other changes in order to improve the organization of the provisions and readability of the language, including changes that conform to bill drafting style practices.

The Act also makes substantive changes to Code Sections 9H.1 and 9H.2. It amends the definition of "processor." Currently, Code Section 9H.1 provides that a "processor" means a person who prepares beef or pork products having a total annual wholesale value of \$10 million or more. The Act increases that amount to \$80 million. In addition, the Act provides that a person is considered to be a processor if the person holds a "threshold interest" in a business association that directly or indirectly controls the processing of beef or pork products. For processors of beef products the threshold interest begins at 10 percent. For processors of pork products the threshold interest begins at 10 percent interest for a business association that directly or indirectly controls the processing of pork products having a total annual wholesale value of at least \$80 million, and decreases to 1 percent for a business association that directly or indirectly controls the processing of pork products having a total annual wholesale value of at least \$260 million.

A person is also considered a processor if the person holds an executive position in a processor, or the person owes a fiduciary duty to the processor. A person who held such a position or owed such a duty is deemed to still hold the position or owe the duty for two years following the date that the person relinquishes the position or duty.

The Act amends Code Section 9H.2 to prohibit a processor from directly or indirectly owning a swine operation in this state, controlling or operating a swine operation in this state, or directly or indirectly financing a swine operation in this state. The term "finance" is defined to mean to directly or indirectly loan moneys or to guarantee or otherwise act as a surety. "Finance" or "control" does not include executing a contract for the purchase of swine by a processor, including but not limited to a contract that contains an unsecured ledger balance or other price risk-sharing arrangement. The Act provides that "finance" also does not include providing an unsecured open account or an unsecured loan within certain limits. The Act prohibits a processor from obtaining a benefit of production associated with feeding or otherwise maintaining swine, by directly or indirectly assuming a morbidity or mortality production risk if the swine are fed or otherwise maintained as part of a swine operation in the state or by a person who contracts for the care and feeding of swine in the state. The Act also prohibits a processor from directly or indirectly receiving the net revenue derived from a swine operation in this state or from a person who contracts for the care and feeding of swine in this state.

The Act creates a definition of a "qualified processor," which is a processor of pork products. Swine producers must hold at least a 60 percent interest, including a voting interest, and all retailers cannot hold an interest of more than 20 percent in the processor. In addition, not less than 25 percent of the swine slaughtered by the processor each day must be purchased through cash or spot market purchases. The Act provides a special exception for swine producers who hold a threshold interest in a qualified processor, as long as the swine producer's threshold interest is not more than 10 percent and the swine producer is not engaged in processing.

The Act amends Code Section 9H.9 requiring processors to report information regarding the number of swine and cattle controlled by the processor. The Act requires that the information be based on the processor's tax year. It requires the processor to report the total wholesale value of beef or pork products that have been processed during the preceding tax year. Finally, it provides that for a qualified processor, the report must include the total number of swine slaughtered each day and the total number of swine slaughtered each day that are purchased through cash or spot market purchases.

The Act provides that a processor that is in compliance with the law prior to January 1, 2002, and is in violation of the Act, has until June 30, 2004, to comply with the Act's provisions. However, the Act prohibits a processor from taking an action on or after January 1, 2002, that would be in violation of its provisions. The Act provides that the two-year period that a person who holds

an executive position in a processor or owes a processor a fiduciary duty and thus is deemed to be a processor does not apply if the person held the position or owed the duty on January 1, 2002, and relinquishes the position or duty on or before June 30, 2004.

Under current law, a processor who violates Code Section 9H.2 is subject to a civil penalty of not more than \$25,000. The Act provides that each day a violation continues is considered a separate offense. The Act provides that if the Attorney General or a county attorney is the prevailing party in an action for a violation of Code Section 9H.2, the prevailing party shall be awarded court costs and reasonable attorney fees. The moneys are to be deposited in either the General Fund of the State or the general fund of the county, depending upon who prosecutes the case.

The Act provides a number of directions to the Code Editor in order to enhance the readability of the Code.

The Act takes effect April 9, 2002, and is retroactively applicable to January 1, 2002.

**HOUSE FILE 2492 - Farm Aid Associations — Termination or Conversion to Nonprofit Corporations**

BY COMMITTEE ON COMMERCE AND REGULATION. This Act relates to farm aid associations organized under Code Chapter 176 as nonprofit corporations within each county affiliated with the Iowa Farm Bureau Federation for purposes of improving and advancing agriculture, domestic science, animal husbandry, and horticulture.

Each association's articles of incorporation are filed and recorded with the county recorder in the county where the association is organized. The Act provides that a farm aid association is terminated on July 1, 2005, unless it elects to be organized under Code Chapter 504A, the Iowa Nonprofit Corporation Act, on or before June 30, 2005. An entity organizing under Code Chapter 504A must file articles of incorporation and other documents such as a biennial report with the Office of Secretary of State.

The Act provides a number of procedural requirements for such election. These requirements include the adoption of a resolution by the association and any amendments to its articles of incorporation required to conform to Code Chapter 504A, and the execution of an instrument of verification that certifies that the association is becoming a Code Chapter 504A corporation. The Act provides for the filing of the documents with the Office of Secretary of State. The Act requires the Office of Secretary of State, upon filing of the documents, to deliver a certificate of incorporation to the corporation in the same manner as other corporations filing under Code Chapter 504A.

The Act also provides that reorganization under Code Chapter 504A does not affect any right accrued or established, or any liability or penalty incurred, under the provisions of Code Chapter 176, prior to the filing of the necessary documents.

The Act makes a number of conforming amendments and repeals Code Chapter 176, all effective July 1, 2005.

**HOUSE FILE 2510 - Movement of Dairy Cattle From Livestock Markets**

BY COMMITTEE ON AGRICULTURE. In 2001, the 79th General Assembly enacted S.F. 209 (2000 Iowa Acts, Regular Session, Chapter 101) creating new Code Chapter 172E regulating the marketing of dairy cattle. Senate File 209 required that if a livestock market accepts dairy cattle upon express written condition that the dairy cattle are to be moved directly to slaughter, the dairy cattle must be segregated with other livestock to be moved directly to slaughter until sold to a slaughtering establishment. This Act eliminates the requirement that the condition must be expressly stated in writing.

**HOUSE FILE 2514 - Eradication of Animals With Contagious Diseases — Owner Indemnification**

BY COMMITTEE ON AGRICULTURE. This Act amends Code Section 163.15, which provides for the indemnification of owners of livestock referred to as "animals" that are condemned and destroyed under the authority of the Department of Agriculture and Land Stewardship upon approval by the Executive Council. An animal is subject to condemnation and destruction if it is infected with a contagious disease (e.g., glanders, farcy, maladie du coit, anthrax, foot and mouth disease, scabies, hog cholera, swine dysentery, tuberculosis, brucellosis, vesicular exanthema, scrapie, rinderpest, or ovine foot rot). Moneys available for indemnification are paid from the General Fund of the State.

Code Section 163.15 establishes a method for indemnifying owners based on an appraisal by three qualified and disinterested persons appointed by the department and an animal's owner. The Act makes changes in the language of that provision in order to enhance its readability.

The Act also establishes an alternative method of compensation. It authorizes the department to establish a formula for indemnifying owners. The formula is established by rule and becomes applicable when the plan of eradication is approved by the Executive Council. In addition, in order for the formula to be available, the Executive Council, upon recommendation by the Secretary of Agriculture, must determine that an animal population in this state is threatened with infection from an exceptionally contagious disease.

Under the Act, an owner is paid an indemnity amount based on the formula only if the owner elects to be paid under the formula in lieu of the determination by the appointed appraisers. The formula must provide for the payment of the fair market value of an animal based on market prices paid for similar animals according to categories or criteria established by the department.

If an owner elects to be paid an indemnity amount based on a method that provides either a determination by appointed appraisers or a formula, the owner is not entitled to revoke the election unless otherwise provided by the department. An owner's decision to delay or refuse to make an election does not affect the condemnation and destruction of the infected animal.

#### **HOUSE FILE 2530 - Pseudorabies Control**

BY COMMITTEE ON AGRICULTURE. This Act amends provisions in Code Chapter 166D providing for pseudorabies control in swine herds. The Department of Agriculture and Land Stewardship administers the Code chapter in conjunction with regulations promulgated by the U. S. Department of Agriculture.

In 2000, the General Assembly enacted S.F. 2312 (2000 Iowa Acts, Chapter 1110) providing comprehensive changes to the Code chapter, including providing for the movement of swine and the testing and vaccination of swine. These changes included vaccination requirements for swine in a county designated by the department as in Stage II of the National Pseudorabies Eradication Program. The changes enacted by S.F. 2312 also provided that unless a fixed concentration point belongs to a slaughtering establishment (i.e., a buying station), the swine subject to restricted movement must be moved to and from a fixed concentration point according to strict requirements. For example, swine required to be moved by restricted movement must be accompanied by a permit. Code Section 166D.12 provides that a fixed concentration point cannot be used for the movement of swine other than to a slaughtering establishment. A person who is required to move swine by restricted movement must transport the swine to either a fixed concentration point or slaughtering establishment or move or relocate the swine to an approved premises.

The Act amends Code Section 166D.10, which regulates the movement of swine. The Code section provides that swine may always be moved to a fixed concentration point or slaughtering establishment. Swine originating from a noninfected herd outside this state may be moved into a Stage II county if the swine are vaccinated prior to movement or, in some instances (such as for isowean feeder pigs), after movement. The Code section requires that for swine moved into a Stage II county, a test based on a statistical sampling of the swine moved into a herd within a Stage II county must be conducted. The Act eliminates the testing requirement.

Code Section 166D.10 also provides that known infected swine moved through a fixed concentration point must be moved by restricted movement to a slaughtering establishment. The Code section provides one exception for buying stations controlled by slaughtering establishments. The Act eliminates this exception.

The Act amends Code Sections 166D.10 and 166D.12, which prohibit a person from moving swine subject to restricted movement to or from a fixed concentration point unless the swine are moved in compliance with the requirements for restricted movement under Code Section 166D.10A. The Act permits a person to move swine from a fixed concentration point absent requirements of restricted movement if the swine are moved directly to another fixed concentration point or to a slaughtering establishment.

Under Code Section 166D.16, a person who violates a provision of the Code chapter is subject to a civil penalty of at least \$100 but not more than \$1,000. A person who owns swine when the swine are required to be vaccinated is subject to a civil penalty of \$2 for each swine that is not vaccinated as required.

The Act takes effect April 8, 2002.

#### **HOUSE FILE 2617 - Regulation of Milk and Milk Products**

BY COMMITTEE ON WAYS AND MEANS. This Act amends a number of provisions relating to the regulation of milk and milk products, including providing for fees, found in Code Chapter 192, referred to as the "Iowa Grade 'A' Milk Inspection Law," and Code Chapter 194 regulating grades of milk other than grade "A" milk. The Code chapters are administered by the Department of Agriculture and Land Stewardship.

The Act amends Code Section 192.111 and related sections referring to annual licenses issued by the department to milk plants, transfer stations, receiving stations, milk haulers, milk graders, and bulk milk tankers. The Code section also authorizes the department to collect license fees. The Act changes the term "license" to "permit," provides that the permits are valid for two years, and doubles the rate of current fees. The Act provides for staggered implementation of the revised fee system.

The Act provides for additional fees, including a reinspection fee for a current permit holder, a resealing fee that must be paid by a person holding a milk plant permit for resealing a milk plant's pasteurizer by a department official, and a late fee for a person who



renews a permit and submits any accompanying renewal fee more than 30 days after the date that the renewal period expires.

The Act creates new Code Section 194.3A, which requires the department to issue and renew permits under Code Chapter 194 for milk haulers, milk graders, and operators of bulk milk tankers. The section requires the issuance and renewal of the permits in the same manner as those issued under Code Section 192.111. A person is not required to obtain a permit under Code Chapter 194 if the person has obtained the same permit under Code Chapter 192.

The Act repeals a number of sections in both Code Chapters 192 and 194. These include provisions in Code Sections 192.131 through 192.137 that provide regulations relating to testing for milk fat, including examination requirements, licensing and fees, milk and cream testing procedures, tests conducted by unlicensed persons, and the use of evidence in legal actions; and Code Sections 194.12 through 194.16, providing for a milk hauler's license and a milk grader's license, the duty of graders, and the revocation or suspension of licenses. The Act also repeals Code Section 194.19, providing for the licensure of vehicles used for the collection of milk.

Code Section 192.113 provides that a person who violates the chapter's permitting provisions is subject to a civil penalty of at least \$100 but not more than \$1,000 for each violation. The Act amends Code Section 194.25 and provides that a person who acts as a milk hauler or milk grader or operates a bulk milk tanker without holding a valid permit in violation of new Code Section 194.3A is subject to the same civil penalties as provided in Code Section 192.113.

The department is authorized to adopt rules in preparation of the Act's applicability on and after its effective date.

The Act takes effect May 2, 2002, although its provisions become applicable on and after July 1, 2002.

#### **HOUSE FILE 2620 - Farmers Markets**

BY COMMITTEE ON WAYS AND MEANS. This Act amends Code Chapter 137F, which provides for the regulation, including the licensure, of food establishments and food processing plants. The Code chapter is administered by a regulatory authority, which is defined as the Department of Inspections and Appeals or a political subdivision (referred to as a "municipal corporation") that has entered into an agreement with the department for authority to administer the chapter in its jurisdiction. Pursuant to Code Section 137F.1, a food establishment (a place where food is stored, prepared, packaged, or served for human consumption) does not include a farmers market. This Act amends Code Chapter 137F to specifically provide for the regulation of a farmers market as a food establishment if the farmers market sells or distributes potentially hazardous food (a food that is natural or synthetic and is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms, or the growth and toxin production of clostridium botulinum). The Act amends Code Section 137F.6, authorizing the collection of license fees by a regulatory authority, to provide that a farmers market where potentially hazardous food is sold or distributed is subject to one seasonal license fee of \$100 for each vendor on a countywide basis.

The Act takes effect May 2, 2002.

## ALCOHOL REGULATION AND SUBSTANCE ABUSE

### RELATED LEGISLATION

- SENATE FILE 2275** - Substantive Code Corrections  
*SEE STATE GOVERNMENT.* This Act contains statutory corrections that 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. Changes made in the area of alcohol regulation and substance abuse include the following: The applicability of the definitions section for the chapter on the cleanup of clandestine laboratory sites is clarified. A reference regarding the divisions and agencies responsible for assisting the Division of Beer and Liquor Law Enforcement in the performance of the division's duties is corrected and a change is made in language relating to the suspension, revocation or imposition of a civil penalty against certain licensees under the alcoholic beverages chapter. Clarifications are also made in the language regarding the payment of per diem and expenses to the Grape and Wine Development Commission and in language describing the commission's role in the development of rules. Licensed substance abuse treatment providers are added to language describing authorized providers of drinking driver courses.
- HOUSE FILE 2582** - Federal Block Grant Appropriations  
*SEE APPROPRIATIONS.* This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2002, and ending September 30, 2003. The Act includes funding for various substance abuse and drug enforcement programs.
- HOUSE FILE 2615** - Healthy Iowans Tobacco Trust and Tobacco Settlement Trust Fund — Appropriations  
*SEE APPROPRIATIONS.* This Act relates to and makes appropriations from the Healthy Iowans Tobacco Trust, and addresses the Tobacco Use Prevention and Control Program, substance abuse funding, and special programs at correctional facilities.
- HOUSE FILE 2627** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — 2002-2003 and Prior Fiscal Years — SECOND EXTRAORDINARY SESSION  
*SEE APPROPRIATIONS.* This Act provides FY 2002-2003 appropriations from the General Fund of the State to the executive and judicial branches of state government, reduces or limits standing appropriations, and transfers appropriations. The Act is organized into divisions corresponding to the General Assembly's joint appropriations subcommittees and includes appropriations for substance abuse and addiction treatment programs under the Iowa Department of Public Health and for the Drug Abuse Resistance Education (D.A.R.E) Program.



## APPROPRIATIONS

- SENATE FILE 2140** - Appropriations — Energy Conservation Programs Funding
- SENATE FILE 2304** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions
- SENATE FILE 2326** - Appropriations — Miscellaneous Provisions, Reductions, Transfers, and Other Matters
- HOUSE FILE 2245** - Medical Assistance — Appropriations and Related Provisions
- HOUSE FILE 2582** - Federal Block Grant Appropriations
- HOUSE FILE 2612** - Transportation Appropriations — VETOED BY THE GOVERNOR
- HOUSE FILE 2613** - Senior Living and Hospital Trust Funds Appropriations
- HOUSE FILE 2614** - Tobacco Settlement, Infrastructure, and Environment First Funds — Appropriations and Miscellaneous Related Changes
- HOUSE FILE 2615** - Healthy Iowans Tobacco Trust and Tobacco Settlement Trust Fund — Appropriations
- HOUSE FILE 2623** - Compensation for Public Employees and Additional Provisions
- HOUSE FILE 2625** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — Fiscal Year 2001-2002 — SECOND EXTRAORDINARY SESSION
- HOUSE FILE 2626** - Appropriations — Transportation — SECOND EXTRAORDINARY SESSION
- HOUSE FILE 2627** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — 2002-2003 and Prior Fiscal Years — SECOND EXTRAORDINARY SESSION

## RELATED LEGISLATION

- SENATE FILE 2018** - Legislators' Per Diem — 2002 Regular Session  
*SEE STATE GOVERNMENT.* This Act limits the payment of per diem of state legislators for the 2002 Regular Legislative Session to a maximum of 90 rather than 100 calendar days. The Act takes effect March 1, 2002.
- SENATE FILE 2124** - Public Defense, Emergency Management, and Iowa Technology Center  
*SEE STATE GOVERNMENT.* This Act relates to the Department of Public Defense by amending provisions of the State Military Code and Iowa Code of Military Justice, creates a statewide mutual aid compact, creates an Iowa National Guard Civil Relief Act, provides for confidentiality of certain records relating to public assets and defense capabilities, exempts the department from certain service contract requirements and state competitive bidding requirements, exempts the Iowa Technology Center from anticompetition provisions, and increases a standing appropriation for senior commander allowances from \$450 annually for each general officer to \$750 annually.
- SENATE FILE 2293** - Animal Feeding Operations and Environmental Regulation  
*SEE AGRICULTURE.* This Act amends provisions in several Code chapters, and principally Code Chapter 455B, regulating animal feeding operations regulated by the Department of Natural Resources, including confinement feeding operations. The Act provides for fees and appropriations to the department for purposes of administering and enforcing regulations affecting animal feeding operations. The moneys are deposited into an Animal Agriculture Compliance Fund established in the Act. The Act also amends provisions in the Manure Storage Indemnity Fund, and transfers moneys from the Manure Storage Indemnity Fund to the Animal Agriculture Compliance Fund. The Act provides for restitution by persons liable for polluting state waters and for the deposit of moneys collected into the State Fish and Game Protection Fund. The Act contains a number of effective dates and provides for the Act's retroactive applicability.
- SENATE FILE 2315** - School Finance — Allowable Growth, Area Education Agency Payments, and State Foundation Aid  
*SEE EDUCATION.* This Act provides that although Code Section 257.16 provides a standing appropriation in an amount necessary to pay state foundation aid and supplementary aid each year, for FY 2002-2003, an appropriation of \$1.784 billion will be provided, to be prorated based on budget enrollment if necessary. The Act takes effect March 28, 2002.

- SENATE FILE 2316** - Sale of Iowa State University of Science and Technology Dairy Research Farm — Use of Proceeds  
*SEE EDUCATION.* This Act directs Iowa State University of Science and Technology, immediately after the effective date of the Act, to develop a plan to sell the university's 1,100-acre Ankeny dairy breeding research farm and appropriates the proceeds to the university for purposes of establishing a new dairy research and dairy teaching facility or for its Plant Sciences Institute. The Act takes effect May 2, 2002.
- SENATE FILE 2317** - Tobacco Settlement Agreement — Miscellaneous Provisions — Litigation Costs  
*SEE BUSINESS, BANKING & INSURANCE.* This Act relates to cigarettes and tobacco products, including Tobacco Master Settlement Agreement litigation fees. This appropriation takes effect May 10, 2002.
- SENATE FILE 2325** - State Agency Regulatory Functions — Miscellaneous Reorganizations, Transfers, and Revisions  
*SEE STATE GOVERNMENT.* This Act relates to certain regulatory functions. The Act reorganizes duties of the Department of Inspections and Appeals (DIA), transfers the Court Appointed Special Advocate Program from the judicial branch to the DIA, reorganizes the structure of the Department of Natural Resources, provides for legislative review of agencies, and addresses regulation of birth centers.
- HOUSE FILE 2075** - Economic Emergency Funds — Transfer to Tobacco Settlement and Senior Living Trust Funds  
*SEE STATE GOVERNMENT.* This Act directs the repayment from excess moneys in the Economic Emergency Fund of moneys transferred or appropriated from the Endowment for Iowa's Health Account of the Tobacco Settlement Trust Fund and the Senior Living Trust Fund that were used for purposes of the General Fund of the State.
- HOUSE FILE 2549** - Primary and Secondary Education — Employee Standards, Career Development, Assessment, and Remuneration  
*SEE EDUCATION.* This Act makes a number of changes related to the Student Achievement and Teacher Quality Program established in 2001 under Code Chapter 284. The Act provides for the distribution of moneys appropriated by the General Assembly for FY 2002-2003 to the Department of Education from the General Fund of the State for purposes of the program, which includes distribution for national board certification awards, the Beginning Teacher Mentoring and Induction Program, evaluator training programs, career development program and review panel purposes, and for minimum teacher salary requirements.
- HOUSE FILE 2591** - Resident Hunting License Fee — Pheasant and Quail Restoration  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act increases the resident hunting license fee by \$4.50 commencing July 1, 2002, and appropriates the revenues received from the increase to the Department of Natural Resources.

## APPROPRIATIONS

### **SENATE FILE 2140 - Appropriations — Energy Conservation Programs Funding**

BY COMMITTEE ON APPROPRIATIONS. This Act appropriates moneys for FY 2002-2003 from the Energy Conservation Trust, which receives deposits of settlements from oil overcharge refunds, to the Division of Community Action Agencies of the Department of Human Rights for energy conservation programs for low-income persons, and to the Department of Natural Resources for the State Energy Program and for administration of petroleum overcharge programs.

### **SENATE FILE 2304 - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions**

BY COMMITTEE ON APPROPRIATIONS. This Act makes, reduces and transfers appropriations made for fiscal year 2001-2002.

The Act appropriates approximately \$44.9 million from the Iowa Economic Emergency Fund to pay for K-12 school aid allowable growth (replacing for FY 2001-2002 a portion of the standing appropriation of State General Fund dollars). Appropriations to the General Fund of the State are reduced by approximately \$72.4 million and approximately \$49.3 million is transferred into the General Fund for a total savings of approximately \$121.7 million.

The following transfers to the General Fund are made from other funds and appropriations (amounts are approximate): \$1.5 million from the Mental Health and Developmental Disabilities Services Risk Pool; \$2.2 million for depreciation of state vehicles; \$2.8 million from an appropriation to the State Board of Regents for construction of a livestock infectious disease isolation facility at Iowa State University; \$5.5 million from recreational trail projects administered by the Iowa Department of Transportation; \$360,000 for general aviation airport hangars; \$6 million from the Healthy Iowans Tobacco Trust; \$1 million from the Strategic Investment Fund; \$500,000 from the Value-Added Agricultural Products and Processes Financial Assistance Fund; \$1 million from the Brucellosis and Tuberculosis Eradication Fund; \$2.8 million from the Resources Enhancement and Protection (REAP) Fund; \$3 million from the Environment First Fund; \$22 million from the Endowment for Iowa's Health Account of the Tobacco Settlement Trust Fund; and \$700,000 from the state's Pooled Technology Account.

The Act applies a 1 percent across-the-board reduction to all appropriations from the General Fund to the executive branch except for those specified in a list of exceptions, including those made for certain welfare programs, correctional facilities, property tax replacement funding, certain debt service obligations, certain regulatory agencies, indigent defense funding, certain state employee retirement and benefit funding, the Iowa Empowerment Fund, the Iowa School for the Deaf, the Iowa Braille and Sight Saving School, and various categorical education-related programs.

The Act also reduces the judicial branch appropriations by approximately \$1 million, and applies an additional reduction of approximately \$1.1 million that the judicial branch may attain through the equivalent of a half-day furlough per employee per pay period for the rest of the fiscal year, a 5 percent pay reduction for judicial salaries for the remainder of the fiscal year, or other cost savings, but allows the additional reduction to be supplanted through use of a portion of enhanced court collections moneys.

The Act reduces appropriations made to the legislative branch by 2.6 percent to be implemented through furloughs and other expense reductions and applies a 5 percent pay reduction to legislator salaries for the remainder of the fiscal year.

The Act reduces executive branch appropriations by approximately \$11.7 million, applies a 5 percent pay reduction to elected and appointed officials' salaries for the remainder of the fiscal year, and provides that the remainder of the reduction is to be attained through employee furloughs or other cost reductions.

The Act takes effect March 1, 2002.

### **SENATE FILE 2326 - Appropriations — Miscellaneous Provisions, Reductions, Transfers, and Other Matters**

BY COMMITTEE ON APPROPRIATIONS. This Act provides appropriations from the General Fund to executive branch agencies and the judicial branch for FY 2002-2003, reduces or limits standing appropriations, and transfers appropriations. The Act is organized into divisions corresponding to the General Assembly's joint appropriation subcommittees. The Governor vetoed most divisions of the Act, noting in the veto message that after the Act's approval by the General Assembly, there was a dramatic decline in revenue projections. The General Assembly, in the Second Extraordinary Session on May 28, 2002, passed H.F. 2627, reducing appropriations made in this Act and otherwise addressing appropriations vetoed in this Act.

Before veto action, the Act appropriated a total of \$2.689 billion from the General Fund and authorized 32,916.4 full-time equivalent positions (FTEs). Before veto action, the funding represented a decrease of \$88.1 million and 285.4 FTEs compared to the FY 2001-2002 estimated net appropriations for the areas included. Prior to the vetoes, the Act also appropriated \$213.6 million from non-General Fund sources, a decrease of \$5.8 million compared to the FY 2001-2002 estimated net appropriations.

Division I — Administration and Regulation — VETOED BY THE GOVERNOR

The state departments and agencies addressed in this division included the Auditor of State, Iowa Ethics and Campaign Disclosure Board, Department of Commerce, Department of General Services, Office of Governor including the Lieutenant Governor and Terrace Hill quarters, Department of Inspections and Appeals, Department of Management, Department of Personnel, Iowa Public Employees' Retirement System, Department of Revenue and Finance, Secretary of State, Office of State-Federal Relations, and Treasurer of State.

In addition, the division included permanent statutory provisions involving the State Employee Suggestion Program, funding for the Utilities Board and Consumer Advocate staffing, use of fees to perform Insurance Division duties, and funding for the Professional Licensing Division of the Department of Commerce.

The Act also appropriated moneys for the state's membership in the National Governors Association and for the Department of Personnel's Ready to Work Program coordinator.

Before the veto, Division I appropriated \$79.9 million from the General Fund of the State and authorized 1,961.7 FTEs, a decrease of \$3.6 million and an increase of 4.8 FTEs compared to the FY 2001-2002 estimated net appropriations.

Division II — Agriculture and Natural Resources — VETOED BY THE GOVERNOR

Division II provided funding for the departments of Agriculture and Land Stewardship and Natural Resources. Before veto action, Division II appropriated a total of \$33.4 million from the General Fund of the State and authorized 1,503.3 FTEs, a decrease of \$1.6 million and 11.3 FTEs compared to the FY 2001-2002 estimated net appropriations. Division II appropriated moneys from a number of sources, including the General Fund of the State and the State Fish and Game Protection Fund.

Division III — Economic Development — VETOED BY THE GOVERNOR

Division III made appropriations and transfers from the General Fund of the State to the Department of Economic Development, the University of Iowa, the University of Northern Iowa, Iowa State University, the Department of Workforce Development, and the Public Employment Relations Board. Before veto action, Division III appropriated a total of \$30 million from the General Fund of the State and authorized 463.6 FTEs, a decrease of \$4.4 million and 0.7 FTE position compared to the FY 2001-2002 estimated net appropriations. See H.F. 2627 for reductions in the appropriations enacted in this division.

Division IV — Education

This division appropriates moneys for FY 2002-2003 from the General Fund of the State to the College Student Aid Commission, the Department of Cultural Affairs, the Department of Education, and the State Board of Regents. Division IV appropriates a total of \$864.9 million from the General Fund of the State and authorizes 17,223.9 FTEs, a decrease of \$39.7 million and no change in FTEs compared to the FY 2001-2002 estimated net appropriations.

*COLLEGE STUDENT AID COMMISSION.* Compared to FY 2001-2002, the commission's appropriation is reduced by \$67,000. The Act includes appropriations for general administrative purposes, forgivable loans to Iowa students attending the Des Moines University—Osteopathic Medical Center, an initiative directing primary care physicians to areas of the state experiencing physician shortages, student aid programs, the Accelerated Career Education Grant Program, the National Guard Educational Assistance Program, the Chiropractic Graduate Student Forgivable Loan Program, and the Teacher Shortage Forgivable Loan Program. The Act nullifies the \$2.75 million standing appropriation for the Iowa Work-Study Program for FY 2002-2003.

*DEPARTMENT OF CULTURAL AFFAIRS.* The Act funds the Arts, Historical and Administration Divisions, historic sites, and Community Cultural Grants.

*DEPARTMENT OF EDUCATION.* The Act appropriates moneys for purposes of the department's general administration; vocational education administration; the Board of Educational Examiners; the Division of Vocational Rehabilitation Services; independent living; the State Library for general administration and the Enrich Iowa Program; the library service area system; the Public Broadcasting Division; the Regional Telecommunications Council; vocational education to secondary schools; school food service; the Iowa Empowerment Fund; textbooks of nonpublic school pupils; the Vocational Education Youth Organization and other youth activities; for connecting education and workforce development; Student Achievement and Teacher Quality Programs; Jobs for America's Graduates; the Americorps After-School Initiative; and community colleges.

*Iowa Empowerment Fund.* The Act requires an area board to submit to the Iowa Empowerment Board a written plan amendment extending by one year the area's comprehensive school ready children grant plan. The Act provides that if the overall funding for

School Ready Children Grants is reduced from the previous year's amount, the amount provided to empowerment areas that first received a grant prior to FY 2000-2001 is subject to an adjustment factor. Those receiving grants in FY 2000-2001 will receive in FY 2002-2003 an amount equivalent to the amount received in FY 2001-2002. A reduction in the grant funding of approximately \$300,000 was made in H.F. 2627.

*STATE BOARD OF REGENTS.* The Act appropriates moneys for board operations, tuition replacement, the Southwest Iowa Graduate Studies Center, the Tristate Graduate Center, the Quad-Cities Graduate Studies Center, the State University of Iowa, Iowa State University of Science and Technology, the University of Northern Iowa, the Iowa School for the Deaf, the Iowa Braille and Sight Saving School, and for tuition and transportation costs for students residing in the Iowa Braille and Sight Saving School and the Iowa School for the Deaf.

Division IV amends the Code to reduce state assistance for Iowa tuition grants, scholarships, and vocational-technical grants; and to permit the State Board of Regents to establish a three-year pilot program to evaluate the benefits of establishing an innovative school calendar for the School for the Deaf.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

Language stating legislative intent to cease state funding after FY 2002-2003 for school districts to provide direct intervention to at-risk students by a Jobs for America's Graduates specialist and for the Americorps After-School Initiative.

Division V — Health and Human Rights — VETOED BY THE GOVERNOR

This division provided for appropriations to the Department for the Blind, the Iowa State Civil Rights Commission, the Department of Elder Affairs, the Governor's Office of Drug Control Policy, the Iowa Department of Public Health, the Department of Human Rights, and the Commission of Veterans Affairs. Generally, moneys were appropriated from the General Fund of the State. However, in some cases, moneys were appropriated from special funds and accounts and authorization provided for use of licensing board fees. Before veto action, Division V appropriated a total of \$50 million from the General Fund of the State and authorized 1,427.7 FTEs, a decrease of \$35.9 million and 13 FTEs compared to the FY 2001-2002 estimated net appropriations.

Division VI — Human Services — VETOED BY THE GOVERNOR WITH ONE EXCEPTION

This division made appropriations for FY 2002-2003 for the Department of Human Services (DHS) and included other appropriations and provisions involving human services and health care. Before veto action, Division VI appropriated a total of \$780.1 million from the General Fund of the State and authorized 5,448.7 FTEs for the DHS, an increase of \$24.9 million and a decrease of 300.4 FTEs compared to the FY 2001-2002 estimated net appropriations. The vetoed provisions include the primary General Fund and federal funds appropriations for public assistance programs such as the Family Investment Program, Medicaid Program, child welfare and juvenile justice, and mental health and developmental disabilities services. In addition, related permanent statutory provisions were vetoed.

*CHILDREN'S HEALTH INSURANCE PROGRAM.* The Governor made an exception to the veto of this division by approving the appropriation of \$9.9 million to DHS for maintenance of the state children's health insurance program known as the Healthy and Well Kids in Iowa (hawk-i) Program and receipt of federal financial participation. An additional appropriation is included in H.F. 2623. The Act authorizes DHS to transfer funds appropriated to be used to expand health care coverage to children under Medicaid. The Act provides that moneys in the hawk-i Trust Fund are appropriated and shall be used to offset any program costs for FY 2002-2003.

Division VII — Justice System — VETOED BY THE GOVERNOR

This division made appropriations for FY 2002-2003 to the departments of Justice, Corrections, Public Defense, and Public Safety, the Iowa Law Enforcement Academy, the Office of Public Defender, and the Board of Parole. Before veto action, Division VII appropriated a total of \$473.6 million from the General Fund of the State and authorized 4,887.7 FTEs, a decrease of \$3.4 million and an increase of 35.3 FTEs compared to the FY 2001-2002 estimated net appropriations.

Division VIII — Judicial Branch — VETOED BY THE GOVERNOR

This division made appropriations for FY 2002-2003 to the judicial branch. Before veto action, Division VIII appropriated a total of \$114.4 million from the General Fund of the State for the judicial branch, an increase of \$500 compared to the FY 2001-2002 estimated net appropriations.



### Division IX — Standing Appropriations

This division reduces certain standing appropriations, transfers moneys to the General Fund of the State, and repeals a standing appropriation. Division IX appropriates a total of \$376.8 million from the General Fund of the State for certain standing appropriations, a decrease of \$24.4 million compared to the FY 2001-2002 estimated net appropriations.

Certain standing appropriations presently in the Code are reduced by specific dollar amounts. These standing appropriations are for the following purposes: the General Assembly and its agencies; State Appeal Board claims; costs of constitutional amendments and public measures; at-risk children programs; Phase III moneys under the Educational Excellence Program (a further reduction is made in H.F. 2623); interstate extradition expenses; and the administration of the State Employee Deferred Compensation Program.

Division IX also limits standing appropriations presently in the Code to specific dollar amounts. These standing appropriations are for the following purposes: compensation of National Guard personnel and their expenses while on active state duty; nonpublic school transportation; administration of state unemployment compensation law; federal Cash Management and Improvement Act interest; printing of cigarette tax stamps; personal property tax replacement; franchise tax allocation; the state's share of the cost of the peace officers retirement benefits; payment of livestock production credit refunds; and reimbursements for homestead credits, agricultural land tax credit, family farm tax credit, military service tax credit, machinery and equipment tax credit; elderly and disabled tax credit and renter's reimbursement; and public transit assistance. See H.F. 2623 for other reductions to public transit assistance.

Division IX transfers moneys from other funds to the General Fund of the State. These funds are the Iowa Economic Emergency Fund, Cash Reserve Fund, Title Guaranty Fund, Innovations Fund, Underground Storage Tank Fund, and Waste Tire Management Fund.

Division IX amends the Code to eliminate the standing appropriation for the School Improvement Technology Block Grant Program. However, H.F. 2614 appropriates \$5.7 million to the program for FY 2002-2003 from the Rebuild Iowa Infrastructure Fund.

### **HOUSE FILE 2245 - Medical Assistance — Appropriations and Related Provisions**

BY COMMITTEE ON APPROPRIATIONS. This Act relates to the Medical Assistance (Medicaid) Program and makes appropriations and transfers from the Senior Living Trust Fund, the Tobacco Settlement Trust Fund, and the Hospital Trust Fund for the 2001-2002 fiscal year to the medical assistance appropriations made for that fiscal year.

The Act includes contingency language making appropriations and transfers and providing other direction in the event federal moneys are not received for purposes of the Hospital Trust Fund under Code Chapter 249I and in the event unanticipated federal funding for the Medicaid Program is received.

The Act directs that beginning March 1, 2002, adults receiving dental services under the Medicaid Program shall receive only preventive services, diagnostic services, restorative services limited to white or silver fillings, and prosthetic services limited to dentures only if dentures are necessary to establish masticatory function. House File 2627 amended this Act to add root canals and general anesthesia and intravenous sedation to the services permitted.

The Act directs the Department of Human Services (DHS) to convene a joint legislative and executive branch medical assistance advisory group to provide ongoing analysis and recommendations regarding the Medicaid Program in this state. The goal of the advisory group is to propose recommendations for systemic changes in the Medicaid Program to reduce state costs. The Act requires the advisory group to submit a report to the Joint Fiscal Committee of the Legislature and to the chairpersons and members of the Joint Human Services Appropriations Subcommittee no later than June 1, 2002, and provides that the advisory group is to meet, as necessary, to continue review of the Medicaid Program.

The Act provides for emergency rulemaking and takes effect February 8, 2002.

### **THE GOVERNOR ITEM VETOED THE FOLLOWING:**

1. The provision directing that after the appropriation of \$7 million from the Hospital Trust Fund for the Medicaid Program, of the remaining moneys in the Hospital Trust Fund, \$2.5 million would be transferred to and deposited in the Endowment for Iowa's Health Account of the Tobacco Settlement Trust Fund.
2. The provision requiring DHS to transfer \$7 million of the department's appropriation to the Endowment for Iowa's Health Account of the Tobacco Settlement Trust Fund if certain federal funds are not received during fiscal year 2001-2002.

3. The provision requiring applicants for or recipients of Medicaid Program benefits to report changes in income or resources that affect eligibility on a monthly basis.
4. The provision requiring recipients of Medicaid Program benefits to pay a copayment on each covered drug prescription, including refills, depending on the cost of the prescription drug to the state and whether the drug is a generic or brand-name drug.
5. The provision requiring all licensed nursing facilities to be certified under both the federal Medicare Program and the Medicaid Program, beginning October 1, 2002, as a condition for participation in the Medicaid Program.

#### **HOUSE FILE 2582 - Federal Block Grant Appropriations**

BY COMMITTEE ON APPROPRIATIONS. This Act appropriates moneys to various state agencies for the federal fiscal year beginning October 1, 2002, and ending September 30, 2003, from the following federal block grants: Substance Abuse Prevention and Treatment, Community Mental Health Services, Maternal and Child Health Services, Preventive Health and Health Services, Drug Control and System Improvement, Stop Violence Against Women, Local Law Enforcement, Residential Substance Abuse Treatment for State Prisoners, Community Services, Community Development, Low-Income Home Energy Assistance, Social Services, Mental Health Services for the Homeless, and Child Care and Development. See H.F. 2627 for appropriations of the federal Temporary Assistance for Needy Families (TANF) Block Grant.

The Act requires that moneys be distributed in accordance with the applicable federal requirements. The Act establishes a procedure if more or less federal funding is received than predicted. In addition, the Act appropriates other federal grants, receipts and funds, and other nonstate grants, receipts and funds available in whole and in part for the state fiscal year beginning July 1, 2002, and ending June 30, 2003.

#### **HOUSE FILE 2612 - Transportation Appropriations — VETOED BY THE GOVERNOR**

BY COMMITTEE ON APPROPRIATIONS. This bill made appropriations for the 2002-2003 fiscal year from the Road Use Tax Fund, the Primary Road Fund, and the General Fund of the State to the Iowa Department of Transportation (IDOT).

Appropriations from the Road Use Tax Fund included appropriations for driver's license production costs, salaries, operations, administrative services, planning, motor vehicles, the merit system, unemployment and workers' compensation, audit expenses, county issuance of driver's licenses, a system providing toll-free telephone road and weather reports, membership in the North America's Superhighway Corridor Coalition, rewriting the vehicle registration system, indirect cost recoveries, and participation in the Mississippi River Parkway Commission.

Appropriations from the Primary Road Fund included appropriations for salaries, operations, planning, highways, motor vehicles, the merit system, unemployment and workers' compensation, disposal of hazardous wastes at field locations, indirect cost recoveries, audit expenses, producing transportation maps, roof replacement and other improvements at field facilities, compliance with the federal Americans With Disabilities Act (ADA) at IDOT facilities, and renovation of the transportation administration building.

Appropriations from the General Fund of the State included appropriations for the network of automated weather observation and data transfer systems associated with the Iowa Aviation Weather System, runway marking and windsock programs for public airports, the Aviation Improvement Program, and the Rail Assistance Program and to provide economic development project funding.

The bill also provided that moneys for public transit assistance under Code Chapter 324A were to be credited directly to IDOT from the motor vehicle use tax moneys credited to the Road Use Tax Fund rather than to the General Fund of the State and then appropriated to IDOT for public transit. This provision was to have taken effect July 1, 2003.

During the 2002 Second Extraordinary Session, the General Assembly passed H.F. 2626, making transportation-related appropriations for FY 2002-2003.

#### **HOUSE FILE 2613 - Senior Living and Hospital Trust Funds Appropriations**

BY COMMITTEE ON APPROPRIATIONS. This Act makes appropriations for FY 2002-2003 from the Senior Living Trust Fund to the Department of Elder Affairs and Department of Human Services (DHS) and from the Hospital Trust Fund to DHS.

The appropriation from the Senior Living Trust Fund to the Department of Elder Affairs provides funding for development and implementation of a Comprehensive Senior Living Program.

The appropriation from the Senior Living Trust Fund to DHS provides funding for supplementation of the Medical Assistance (Medicaid) Program appropriation, for reimbursement of health care services and rent expenses provided to persons through the Medicaid home and community-based services waiver and the State Supplementary Assistance Program, and for Medicaid

reimbursement of nursing facility providers as specified in the Act. The reimbursement rate for nursing facilities is to be the same rate in effect on June 30, 2002. Additionally, a supplemental payment is to be made as determined by DHS in consultation with nursing facilities and the vendor developing and implementing the price-based case-mix reimbursement system. House File 2627, passed by the General Assembly during the Second Extraordinary Session, amends this Act to increase the appropriation from the Senior Living Trust Fund to DHS by \$16 million.

The Act also provides that DHS may use moneys from the Senior Living Trust Fund for cash flow purposes to make payments under the nursing facility or hospital upper payment limit methodology and these moneys must be refunded to the trust fund in the same fiscal year in which used and in a prompt manner.

Under the Act, moneys appropriated to DHS for FY 2002-2003 that are committed to grantees under contract to provide for conversion of nursing facilities to assisted living programs or for long-term care alternatives are not to revert to any fund, but are to remain available for expenditure for purposes of the contract for the subsequent fiscal year beginning July 1, 2003.

The Act directs DHS to adopt rules to provide that beginning with applications for conversion grants received on or after July 1, 2002, the department is to give greater weight in the scoring methodology to nursing facility conversion projects that are primarily for the renovation and remodeling of the existing nursing facility structure and give less weight to conversion projects that are primarily for new construction. The Act directs DHS to encourage cooperative efforts between the Department of Inspections and Appeals, the State Fire Marshal, and the grant applicant to promote the acceptance of nursing facility conversion projects that are primarily renovation and remodeling of an existing nursing facility structure.

The Act directs the Department of Elder Affairs to certify all assisted living programs established through nursing facility conversion grants. The department is to consult with conversion grant applicants and recipients to establish and monitor occupancy agreements, and assisted living program residents are to be allowed access to third-party payors. The Act directs the department to allow grant recipients to revise and modify occupancy agreements to reflect rates that are affordable during the 10-year period of operation following the awarding of the grant.

The Act establishes a moratorium on nursing facility conversion grants during the period beginning April 1, 2002, and ending June 30, 2003. A nursing facility that has completed a feasibility study prior to April 1, 2002, is eligible for a conversion grant beginning July 1, 2003. This section of the Act takes effect May 10, 2002, and is retroactively applicable to April 1, 2002.

The Act makes an appropriation from the Hospital Trust Fund to DHS to supplement the Medicaid Program appropriation.

The Act amends the language in 2001 Iowa Acts, Chapter 192, that relates to the appropriation to DHS for the fiscal year beginning July 1, 2001, and ending June 30, 2002, to provide that moneys that are committed to grantees under contract to provide for conversion to assisted living programs or for long-term care alternatives are not to revert to any fund, but are to remain available for expenditure for purposes of the contract for the subsequent fiscal year beginning July 1, 2002. This section of the Act takes effect May 10, 2002.

#### **HOUSE FILE 2614 - Tobacco Settlement, Infrastructure, and Environment First Funds — Appropriations and Miscellaneous Related Changes**

BY COMMITTEE ON APPROPRIATIONS. This Act makes appropriations to various departments and agencies for infrastructure and capital projects.

The Act makes appropriations from the Tax-Exempt Bond Proceeds Restricted Capital Funds Account of the Tobacco Settlement Trust Fund for various capital and other projects, including appropriations for capital projects for the departments of Corrections, Economic Development, Education, General Services, Human Services, Information Technology, Natural Resources, Public Defense, and Transportation, and for the Iowa State Fair Authority, Iowa Telecommunications and Technology Commission, judicial branch, Office of Treasurer of State, and the State Board of Regents.

The Act also appropriates funds from the Tax-Exempt Bond Proceeds Restricted Capital Funds Account of the Tobacco Settlement Trust Fund to the State Board of Regents for tuition replacement and to the Treasurer of State for debt service for the Iowa Communications Network, repayment of prison infrastructure bonds, and Tobacco Master Settlement Agreement litigation fees.

The Act amends provisions in 2000 Iowa Acts, Chapter 1225, and 2001 Iowa Acts, Chapter 185, by eliminating certain appropriations from the Rebuild Iowa Infrastructure Fund for fiscal years 2002-2003 and 2003-2004. However, some of the eliminated appropriations are subsequently made in this Act from the Tobacco Settlement Trust Fund.

The Act also amends a provision in 2001 Iowa Acts, Chapter 185, Section 25, relating to an appropriation for fiscal year 2001-2002 from the Tax-Exempt Bond Proceeds Restricted Capital Funds Account of the Tobacco Settlement Trust Fund to the Department

of Natural Resources for the planning and design of a premier destination park. The Act provides that these funds may be expended for construction of the park. This provision takes effect May 10, 2002.

The Act appropriates funds to the State Board of Regents for tuition replacement from moneys to be deposited in the Endowment for Iowa's Health Account of the Tobacco Settlement Trust Fund from the wagering tax.

The Act makes appropriations from the Rebuild Iowa Infrastructure Fund for various capital and other projects, including projects for the departments of Corrections, Cultural Affairs, Economic Development, Education, General Services, Human Services, and Information Technology, for the Iowa Telecommunications Technology Commission, State Board of Regents, Office of Secretary of State, Post 16 of the Department of Public Safety, and the Commission of Veterans Affairs.

The Act makes an appropriation for FY 2001-2002 from the Rebuild Iowa Infrastructure Fund to the Department of Corrections for lease-purchase costs to connect the electrical system supporting the Special Needs Unit at Fort Madison. This appropriation replaces an appropriation for the same fiscal year from the Tax-Exempt Bond Proceeds Restricted Capital Funds Account of the Tobacco Settlement Trust Fund. This provision takes effect May 10, 2002.

The Act appropriates funds from the Environment First Fund to the departments of Agriculture and Land Stewardship, Economic Development, and Natural Resources. The Act appropriates \$10 million from the Environment First Fund to the Resources Enhancement and Protection Fund in lieu of the \$20 million appropriated by statute from the General Fund of the State.

The Act modifies the duty of the Legislative Council to assign the use of areas in the State Capitol. Currently, the Legislative Council is to assign the use of areas in the State Capitol except for areas used by the Governor and the courts as of January 1, 1986. The Act modifies this duty of assignment to exclude areas used by the courts as of November 1, 2002. The courts will be vacating some areas currently occupied in the Capitol upon completion of construction of the new judicial building in the fall of 2002.

The Act also requires the Iowa Department of Transportation to do a study concerning close-clearance conditions near railroad tracks, with a report and recommendations to be submitted to the General Assembly by January 1, 2003.

The Act was amended significantly by H.F. 2627, which was passed by the General Assembly during the 2002 Second Extraordinary Session.

#### **HOUSE FILE 2615 - Healthy Iowans Tobacco Trust and Tobacco Settlement Trust Fund — Appropriations**

BY COMMITTEE ON APPROPRIATIONS. This Act relates to and makes appropriations from the Healthy Iowans Tobacco Trust.

The Act makes appropriations involving the Medical Assistance (Medicaid) Program to the Department of Human Services (DHS) for FY 2002-2003 for all the following:

1. Unless otherwise provided, to maintain the reimbursement rate for all noninstitutional providers at the rate paid under the federal Medicare Program during FY 2000-2001, and for continuation of the resource-based relative value system.
2. To maintain the Medicaid reimbursement rate for dental services at the usual and customary rate as provided during FY 2000-2001.
3. To maintain the Medicaid cost-of-living adjustment for rehabilitative treatment services providers as provided during FY 2000-2001.
4. To maintain the Medicaid cost-of-living adjustment for adoption, independent living, shelter care, and home studies services providers as provided during FY 2000-2001.
5. To maintain the Medicaid reimbursement rate for hospitals as provided during FY 2000-2001.
6. To maintain the Medicaid reimbursement rate for home health agencies at the rate provided to such agencies during FY 2000-2001.
7. To maintain the Medicaid reimbursement rate for critical access hospitals at the rate provided such hospitals under the federal Medicare Program during FY 2000-2001.
8. To maintain the expansion of home health care services and habilitative day care services under the Medicaid Program for children with special needs.
9. To maintain the expansion of respite care services provided through home and community-based waiver services under the Medicaid Program.
10. To maintain the reimbursement rate as provided during FY 2000-2001 for non-Medicaid service providers under the purview of DHS.

The Act provides for supplementation of the appropriation for the children's health insurance program known as hawk-i and for supplementation of the appropriation for the Medicaid Program.

The Act appropriates funds to DHS to provide coverage under the Medicaid Program to certain women who require treatment for breast or cervical cancer.

The Act appropriates funds to the Iowa Department of Public Health (IDPH) for the Tobacco Use Prevention and Control Program. Under this appropriation, the Act requires that not less than 80 percent of the amount expended in FY 2001-2002 for community partnerships is to be expended in FY 2002-2003. The Act also appropriates funds to IDPH for additional substance abuse treatment. Under this appropriation, the department is directed to enhance the quality of and to expand capacity to provide 24-hour substance abuse treatment programs for children; to expand the length of individual client substance abuse treatment plans as necessary to reduce recidivism; to share research-based best practices for treatment with substance abuse treatment facilities; to develop a results-based funding approach for substance abuse treatment services; and to develop a program to encourage individuals who are successfully managing their substance abuse problems to serve as role models.

The Act appropriates funds to IDPH for development of a Healthy Iowans 2010 Plan for the following purposes: for core public health functions, including home health care and public health nursing services contracted through a formula by local boards of health, to enhance disease and injury prevention services; for the implementation and support of a coordinated system of delivery of trauma and emergency medical services; for the Poison Control Center; for development of scientific and medical expertise in environmental epidemiology; for prevention strategies to address the leading causes of deaths of Iowans; and for the Childhood Lead Poisoning Prevention Program. The Act also appropriates funds to IDPH for smoking cessation products.

The Act appropriates funds to the Department of Corrections for day programming and the Drug Court Program.

The Act appropriates funds to the Property Tax Relief Fund for FY 2002-2003, for assistance to counties with limited county mental health, mental retardation, and developmental disabilities services fund balances to continue reimbursement increases to service providers in the same amount as provided in FY 2001-2002.

The Act appropriates funds from the Healthy Iowans Tobacco Trust to the Iowa Empowerment Fund for FY 2002-2003 for deposit in the School Ready Children Grants Account.

The Act appropriates funds to DHS from the Healthy Iowans Tobacco Trust for implementation of the provisions of the federal Health Insurance Portability and Accountability Act that relate to the Medicaid Program. The Act provides that the moneys appropriated that remain unexpended or unencumbered at the end of FY 2002-2003 are not to revert but are to remain available for the purpose of this section until June 30, 2004.

The Act appropriates funds to the Department of Corrections from the Healthy Iowans Tobacco Trust for operation and staffing of the special needs unit at the Fort Madison correctional facility.

The Act provides that the moneys that were originally appropriated to IDPH for FY 2001-2002 for establishing and operating a substance abuse treatment facility and providing staffing for the facility, are instead to be used during the succeeding fiscal year to supplement the appropriations for the state Poison Control Center, for the value-based treatment program at the Newton Correctional Facility, and for substance abuse treatment. The Act provides that the moneys that are appropriated to IDPH for FY 2001-2002 for the Tobacco Use Prevention and Control Initiative that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

The Act provides that of the \$75 million of gambling-related revenues to be deposited in the Endowment for Iowa's Health Account of the Tobacco Settlement Trust Fund for FY 2002-2003, \$9 million is to be transferred to the Healthy Iowans Tobacco Trust. Additionally, the Act eliminates the appropriation of \$27,087,000 for FY 2002-2003, made from the General Fund of the State to the Endowment for Iowa's Health Account of the Tobacco Settlement Trust Fund.

The Act provides that the sections of the Act relating to appropriation of moneys to DHS for implementation of the federal Health Insurance Portability and Accountability Act and to nonreversion of moneys appropriated for the Tobacco Use Prevention and Control Initiative take effect May 10, 2002.

The Act provides that the section of the Act relating to nonexpenditure obligation and nonreversion of funds remaining unencumbered or unobligated on April 1, 2002, which were appropriated for the establishment and operation of a substance abuse treatment facility and which are to be available for FY 2002-2003, takes effect May 10, 2002, and is retroactively applicable to April 1, 2002.

#### **HOUSE FILE 2623 - Compensation for Public Employees and Additional Provisions**

BY COMMITTEE ON APPROPRIATIONS. This Act relates to compensation and benefits for public officials and employees, county mental health allowed growth, regulatory and other related matters of the state, and makes and reduces appropriations.

The Act includes items that would have amended S.F. 2326 provisions that were item vetoed by the Governor. Consequently, this summary does not address those items because they were nullified by the Governor's veto. House File 2627 incorporates many of those items.

### Division I — Compensation and Benefits

Division I of this Act relates to and appropriates moneys for the fiscal year beginning July 1, 2002, to fund salary adjustments for employees subject to collective bargaining agreements and for certain noncontract employees. Division I provides the funding from the transfer of a percentage of the proceeds received by the State Board of Regents as a result of the Principal Mutual Holding Company's demutualization and from the transfer of moneys from the Iowa Comprehensive Petroleum Underground Storage Tank Fund.

Division I allocates appropriations to the State Board of Regents to fund its collective bargaining agreements and provide merit employees not covered by a collective bargaining agreement with increases comparable to similar contract-covered employees and faculty and the professional and scientific employees not covered under a collective bargaining agreement with a percentage increase similar to the University of Northern Iowa faculty bargaining unit.

Division I allocates moneys to the judicial branch to fund salary increases for judges, justices and magistrates and for increases for other judicial branch employees. The salary increases amount to 3 percent, but do not begin until December 20, 2002.

Division I allocates moneys to fund collective bargaining agreements and similar percentage increases for noncontract state employees, but the noncontract employees' increase does not begin until October 25, 2002.

Division I also provides supplemental authorization to fund salaries from trust, revolving and special funds for which the General Assembly has established a budget.

Division I funds the salary model coordinator, to maintain, in conjunction with the Legislative Fiscal Bureau, the state's salary model.

Division I provides for the collection of a surcharge on only the employer's share of the health insurance premium cost to fund the state's share of the terminal liability of the existing Wellmark health insurance contract. The health insurance plans of the State Police Officers Council collective bargaining unit are exempt from the surcharge.

### Division II — Statutory and Session Law Changes

Division II makes statutory changes to the Code and changes to Session Laws as follows:

- ? Code Section 15E.112 is amended to allow moneys in the Value-Added Agricultural Products and Process Financial Assistance Fund to be used for administration of the fund.
- ? Code Section 18.75 is amended to require the Legislative Service Bureau to solicit and process orders for the distribution of state publications produced by the bureau.
- ? Code Section 18.97A is amended to provide that the Governor, Supreme Court, and Legislative Council shall control the number of state publications distributed by the Legislative Service Bureau to recipients in their respective branches.
- ? Code Section 124.401A is amended to enhance the penalty for manufacturing with intent to distribute certain controlled substances.
- ? Code Section 124.409(1), allowing probation for certain first-time offenders of controlled substance laws, is eliminated.
- ? New Code Section 239B.2B is enacted to make eligible for the Family Investment Program a conditional resident alien who was battered or subjected to extreme cruelty or whose child was battered or subjected to extreme cruelty by a person who is a U. S. citizen or lawful permanent resident.
- ? Code Section 249A.3, relating to an optional category covered under the Medical Assistance (Medicaid) Program for persons with disabilities who have earned income, is amended to offer an additional, alternative two-part option that only takes effect if the Department of Human Services does not win its appeal against the federal Centers for Medicare and Medicaid Services.
- ? Code Section 260G.4B amends the Accelerated Career Education Program by reducing the total amount of program job credits from all employers during FY 2002-2003 from \$6 million to \$3 million.
- ? Code Section 368.4 is amended to specify that a city's notice of the hearing on annexation moratorium agreements shall be served by regular mail.
- ? New Code Section 368.26, relating to involuntary annexations, is amended to specify that the municipal services to be provided in an annexed area must be within the legal authority of the annexing city.

- ? Code Section 476.97 is amended to permit the Utilities Board 180 days to consider certain rate changes, with one 60-day extension possible.
- ? Code Section 514I.5 is amended to provide that the members of the hawk-i (Healthy and Well Kids in Iowa) Board, who are appointed by the Governor, are to serve two-year staggered terms as designated by the Governor.
- ? The Code Section 541A.1 definition of an “individual development account” is amended to include a financial instrument certified by an operating organization to comply with federal requirements involving state and federal funds deposited to match account holder deposits, including two existing federal programs. Under prior law, Code Section 541A.3 provided that a state savings refund must be paid directly to an account holder’s account. The Act allows for payment of the state savings refund to an operating organization’s central reserve account for later distribution to an account holder’s account.
- ? Code Section 602.1302(3) is amended to permit the cost of summoning jurors to be paid from a revolving fund established in the Code section.
- ? Code Section 602.8108(5) is amended to eliminate the requirement that 20 percent of the Court Technology and Modernization Fund be used for alternative dispute resolution and methods to resolve domestic abuse, and to permit the fund to be used for the Iowa Court Information System.
- ? Code Section 904.108 is amended to require the Department of Corrections to maintain a correctional training program, which does not necessarily need to be located at the Mount Pleasant Correctional Facility.
- ? The Act amends 2001 Iowa Acts, Chapter 182, Section 7, subsection 2, to allow the Iowa Veterans Home to retain certain moneys that exceed the amount budgeted in FY 2001-2002 and remain unencumbered or unobligated at the close of that fiscal year.
- ? The Department of Cultural Affairs is directed to identify an appropriate location in the State Capitol for a plaque honoring Iowa recipients of the Congressional Medal of Honor.
- ? Code Chapter 2A, which established the Commission on Compensation, Expenses, and Salaries for Elected State Officials, is repealed.
- ? The Act amends 2001 Iowa Acts, Chapter 191, Section 14, subsection 2, to allow the region in which group foster care services are provided to exceed its budget target for those services by up to 20 percent so long as the total overall funding allocated by the Department of Human Services for all child welfare services in the region is not exceeded.
- ? In addition to other adult dental services provided in 2002 Iowa Acts, H.F. 2245, Section 7, subsection 2, root canal treatments and general anesthesia and intravenous sedation may also be provided. This provision takes effect May 10, 2002.
- ? The FTEs for the State School for the Deaf are increased by 12.31 to 129.60 as provided in 2002 Iowa Acts, S.F. 2326.

### Division III — Corrective Amendments

Division III provides corrective amendments to legislation enacted during the 2002 Session or to Code sections affected by legislation enacted during the 2002 Session.

### Division IV — MH/MR/DD - FY 2003-2004 Allowed Growth

Division IV makes an appropriation and establishes the allowed MH/MR/DD growth factor adjustment for FY 2003-2004 and distributes the appropriation in a similar manner as the Act provides for FY 2002-2003.

### Division V — Appropriation Adjustments

Division V makes appropriations and transfers as follows:

1. In 2002 Iowa Acts, S.F. 2326, as follows:
  - ? Increases by \$8.35 million the appropriation for the Student Achievement and Teacher Quality Program.
  - ? Increases by \$1 million the appropriation for general state financial aid to community colleges.
  - ? Reduces by \$5 million the total appropriation to the State University of Iowa, Iowa State University of Science and Technology, and the University of Northern Iowa.
  - ? Increases by \$1.5 million the appropriation to the hawk-i Program.
  - ? Reduces by \$2.25 million the amount appropriated for Phase III under the Educational Excellence Program.
2. Transfers \$8.9 million from the Iowa Comprehensive Petroleum Underground Storage Tank Fund for purposes of the Student Achievement and Teacher Quality Program.
3. Transfers \$10 million of premium tax revenues, if S.F. 2318 (see Taxation) is enacted, for purposes of the Student Achievement and Teacher Quality Program.
4. Transfers \$5 million for purposes of the Student Achievement and Teacher Quality Program from gambling revenues that would otherwise be deposited into the Rebuild Iowa Infrastructure Fund.

## THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. A provision that would have amended Code Section 8.63(4) to eliminate a standing appropriation to agencies to pay off their loans to the Innovations Fund if the agency project results in a net increase to the General Fund of the State.
2. A provision in Code Section 12.21, concerning the authority of the Treasurer of State to enter into an agreement with a financial institution or credit card processor to provide credit card receipt processing for state departments, would have been amended to provide that any credit card charges shall be considered to be part of the payment due and any charges paid shall be paid from the aggregate fees collected by the state agency. Related changes were also vetoed.
3. A provision that would have amended Code Section 556.12 provide that the annual publication of lists of unclaimed property by the Treasurer of State shall not be issued between September 10 and November 10 of each year. Under present law, the Treasurer of State is required to issue the annual publication no later than November 30.
4. A provision that would have required the departments of General Services, Management, Personnel, and Information Technology, in studying reorganization and identifying duplicative positions, to consult with the affected agencies and to consider previous studies.
5. A provision that would have required the departments of Agriculture and Land Stewardship and Natural Resources to submit quarterly written reports on their expenditures and full-time equivalent positions (FTEs) allocated for the previous quarter.
6. The provisions that would have deleted the amount appropriated by 2002 Iowa Acts, S.F. 2326, for public transit assistance and would have reduced by a specified amount the standing appropriation for public transit assistance for FY 2001-2002.

**HOUSE FILE 2625 - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — Fiscal Year 2001-2002 — SECOND EXTRAORDINARY SESSION**

BY COMMITTEE ON APPROPRIATIONS. This Act addresses public funding provisions and related regulatory matters and makes, reduces and transfers appropriations and adjusts other expenditures to balance the General Fund of the State budget for FY 2001-2002. The Act is organized into divisions as follows: appropriations or transfers to the General Fund, appropriations or transfers to the Medical Assistance (Medicaid) Program, miscellaneous transfers, state reserve funds, other Medicaid provisions, miscellaneous provisions, tax credits under the New Jobs and Income Program and the Enterprise Zone Program, and incentive program extension for state employees who separate from employment.

Division I makes appropriations or transfers from the following funds to the General Fund of the State for FY 2001-2002: Iowa Economic Emergency Fund (\$105 million), Cash Reserve Fund (\$90 million), Environment First Fund, and Terminal Liability Health Insurance Fund. The division transfers a portion of an existing appropriation made to the State Board of Regents for construction of the engineering teaching and research complex; however, the transferred appropriation is replaced with authority to issue bonds for that amount for the same purpose and an FY 2003-2004 appropriation to pay the bonds.

Division I also provides that to the extent the balance of the Iowa Economic Emergency Fund is insufficient to make an appropriation of up to \$50 million to the General Fund to address a deficit at the close of FY 2001-2002, that insufficiency shall be appropriated from the Cash Reserve Fund. The Act provides that an appropriation shall not be made from the General Fund to repay the Iowa Economic Emergency Fund or the Cash Reserve Fund in the following fiscal year. In addition, for FY 2002-2003, the requirement in Code Section 8.57 for an automatic appropriation from the General Fund to the Cash Reserve Fund to bring the Cash Reserve Fund to a specific level is made inapplicable. Division I also provides that members of the General Assembly do not receive a per diem of \$86 per day during the Second Extraordinary Session that convened on May 28, 2002.

Division II makes transfers for FY 2001-2002 from the following revenues, appropriations and funds to the Department of Human Services (DHS) for Medicaid reimbursement and associated costs: snowmobile and all-terrain vehicle fees credited to the Special Conservation Fund, Environment First Fund, Strategic Investment Fund, Physical Infrastructure Assistance Fund, Alternative Drainage System Assistance Fund, Terminal Liability Health Insurance Fund, and an appropriation for airport engineering studies and improvement projects.

Division III makes transfers from various funds and other moneys to be used for other purposes for FY 2001-2002 as follows: from the Terminal Liability Health Insurance Fund to the State Public Defender to be used for indigent defense; from the Environment First Fund to the State Appeal Board for payment of claims against the state; from the Victim Compensation Fund to the State Employee Unemployment Compensation Account; from the Environment First Fund and the Terminal Liability Health Insurance Fund to the Executive Council to be used for performance of duty expenses; and from the Value-Added Agricultural Products and Processes Financial Assistance Fund and the Terminal Liability Health Insurance Fund to the Elderly and Disabled Property Tax Credit and Reimbursement Fund for payment of renters' claims.

Division IV relates to state reserve funds. The maximum balance of the Iowa Economic Emergency Fund in Code Section 8.55 is reduced from 5 percent to 2.5 percent of the adjusted revenue estimate for a fiscal year. The maximum balance of the Cash Reserve



Fund is increased from 5 percent to 7.5 percent of the adjusted revenue estimate for a fiscal year. An existing provision requiring a three-fifths majority vote if an appropriation would cause the Cash Reserve Fund balance to fall below 3 percent of the adjusted revenue estimate for a fiscal year is changed to 3.75 percent. Conforming changes are made to the automatic appropriation to annually fill the Cash Reserve Fund to reflect the percentage change in the fund's maximum balance. These provisions take effect July 1, 2003.

Division IV provides that the amount of the standing transfer in Code Section 8.55 to the Senior Living Trust Fund and the Endowment for Iowa's Health Account upon the Iowa Economic Emergency Fund achieving its maximum balance is increased from \$35.5 million to \$51.5 million and from \$51.5 million to \$60.5 million, respectively.

Division IV amends Code Section 8.57 to provide that moneys in the Rebuild Iowa Infrastructure Fund may be used for cash flow purposes provided the moneys are returned by the end of the fiscal year. This cash flow authorization is also provided for the Senior Living Trust Fund in Code Section 249H.4.

Division IV creates a new fund called the Pending Senior Living Trust Fund where moneys that are received for the Senior Living Program which are not available for appropriation are deposited. These moneys may be used for cash flow purposes.

Division IV provides that for FY 2001-2002 and FY 2002-2003, authority is rescinded that would allow state agencies to retain and use for training and technology up to 50 percent of an operational appropriation that would otherwise revert to the General Fund.

Division V addressed other provisions relating to the Medicaid Program but was item vetoed by the Governor.

Division VI addresses miscellaneous provisions. The division provides for the assessment of a fee to intermediate care facilities for persons with mental retardation. The proceeds from this fee are to be credited to the Medicaid appropriation. If federal financial participation to match the proceeds becomes unavailable, the assessment of the fee is terminated.

The division amends a 2001 Iowa Acts, Chapter 188, appropriation from the Community Attraction and Tourism Fund for tourism operations to specify that the appropriation is not made from moneys that originate from the Tax-Exempt Bond Proceeds Restricted Capital Funds Account of the Tobacco Settlement Trust Fund.

The division provides that regular per diem reimbursement costs billed by the Department of Corrections to the United States Marshal's Service during FY 2002-2003 are deposited in the State General Fund. Any extraordinary cost reimbursements in excess of the regular per diem shall be used by the department to pay these costs.

The division also substitutes the Auditor of State with a voting member selected by the Legislative Council on the Program Elimination Commission created in H.F. 2627.

The division modifies a requirement contained in H.F. 2627 to provide that the function of eliminating from the State Board of Regents table of organization those positions that have been vacant for one year or more is to be performed by the state board and the Department of Management is to address table of organization changes for the remainder of the executive branch.

The division revises state employee furlough language contained in H.F. 2627 by changing a prohibition against furlough of more than 25 percent of a division's employees at the same time to a statement of legislative intent. In addition, if the intent is in conflict with state law or collective bargaining requirements, the agency is directed to act to minimize the furlough impact.

The division increases an appropriation in H.F. 2614 to the State Board of Regents for tuition replacement and reduces an appropriation in H.F. 2627 for the Medicaid Program.

Except for the change in the appropriation for tourism operations that takes effect June 4, 2002, Division VI takes effect July 1, 2002.

Division VII relates to tax credits under the New Jobs and Income Program and the Enterprise Zone Program. Under present law, a farmers' cooperative that owns an ethanol-producing facility which is not required to file an Iowa corporate income tax return is entitled to a tax credit under the New Jobs and Income Program. This tax credit is claimed by the members. However, if the farmers' cooperative must file an Iowa corporate income tax return, all of the credit must be used by the cooperative. This division allows a farmers' cooperative that files an Iowa corporate income tax return to transfer all or a portion of the tax credit to its members. The division also allows cooperatives that file as partnerships for federal tax purposes to elect to have the credit acquired for developing building space in an enterprise zone to pass through the credit to their members. The division applies retroactively to January 1, 2002, for tax years beginning on or after that date.

Division VIII establishes the FY 2002-2003 Sick Leave and Vacation Incentive Program for eligible employees of the executive branch of the state who are not covered by a collective bargaining agreement and who separate from state employment. The

program, which shall be administered by the Department of Personnel, is essentially an extension of the program offered state employees during FY 2001-2002. The division also requires the Legislative Council to offer a similar program to legislative branch employees and allows the judicial branch discretion to offer the program to its employees. The division permits eligible executive branch employees for whom the sum of the number of years of credited service under IPERS or PORS and the employee's age as of December 31, 2003, equals or exceeds 75 to separate from service with the state and receive a sick leave and vacation incentive benefit payable in five fiscal years beginning with the fiscal year that ends on June 30, 2002. The incentive benefit is equal to the employee's unused vacation plus the lesser of the employee's regular annual salary or the value of the employee's sick leave. To receive the incentive benefit, an eligible employee must submit an application to participate in the program by August 14, 2002, separate from state employment by August 15, 2002, acknowledge the employee's ineligibility to return to permanent part-time or permanent full-time employment with the state, and waive any claims to unused sick leave or vacation balances otherwise payable upon termination of employment. Employees who participate in the program, as well as the corresponding program established pursuant to a collective bargaining agreement, are eligible to continue to participate in group insurance coverage from the state in the same manner as employees who retire from state employment. The division also permits release of IPERS records to the Legislative Fiscal Bureau and the departments of Management, Revenue and Finance, and Personnel for the purpose of monitoring and administering the Sick Leave and Vacation Incentive Program and the corresponding program available to employees covered by a collective bargaining agreement that authorizes a similar program. The release of records authority ceases as of June 30, 2003. Any savings generated by participation in the program shall be used to reduce the impact of the furlough program instituted for FY 2002-2003.

The division requires the Department of Personnel to submit reports to the General Assembly concerning the operation of the early termination programs, with an initial report required by October 1, 2002. Updated reports for an additional four years are also required.

The division also provides that if an employee organization agrees to a wage increase delay and agrees to participate in the early termination program, any across-the-board increases for July 1, 2002, are delayed until November 1, 2002, for employees not covered by the collective bargaining agreement of the same state employer of such employee organization.

Division IX provides that unless otherwise provided, the Act takes effect June 4, 2002.

#### THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. A directive for the Department of Human Services to require recipients to report, on a monthly basis, changes in income and resources that affect eligibility and to charge copayments on each covered drug prescription and refill.
2. A deletion of the requirement in Code Section 257.8 for the setting of the state percent of growth for purposes of the School Foundation Program, to be enacted within 30 days of the submission of the Governor's budget to the General Assembly.
3. Language modifying requirements contained in H.F. 2627 to provide that provisions affecting State Board of Regents institutions are to be performed by the state board. These requirements involve a review of job functions that duplicate the functions of the Department of Personnel. In addition, the state board was authorized to determine whether to implement a restriction on subsidy or reimbursement for a class or other course of study leading to an advanced degree for a regents employee.
4. A provision that reduced state funding for the State Library by \$108,000, and established the intent of the General Assembly to either eliminate, or remove from the authority of the State Library, the State Medical Library. The provision established a State Medical Library Continuation Task Force to determine whether to continue to maintain the State Medical Library and if so, where it should be relocated. If the task force recommends elimination, the task force is directed to submit a plan for the distribution of State Medical Library assets. The task force membership was to include the State Librarian and various academic and professional interests. The task force was to submit its recommendation for continuation or elimination of the State Medical Library in a report to various interested legislators by December 15, 2002.

#### **HOUSE FILE 2626 - Appropriations — Transportation — SECOND EXTRAORDINARY SESSION**

BY COMMITTEE ON APPROPRIATIONS. This Act makes appropriations for FY 2002-2003 from the Road Use Tax Fund and the Primary Road Fund to the Iowa Department of Transportation (IDOT).

Appropriations from the Road Use Tax Fund include appropriations for driver's license production costs, salaries, operations, administrative services, planning, motor vehicles, the merit system, unemployment and workers' compensation, audit expenses, county issuance of driver's licenses, a system providing toll-free telephone road and weather reports, membership in the North America's Superhighway Corridor Coalition, rewriting the vehicle registration system, indirect cost recoveries, and participation in the Mississippi River Parkway Commission.

Appropriations from the Primary Road Fund include appropriations for salaries, operations, planning, highways, motor vehicles, the merit system, unemployment and workers' compensation, disposal of hazardous wastes at field locations, indirect cost recoveries, audit expenses, producing transportation maps, roof replacement and other improvements at field facilities, compliance with the federal Americans With Disabilities Act at department facilities, and renovation of the transportation administration building.

The Act also provides that moneys for public transit assistance under Code Chapter 324A are to be credited directly to IDOT from the motor vehicle use tax moneys credited to the Road Use Tax Fund rather than to the General Fund of the State and then appropriated to IDOT for public transit. This provision takes effect July 1, 2004, and the remainder of the Act takes effect July 1, 2002.

**HOUSE FILE 2627 - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — 2002-2003 and Prior Fiscal Years — SECOND EXTRAORDINARY SESSION**

BY COMMITTEE ON APPROPRIATIONS. This Act provides appropriations from the General Fund to executive branch agencies and the judicial branch for FY 2002-2003, reduces or limits standing appropriations, and transfers appropriations. The Act is organized into divisions corresponding to the General Assembly's joint appropriation subcommittees.

The Act appropriates a net total of \$1.321 billion from the General Fund and authorizes 15,708.7 full-time equivalent positions (FTEs). When combined with previously enacted appropriations, FY 2002-2003 General Fund appropriations total \$4.473 billion, a decrease of \$137.8 million compared to the FY 2001-2002 estimated net appropriations for the areas included. The Act also appropriates \$181.1 million from non-General Fund sources. The Act transfers from other funds to the General Fund for FY 2002-2003 a total of \$71 million. Unless otherwise provided, each division of the Act takes effect July 1, 2002.

Division I — Administration and Regulation

The state departments and agencies addressed in this division include the Auditor of State, Iowa Ethics and Campaign Disclosure Board, Department of Commerce, Department of General Services, Office of Governor including the Lieutenant Governor and Terrace Hill quarters, Department of Inspections and Appeals, Department of Management, Department of Personnel, Iowa Public Employees' Retirement System, Department of Revenue and Finance, Secretary of State, Office of State-Federal Relations, and Treasurer of State.

Division I appropriates moneys for the state's membership in the National Governors Association and for the Department of Personnel's Ready to Work Program coordinator.

Division I appropriates \$78.7 million from the General Fund of the State and authorizes 1,966.7 FTEs, a decrease of \$4.9 million and an increase of 9.8 FTEs compared to the FY 2001-2002 estimated net appropriations. The division also appropriates a total of \$23.2 million from other funds.

Division I includes language directing the Department of Management to work on state government reorganization, management span of control, and elimination of duplication.

The lottery is authorized to investigate and implement a plan for pull-tab vending machines with video monitors known as the video lottery. The plan, if implemented, shall include provisions for restricting access to these machines by minors.

Code Section 476.53 is amended to provide that the Utilities Board and the Consumer Advocate can expend additional moneys to provide temporary staff necessary to perform certain functions, including review of ratemaking principles proposed for construction of a new generating facility.

Code Section 505.7 is amended to permit the Insurance Division to expend additional funds to perform the statutory duties of the division if those additional funds will be collected from moneys and fees collected by the division.

Code Section 546.10, relating to the establishment and administration of the Professional Licensing Division of the Department of Commerce, is amended by adding provisions appropriating 85 percent of any amount representing an increase in funding implemented by licensing boards or commissions listed in the Code section to the division for allocation to the boards or commissions for the fiscal year beginning July 1, 2002, and succeeding fiscal years.

Division II — Agriculture and Natural Resources

Division II provides funding for the departments of Agriculture and Land Stewardship and Natural Resources. Division II appropriates a total of \$32.7 million from the General Fund of the State and authorizes 1,515.3 FTEs, a decrease of \$2.2 million and

an increase of 0.7 FTE compared to the FY 2001-2002 estimated net appropriations. Division II appropriates moneys from a number of sources, including the General Fund of the State and the State Fish and Game Protection Fund.

For the Department of Agriculture and Land Stewardship, moneys are appropriated and FTEs authorized in order to support its divisions (the Administrative Division, the Regulatory Division, the Laboratory Division, and the Soil Conservation Division).

Division II appropriates moneys to support animal industry programs, including a program to regulate horse and dog racing by the Department of Agriculture and Land Stewardship. The division appropriates moneys to support the department for membership in a river association; and for the administration of a project in conjunction with the Iowa Corn Growers Association.

For the Department of Natural Resources (DNR), moneys are appropriated and FTEs authorized in order to support its divisions (the Administrative and Support Services Division, the Parks and Preserves Division, the Forests and Forestry Division, the Energy and Geological Resources Division, and the Environmental Protection Division).

Division II also makes appropriations from other funds and accounts. Moneys are appropriated to the DNR from the State Fish and Game Protection Fund for support of the Division of Fish and Wildlife. Moneys are transferred to the State Fish and Game Protection Fund to support snowmobile programs and enforce state navigation laws administered by the DNR.

An appropriation is made from the Unassigned Revenue Fund administered by the Iowa Comprehensive Underground Storage Tank Fund Board to the DNR for administration and expenses of the Underground Storage Tank Section.

Division II permits the DNR to use additional funds for staffing to reduce the department's floodplain permit backlog and to use additional funds available from storm water discharge permit fees for staffing required to implement the Federal Total Maximum Daily Load Program.

### Division III — Economic Development

Division III makes appropriations and transfers from the General Fund of the State to the Department of Economic Development (IDED), the University of Iowa, the University of Northern Iowa, Iowa State University, the Department of Workforce Development (IWD), and the Public Employment Relations Board. Division III appropriates a total of \$25.4 million from the General Fund of the State and authorizes 463.6 FTEs, a decrease of \$9 million and 0.7 FTE position compared to the FY 2001-2002 estimated net appropriations.

Division III provides that the goals for IDED shall be to expand and stimulate the state economy, increase the wealth of Iowans, and increase the population of the state.

Division III appropriates from loan repayments on loans under the former Rural Community 2000 Program to IDED moneys for providing financial assistance to Iowa's councils of governments that provide technical and planning assistance to local governments and for the Rural Development Program for the purposes of the program, including the Rural Enterprise Fund and collaborative skills development training.

Division III appropriates moneys collected by the Division of Insurance of the Department of Commerce in excess of the anticipated gross revenues to IDED for purposes of insurance economic development and international insurance economic development.

Moneys are appropriated from the Community Attraction and Tourism Fund to IDED for tourism operations.

Moneys from the Iowa Community Development Loan Fund are appropriated to IDED for purposes of the Community Development Program.

Division III appropriates moneys from the Workforce Development Fund account to the Workforce Development Fund and provides that moneys appropriated or transferred to or receipts credited to the Workforce Development Fund may be used for administration of workforce development activities.

All moneys remaining in the Job Training Fund on July 1, 2002, and any moneys appropriated or credited to the fund during FY 2001-2002 are transferred to the Workforce Development Fund.

Moneys are appropriated from the Administrative Contribution Surcharge Fund to IWD for salaries, support, maintenance, conducting labor market surveys, miscellaneous purposes, and for Workforce Development Regional Advisory Board member expenses.

Moneys are appropriated from the Special Employment Security Contingency Fund to IWD for the Division of Workers' Compensation and immigration service centers.

A standing limited appropriation from the Value-Added Agricultural Products and Processes Financial Assistance Fund to the Office of Renewable Fuels and Coproducts is repealed. The Office of Renewable Fuels and Coproducts is authorized to apply to IDED for moneys in the Value-Added Agricultural Products and Processes Financial Assistance Fund for deposit in the Renewable Fuels and Coproducts Fund.

The Auditor of State is requested to review the audit of the Iowa Finance Authority performed by the auditor hired by the authority. The Auditor of State is also requested to conduct a performance audit of the authority to determine the effectiveness of the authority and the programs of the authority.

For FY 2002-2003, any entity that was specifically identified in the FY 2001-2002 economic development appropriations to receive funding from IDED, excluding any entity identified to receive a direct appropriation for FY 2002-2003, may apply to the department for assistance through the appropriate program.

In providing moneys from the Shelter Assistance Fund to homeless shelter programs, IDED must explore the potential of allocating moneys to programs based in part on their ability to move their clients toward self-sufficiency.

The Department of Economic Development is required to submit a report identifying any moneys received from the ISCC Liquidation Corporation.

Moneys are appropriated from moneys credited to the state by the Secretary of the Treasury of the United States pursuant to the Social Security Act to IWD for the administration of the Unemployment Compensation Program only.

The standing limited appropriation for the School-to-Career Program employer refunds is reduced.

#### Division IV — Education

Division IV reduces or eliminates state moneys previously appropriated for FY 2002-2003 from the General Fund of the State to the College Student Aid Commission, the Department of Cultural Affairs, and the Department of Education as enacted in 2002 Iowa Acts, S.F. 2326. The reduction in funding equals \$3.7 million, resulting in a net decrease of \$43.4 million and no change in FTEs compared to the FY 2001-2002 estimated net appropriations.

Division IV eliminates state funding S.F. 2326 appropriated to the College Student Aid Commission for purposes of forgivable loans for the Des Moines University — Osteopathic Medical Center and the Chiropractic Graduate Student Forgivable Loan Program.

Division IV reduces state funding that S.F. 2326 appropriated to the Department of Cultural Affairs for purposes of its Administration, Arts and Historical Divisions and for purposes of Community Cultural Grants.

Division IV reduces the moneys S.F. 2326 appropriated to the Department of Education for purposes of the department's general administration, vocational education administration, Board of Educational Examiners, Division of Vocational Rehabilitation Services, independent living for persons with disabilities, State Library for general administration and the Enrich Iowa Program, library service area system, Public Broadcasting Division, and the Iowa Empowerment Fund. The division eliminates funding S.F. 2326 appropriated to the department for purposes of providing support to assist a vocational education youth organization statewide school-to-work implementation, Jobs for America's Graduates, and the Americorps After-School Initiative.

Division IV also amends the Code, as amended by S.F. 2326, to reduce the amount of annual state assistance for Iowa Tuition Grants.

Division IV expands the Operation Recognition Program to include, in addition to the veterans of World War II, the veterans of World War I and the Korean and Vietnam Conflicts. The program is administered by the Department of Education and its purpose is to award honorary high school diplomas to honorably discharged veterans who are residents or former residents of the state and who left high school prior to graduation to enter U.S. military service. Diplomas may be issued posthumously. This provision takes effect June 12, 2002.

Division IV also permanently eliminates the Community College Vocational-Technical Technology Improvement Program.

#### Division V — Health and Human Rights

This division provides for appropriations to the Department for the Blind, the Iowa State Civil Rights Commission, the Department

of Elder Affairs, the Governor's Office of Drug Control Policy, the Iowa Department of Public Health, the Department of Human Rights, and the Commission of Veterans Affairs. Generally, moneys are appropriated from the General Fund of the State. However, in some cases, moneys are appropriated from special funds and accounts. Division V appropriates a total of \$47.7 million from the General Fund of the State and authorizes 1,426.9 FTEs, a decrease of \$38.2 million and 13.8 FTEs compared to the FY 2001-2002 estimated net appropriations.

*CIVIL RIGHTS COMMISSION.* The Act authorizes the commission to exceed its designated staffing level to hire additional staff to process employment and housing complaints if the anticipated amount of federal funding actually received is greater than anticipated.

*DEPARTMENT OF ELDER AFFAIRS.* The Act appropriates funds to the Department of Elder Affairs for aging programs to provide Iowans 60 years of age and older with case management for the frail elderly, Alzheimer's support, retired and senior volunteer programs, resident advocate committee coordination, employment, and other services that may include, but are not limited to, adult day services, respite care, chore services, telephone reassurance, information and assistance, and home repair services, including the winterizing of homes, and for the construction of entrance ramps that make residences accessible to the physically handicapped.

The Act provides the intent of the General Assembly that the Iowa chapters of the Alzheimer's Association and Case Management Program for Frail Elders collaborate and cooperate fully to assist families in maintaining family members with Alzheimer's disease in the community for the longest period of time possible.

The Act also permits the department to grant an exception for a limited period of time, or modify applicable requirements, relating to compliance by persons regulated by the department or applicants for assisted living certification with any part of Code Chapter 104A concerning the conversion of buildings existing on July 1, 1998, to accessibility for persons with disabilities.

*GOVERNOR'S OFFICE OF DRUG CONTROL POLICY.* The Act appropriates funds to the Governor's Office of Drug Control Policy, including statewide coordination of the Drug Abuse Resistance Education (D.A.R.E.) Program.

*DEPARTMENT OF PUBLIC HEALTH.* The Act appropriates funds to the Iowa Department of Public Health (IDPH), including funds for addictive disorders related to reducing the use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive behaviors, including gambling; for adult wellness, relating to maintaining or improving the health status of adults with target populations between the ages of 18 and 60; for child and adolescent wellness, relating to promoting the optimum health status for children and adolescents from birth through 21 years of age; for chronic conditions, relating to serving individuals identified as having chronic conditions or special health care needs; for community capacity, relating to strengthening the health care delivery system at the local level; and for elderly wellness, for optimizing the health of persons over 60 years of age.

The Act also appropriates funds for public protection, relating to protecting the health and safety of the public through the establishment of standards and the enforcement of regulations. The department may expend funds received from licensing fees if those additional expenditures are directly the result of unanticipated litigation costs approved by the Director of the Department of Management in an amount not to exceed 5 percent of the average annual fees collected for the previous two fiscal years.

The Act further authorizes IDPH to retain fees collected from the certification of lead inspectors and lead abaters to support the certification program, and also authorizes IDPH to retain fees collected from the licensing, registration, authorization, accreditation, and inspection of x-ray machines used for diagnostic mammography to support the department's regulation of radiation machines and radiation materials.

The Act also authorizes IDPH to retain fees collected from shippers of radioactive waste material containers transported across Iowa if the department does not obtain funding to support the oversight and regulation of this activity, and for x-ray radiology examination fees collected by IDPH and reimbursed to a private organization conducting the examination.

The Act authorizes IDPH to retain and expend moneys from fees collected by the Board of Medical Examiners for reduction of the number of days necessary to process medical license requests and for reduction of the number of days needed for consideration of malpractice cases. The Act additionally authorizes the Board of Dental Examiners to retain and expend moneys from licensing and examination revenues.

*DEPARTMENT OF HUMAN RIGHTS.* The Act appropriates funds to the seven divisions of the Department of Human Rights (central administration, Deaf Services, Persons With Disabilities, Latino Affairs, Status of Women, Status of African-Americans, and Criminal and Juvenile Justice Planning).

*COMMISSION OF VETERANS AFFAIRS.* The Act appropriates funds to the Commission of Veterans Affairs for the Commission of Veterans Affairs administration and the Iowa Veterans Home. The Iowa Veterans Home is required to operate with a net State General Fund appropriation and authorized General Fund moneys may be used for cash flow management purposes.

*GAMBLING TREATMENT FUND APPROPRIATIONS.* The Act appropriates funds available in the Gambling Treatment Fund to IDPH for the Addictive Disorders Program. Any funds remaining in the fund are to be used for administrative costs and programs which may include, but are not limited to, outpatient and follow-up treatment for persons affected by problem gambling, rehabilitation and residential treatment programs, information and referral services, education and preventive services, and financial management services.

The Act further provides that an amount of the tax revenue received by the Iowa Racing and Gaming Commission equal to 0.3 percent of the gross sum wagered by the pari-mutual method is to be deposited into the Gambling Treatment Fund for FY 2002-2003.

*OTHER PROVISIONS.* Division V extends the Vital Records Modernization Project, which provides for an enhanced fee that is earmarked for technology improvements, to June 30, 2003.

Division V provides that the Department for the Blind, the Iowa State Civil Rights Commission, the Department of Elder Affairs, IDPH, the Department of Human Rights, the Governor's Office of Drug Control Policy, and the Commission of Veterans Affairs shall submit a report to the chairpersons and ranking members of the Joint Appropriations Subcommittee on Health and Human Rights providing all management to staff ratios of all funded positions as of January 13, 2003.

Division V also extends the Scope of Practice Review Committee Project to July 1, 2003.

#### Division VI — Human Services

Division VI makes appropriations for FY 2002-2003 for the Department of Human Services (DHS) and includes other appropriations and provisions involving human services and health care. Division VI appropriates a total of \$713.2 million from the General Fund of the State and authorizes 5,448.7 FTEs for DHS. When combined with the previously enacted appropriation for the children's health insurance program (hawk-i), the total appropriated is \$739.6 million. This is a decrease of \$15.6 million and a decrease of 300.4 FTEs compared to the FY 2001-2002 estimated net appropriations.

*TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT (TANF).* Division VI appropriates moneys from the TANF Block Grant Fund for a number of purposes, including: the Family Investment Program; field operations; general administration; local administrative costs; child care assistance, including funding for provision of educational opportunities to registered child care home providers; emergency assistance; mental health and developmental disabilities community services; child and family services; child abuse prevention grants; pregnancy prevention grants; technology needs and other resources to meet federal welfare reform requirements; volunteers; individual development accounts; the Healthy Opportunities for Parents to Experience Success (HOPES) Program; and for transfer to the federal Social Services Block Grant.

Division VI continues the appropriation of federal TANF Block Grant moneys to be used for funding of community-based programs targeted to children from birth through five years of age and developed by community empowerment areas. The Act allows DHS to transfer federal TANF funds to the Child Care and Development Block Grant and then allocate funding to community empowerment areas based upon criteria in the Act. Moneys not distributed or which otherwise remain unobligated or unexpended at the end of the fiscal year revert to the fund for federal grants in the state treasury. The Act provides a funding formula for distribution of the moneys.

The TANF Block Grant is subject to reauthorization during FY 2002-2003 and legislative intent is stated that the General Assembly will reallocate funding if the federal government reduces the amount of the block grant.

*FAMILY INVESTMENT PROGRAM (FIP).* Under federal welfare reform provisions, federal funding is provided for FIP in the form of an annual block grant to the state. Consequently, the Act includes FIP and FIP-related program appropriations from the General Fund of the State and from the fund created for receipt of federal funds. These appropriations are directed to the Food Stamp Employment and Training Program, the Family Development and Self-Sufficiency Grant Program, income maintenance reengineering, and for the diversion program and incentive grants.

The Act directs DHS to continue expansion of the Electronic Benefits Transfer (EBT) Program with a target date for statewide implementation of October 1, 2003, and provides that a retailer providing funds transfer system equipment is not to be reimbursed a transaction fee.

*EMERGENCY ASSISTANCE.* Division VI provides funding under the TANF appropriation for the Emergency Assistance Program. The maximum grant level is limited to \$500 per family in any 12-month period. The department is required to continue the process for retaining and redistributing refunds or rent deposits returned to the state under the Emergency Assistance Program. The allocation to the Community Voice Mail Program is eliminated.

*CHILD SUPPORT RECOVERY.* Division VI requires the Child Support Recovery Unit (CSRU) to continue to work with the judicial branch to determine the feasibility of a pilot project using a court-appointed referee for determination of child support awards, if initiated by the judicial branch, continues the Child Support Public Awareness Campaign located in the Office of the Attorney General, and provides that surcharges paid by obligors and received by CSRU, as a result of referral of support delinquencies by CSRU to any private collection agency, are appropriated to DHS to pay the costs of any contracts with the collection agencies. The Act also directs DHS to issue federal access and visitation grant moneys directly to private not-for-profit agencies that provide services designed to increase compliance with the child access provisions of court orders, including but not limited to neutral visitation site and mediation services.

*MEDICAL ASSISTANCE (Medicaid).* From all sources there is a decrease in the appropriation for the Medicaid Program in comparison with the FY 2001-2002 appropriation. In addition, appropriations affecting reimbursements to various Medicaid services providers are made from Tobacco Settlement Funds (see H.F. 2615) and the Senior Living Trust Fund (see H.F. 2613). Division VI does all of the following:

- ? Continues the authorization for DHS to transfer Medicaid funds to a separate account for expenditures required to provide case management services for mental health, mental retardation, and developmental disabilities services that are jointly funded by the state and county, pending final settlement of expenditures.
- ? Provides for the continuation of the AIDS/HIV Health Insurance Premium Payment Program.
- ? Transfers \$950,000 from IDPH to the Medicaid Program for continuation of the Integrated Substance Abuse Managed Care System.
- ? Directs DHS, in administering the Medicaid home and community-based waiver for persons with physical disabilities, to limit the total number of openings for persons with physical disabilities served at any one time to the number approved in the waiver by the Secretary of the U.S. Department of Health and Human Services.
- ? Directs DHS, in consultation with IDPH and the Department of Education, to continue to utilize the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) funding under Medicaid to the extent possible to implement the screening component of the EPSDT Program through the school system, and to utilize maternal and child health centers, the Public Health Nursing Program, or school nurses.
- ? Directs DHS to continue working with county representatives in aggressively implementing the rehabilitation option for services to persons with chronic mental illness under the Medicaid Program.
- ? Directs DHS, if the federal Centers for Medicaid and Medicare Services of the U.S. Department of Health and Human Services approves a waiver request from DHS, to provide a period of 24 months of guaranteed eligibility for Medicaid family planning services, regardless of the change in circumstances of a woman who was a Medicaid recipient when the pregnancy ended.
- ? Directs DHS to aggressively pursue options for providing Medicaid or other assistance to individuals with special needs who become ineligible to continue receiving services under the EPSDT Program due to reaching 21 years of age, and who have been approved for additional assistance under the exception to policy provisions, but who have health care needs in excess of funding available through the exceptions to policy process.
- ? Provides matching funds for DHS to participate in a federal home telecare pilot program.
- ? Requires DHS to provide information to legislators concerning the Drug Prior Authorization Program.
- ? Reduces funding for reimbursement and associated costs as specified in H.F. 2625.

*HEALTH INSURANCE PREMIUM PAYMENT PROGRAM.* Division VI appropriates funds to continue the Health Insurance Premium Payment Program that provides for payment for private health insurance in lieu of Medicaid Program coverage.

*MEDICAL CONTRACTS.* Division VI provides funding for contracted services associated with the Medicaid Program.

Division VI provides that in any managed care contract for mental health or substance abuse services entered into or extended by DHS on or after July 1, 2002, the request for proposals shall provide for coverage of dual diagnosis mental health and substance abuse treatment provided by the State Mental Health Institute at Mount Pleasant. Additionally, to the extent possible, DHS is to amend any such contract existing on July 1, 2002, to provide for such coverage.

*STATE SUPPLEMENTARY ASSISTANCE (SSA).* Division VI appropriates funding for SSA and the Medicare Program home and community-based services waiver rent subsidy but eliminates the provision of funeral assistance. Division VI directs DHS to increase the personal needs allowance of residential care facility residents at the same percentage and at the same time the federal benefits are increased. Division VI authorizes DHS to take necessary actions to ensure that federal requirements are met. Division



VI also authorizes DHS to continue a rent subsidy program for certain adults who are receiving assistance under a Medicaid home and community-based services waiver and who were discharged from a medical institution in which they resided or were at risk of institutional placement.

*CHILD CARE ASSISTANCE.* The appropriation provides funding for the State Child Care Assistance Program and child day care resource and referral services. Division VI requires DHS to use moneys deposited in the Child Care Credit Fund for the State Child Care Assistance Program.

*JUVENILE INSTITUTIONS.* Division VI makes appropriations to the Iowa Juvenile Home at Toledo and the State Training School at Eldora. The appropriation to the State Training School at Eldora continues to limit the population levels based on the population guidelines established in 1990 as adjusted for additional beds developed at the institutions and provides for use of funds appropriated for grants for adolescent pregnancy prevention services.

*CHILD AND FAMILY SERVICES.* Division VI decreases this appropriation compared with the previous fiscal year. Division VI provides for continuation of the funding cap for group foster care and provides that if annualization of a service area's current expenditures indicates that the area is at risk of exceeding its overall expenditure target by more than 5 percent, DHS and Juvenile Court Services are to examine current group foster care placements to identify children for whom termination from the program is appropriate. Dispositional hearings are to be set for those so identified. Division VI limits the amount that may be expended under the appropriation for psychiatric medical institutions for children (PMICs) and provides that all or a portion of the moneys allocated for PMICs may be transferred to the appropriation for the Medicaid Program.

Division VI allocates funding for 50 highly structured juvenile program beds (informally known as "boot camp" beds), and provides that if the authorized number of beds is not utilized, the remaining funds may be used for group foster care. The statutory requirements relating to the funding cap for group foster care, which apply to the juvenile court, are to continue to apply instead to the Juvenile Court Services staff. Division VI directs DHS to continue the goal that not more than 15 percent of children placed in federally funded foster care be placed for more than 24 months.

Division VI authorizes DHS to continue decategorization of child welfare services funding; authorizes the use of funding for emergency family assistance in certain circumstances; limits funding for shelter care services; provides funding for improving DHS staffing of foster care and adoption services; provides for adoption of administrative rules by DHS, in consultation with child welfare services providers, to implement outcome-based child welfare services pilot projects; directs DHS to continue to make adoption presubsidy and adoption subsidy payments available at the beginning of the month for the current month; provides that any federal funds received by the state during state FY 2002-2003 as a result of expenditure of state funds appropriated during the previous state fiscal year for a service or activity funded under the Child and Family Services appropriation are to be used as additional funding for the services provided under the section; provides funding for clinical assessment services; provides funding for protective child care assistance; provides funding for court-ordered services provided to juveniles; provides funding for school-based supervision of children adjudicated delinquent and requires that a portion of the cost of school-based supervision personnel shall be paid by the school district or other source; directs DHS to maximize the capacity to draw federal funding under the federal Title IV-E Program; permits DHS to operate a subsidized guardianship program if the program can be operated under a waiver from the federal government without loss of Title IV-E funds; and provides legislative intent that DHS continue strong support of the initiative for decategorization of child welfare funding.

*JUVENILE DETENTION HOME FUND.* Division VI addresses the Juvenile Detention Home Fund consisting of funds collected by the Iowa Department of Transportation (IDOT) at the time IDOT suspends, revokes or bars a person's motor vehicle license or nonresident operating privileges. Moneys in the fund are to be used for the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes. Division VI provides for distribution of the moneys in the fund as follows: an amount equal to 10 percent of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2001, up to the amount appropriated for eligible detention homes; \$80,000 for renewal of a grant to a county with a population between 168,000 and 175,000 for implementation of a county's runaway treatment plan; for grants to counties implementing a runaway treatment plan; and the remainder for additional allocations to county or multicounty juvenile detention homes.

*COMMUNITY-BASED PROGRAMS.* The State General Fund appropriation for community-based programs is eliminated and instead TANF funding is appropriated for pregnancy prevention and child abuse prevention.

*FAMILY SUPPORT SUBSIDY PROGRAM.* Division VI reduces the program funding relative to the revised amount for the previous fiscal year.

*MENTAL HEALTH INSTITUTES.* Division VI provides appropriations to institutes at Cherokee, Clarinda, Independence, and Mount Pleasant at a reduced amount relative to the revised amount for the previous fiscal year. Division VI directs the institute

at Independence to continue the 30-bed PMIC facility under the net state budgeting approach and in a manner that does not expend state funds in excess of the funds appropriated or make counties responsible for the costs. Division VI directs the Mount Pleasant institute to continue the dual diagnosis unit to provide psychiatric treatment and substance abuse treatment simultaneously on a net budgeting basis. Division VI continues the authorization of DHS to provide persons being discharged from an institute with assistance in obtaining federal Supplemental Security Income Program benefits.

*STATE RESOURCE CENTERS.* Division VI reduces the appropriations for the State Resource Center at Glenwood and for the State Resource Center at Woodward compared with appropriations for the previous fiscal year. Division VI directs DHS to continue operating the state resource centers with a net State General Fund appropriation. Subject to the approval of DHS, revenues attributable to the state resource centers for FY 2002-2003 are to be deposited into each center's account, and Division VI designates the funding sources that are to be so deposited. Division VI provides that if a waiting list exists for a service, funding is available, and other criteria are met, a resource center superintendent may authorize opening up two units or other facilities to address the need.

*SPECIAL NEEDS GRANTS AND STATE CASES.* Division VI slightly decreases the prior level of funding for the Special Needs Grants Program. Division VI decreases the appropriation for MH/DD state cases compared with the previous year's appropriation.

*MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES (MH/DD) SERVICES FUNDING.* Division VI includes a number of provisions affecting provision of state funding of MH/DD services provided by counties, including the following:

- ? Under current law, the state is required to annually provide funding for the growth in county MH/DD services expenditures. Division VI provides for the distribution of the approximately \$14.2 million appropriated for growth and the approximately \$17.7 million appropriated for the MH/DD Community Services Fund. In the 2001 Session, legislation was enacted that reduced the combined growth and community services funding and implemented a distribution system.
- ? This reduction concept is continued for FY 2002-2003. In order to spread the approximately \$12.3 million reduction among counties, Division VI provides that the funding formulas for the appropriations are applied as though the appropriations were made at higher levels, and then applies a withholding factor to each county's formula amount, based upon a sliding scale according to the relative size of the ending balance in the county's MH/DD services fund in order to match distributions with the amount actually appropriated.
- ? Unless a county complies with the existing statutory requirement for the December 1 filing of the annual financial statement with the state, the county is not eligible for any MH/DD growth or community services fund distribution.

*PERSONAL ASSISTANCE.* Division VI decreases the appropriation for this pilot program for adult persons with physical disabilities in an urban and a rural area compared with the previous fiscal year. Division VI prohibits the pilot project and any federal home and community-based waiver developed under the Medicaid Program from being implemented in a manner that would require additional county or state costs for assistance provided. Division VI also prohibits acceptance of new applicants, but an individual receiving services as of June 30, 2002, is to continue receiving services until the individual voluntarily leaves the project or until a program with similar services exists.

*SEXUALLY VIOLENT PREDATORS.* This appropriation provides for payment of costs associated with the commitment and treatment of sexually violent predators and requires that the program be relocated from the Oakdale campus to the State Mental Health Institute at Cherokee.

*FIELD OPERATIONS, GENERAL ADMINISTRATION, AND VOLUNTEERS.* Appropriations are included for DHS field operations, general administration, and volunteers. Division VI allocates \$57,000 for the Prevention of Disabilities Council.

*ADDITIONAL FEDERAL FUNDING.* Division VI authorizes DHS to pursue approval of a state Medicaid Program plan amendment to use Medicaid funding for targeted case management services to children at risk of maltreatment or in need of protective services. Division VI appropriates any additional federal financial participation to DHS. In addition, Division VI requires that the first \$10 million in additional federal financial participation received from such efforts in FY 2001-2002 and FY 2002-2003 shall be used to replace federal child welfare funding reductions.

*MEDICAID, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.* Division VI establishes reimbursement rates for social services providers. However, see H.F. 2613 and H.F. 2615 for increases in reimbursements to some of these providers.

Division VI provides all of the following for FY 2002-2003:

- ? Reimbursement for nursing facilities shall be as provided in H.F. 2613.
- ? Pharmacy dispensing fees shall be reimbursed using a single rate of \$5.17 per prescription or the pharmacy's usual and customary fee, whichever is lower. The department is directed to implement a series of prospective drug utilization

review edits on targeted drugs to facilitate the cost-effective use of drugs and implement the edits in a manner that does not change the therapy or the therapeutic outcome for the patient.

- ? Reimbursement rates for hospitals for inpatient and outpatient service, home health agencies, dental services, and community mental health services are to remain at the rates in effect on June 30, 2002.
- ? DHS is required to continue the revised payment policy for reimbursement for costs of screening and treatment provided in a hospital emergency room pursuant to the prospective payment methodology developed by DHS for payment of outpatient services under the Medicaid Program.
- ? Rural health clinics, hospices, independent laboratories, and acute mental hospitals reimbursement rates are to be increased in accordance with increases under the federal Medicare Program or as supported by Medicare-audited costs.
- ? Federally qualified health centers shall receive cost-based reimbursement for 100 percent of the reasonable costs of services.
- ? The maximum reimbursement rate for PMICs shall remain at the rates in effect on June 30, 2002, based on per day rates for actual costs.
- ? Unless otherwise specified, all noninstitutional medical assistance provider reimbursement rates shall remain at the rates in effect on June 30, 2002, with the exception of AEAs, local education agencies, infant and toddler services providers, and those providers whose rates are required to be determined under a cost-based methodology for noninstitutional health providers.
- ? Notwithstanding Code Section 249A.20, the average reimbursement rates for health care providers eligible for use of the Medicare resource-based relative value scale reimbursement methodology shall remain at the rates in effect on June 30, 2002.
- ? In addition to other dental services provided to adults, root canal treatments on permanent anterior teeth and necessary general anesthesia and intravenous sedation are to be provided.
- ? The maximum reimbursement rate for residential care facilities shall not be less than \$25.92 per day for the time period July 1, 2002, through December 31, 2002, and shall not be less than \$26.20 per day for the time period January 1, 2003, through June 30, 2003. The flat reimbursement rate for facilities electing not to file cost reports is established as not less than \$18.52 per day for the time period July 1, 2002, through December 31, 2002, and not less than \$18.72 per day for the time period January 1, 2003, through June 30, 2003.
- ? The maximum reimbursement for providers reimbursed under the in-home health-related care program shall be at least \$498.29 per month for the time period July 1, 2002, through December 31, 2002, and shall be at least \$503.67 per month for the time period January 1, 2003, through June 30, 2003.
- ? The foster family basic daily maintenance rate and the maximum adoption subsidy rate remain at \$14.28 for children ages 0 through 5 years, \$15.07 for children ages 6 through 11 years of age, \$16.83 for children ages 12 through 15, and \$16.83 for children over 16 years of age.
- ? The maximum reimbursement rates for social service providers are to remain at the rates in effect on June 30, 2002, unless a specific exception applies.
- ? The group foster care reimbursement rate for children placed outside of the state is to be calculated in the same manner as is used for in-state providers, unless the Director of Human Services determines that care cannot be provided within the state, and the rate must be based on the actual number of days in a calendar month.
- ? The maximum reimbursement rates for rehabilitative treatment and support services providers are to remain at the rates in effect on June 30, 2002.
- ? The reimbursement rate for shelter care providers is to continue to be calculated using a cost report and the maximum rate shall remain at \$83.69 per day. However, if the provider's cost report justifies the maximum rate, but DHS would reimburse the provider at less than that rate, DHS is to reimburse a shelter care provider at the provider's actual and allowable unit cost, plus inflation, not to exceed the maximum reimbursement rate.
- ? DHS is to calculate the reimbursement rate for intermediate care facilities for persons with mental retardation at the 80<sup>th</sup> percentile.
- ? Child care provider reimbursement rates are to be set based on the rate reimbursement survey completed in December 1998. The rates are to be set in a manner so as to provide incentives for nonregistered providers to become registered.
- ? DHS may modify reimbursement rates for providers reimbursed by DHS if funding is allocated for that purpose from the Senior Living Trust Fund or as specified in appropriations from the Tobacco Settlement Endowment Fund (see H.F. 2615 and H.F. 2613).

**TRANSFER AUTHORITY.** Division VI permits DHS to transfer funding between the following appropriations, provided the combined funding is not changed: Family Investment Program, Emergency Assistance Program, child care assistance, child and family services, field operations, general administration, and MH/MR/DD/BI community services (local purchase).

**FRAUD AND RECOUPMENT ACTIVITIES.** Division VI permits DHS to expend funds recovered through fraud and recoupment investigations to perform additional fraud investigations as long as the additional investigations are anticipated to recover

moneys in excess of both the costs of performing the investigations and the amount recovered in fiscal year 1996-1997. Division VI limits the number of additional investigative staff to five.

*STATUTORY AND OTHER PROVISIONS.* Division VI amends Code Section 252B.4 to increase the application fee for nonpublic assistance clients of the Child Support Recovery Unit from \$5 to \$25.

Division VI addresses the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment. Under Code Section 331.439, the statute establishing the adjustment must be enacted during the fiscal year in progress two years prior to the fiscal year to which the adjustment is applicable. Division VI amends the adjustment previously enacted during the 2001 Legislative Session for FY 2002-2003.

Division VI also provides that moneys appropriated from various sources to the Medicaid Program for FY 2001-2002 and FY 2002-2003 that are in excess of actual expenditures are to be transferred to the Senior Living Trust Fund as repayment of amounts not otherwise repaid.

Division VI provides that the following requirements in law or rule are suspended for FY 2002-2003: school attendance requirements for children participating in FIP (known as the "Learnfare" initiative), requirements for case permanency plan reviews for certain intact families, and the annual evaluation of the Family Support Subsidy Program.

Various provisions take effect June 12, 2002; otherwise, the division takes effect July 1, 2002.

#### Division VII — Justice System

Division VII makes appropriations for FY 2002-2003 to the departments of Justice, Corrections, Public Defense, and Public Safety, the Iowa Law Enforcement Academy, the Office of Public Defender, and the Board of Parole. Division VII appropriates a total of \$354.3 million from the General Fund of the State and authorizes 4,887.7 FTEs, a decrease of \$8.3 million and an increase of 35.3 FTEs compared to the FY 2001-2002 estimated net appropriations. The most significant decrease is applied to the Department of Justice.

*DEPARTMENT OF JUSTICE.* The appropriation to the Department of Justice is designated for the Office of the Attorney General, the Prosecuting Attorneys Training Program, for victim assistance grants, the Prosecuting Attorneys Program, for grants for legal services for persons in poverty, and odometer fraud enforcement. A separate appropriation is made for the Office of Consumer Advocate. Authority is provided to utilize the Victim Compensation Fund moneys for staff and administrative costs.

*DEPARTMENT OF CORRECTIONS.* The appropriations to the Department of Corrections include correctional facilities, administration, and community-based corrections.

*INDIGENT DEFENSE.* Division VII appropriates for indigent defense and the State Public Defender's Office.

*LAW ENFORCEMENT ACADEMY.* An appropriation is provided for the Law Enforcement Academy.

*BOARD OF PAROLE.* An appropriation is provided for the Board of Parole.

*DEPARTMENT OF PUBLIC DEFENSE.* Appropriations are provided for the Department of Public Defense.

*DEPARTMENT OF PUBLIC SAFETY.* The appropriations for the Department of Public Safety include funding for increased security at the Capitol.

*STATUTORY AND OTHER CHANGES.* New Code Section 99D.14A provides that a licensee for pari-mutuel wagering shall pay all the salary costs and direct and indirect support costs which exceed \$30,000 incurred by the Division of Criminal Investigations (DCI) for the enforcement of laws pertaining to pari-mutuel wagering. Under prior law, a licensee paid 80 percent of the salary costs of the DCI, and that money was deposited into the Rebuild Iowa Infrastructure Fund. The Act provides that 20 percent of the salary costs shall be deposited into the General Fund of the State.

New Code Section 99F.10A provides that an excursion boat licensee shall pay all the salary costs and direct and indirect support costs which exceed \$125,000 incurred by special agents and all the salary costs for gaming enforcement personnel of the DCI for the enforcement pertaining to excursion boats. Under prior law, a licensee paid a total of 80 percent of the salary costs of the special agents and 80 percent of the salary costs of gaming enforcement personnel of the DCI, and the moneys were then deposited into the Rebuild Iowa Infrastructure Fund. The Act provides that 20 percent of the salary costs shall be deposited into the General Fund of the State.

The Director of the Department of Corrections is authorized to transfer moneys from Iowa Prison Industries for use in inmate educational programs.

Certain restrictions placed on drug courts established during FY 2001-2002 in 2001 Iowa Acts, Chapter 186, Section 6, subsection 6, are eliminated. The restrictions required drug courts to be offered only to persons who have been convicted of a crime and to give priority to felons over misdemeanants. This section takes effect June 12, 2002.

Division VII amends 2001 Iowa Acts, Chapter 186, Section 21, by providing that any unobligated moneys appropriated to the State Fire Marshal for fire protection services do not revert to the General Fund until the end of fiscal year 2002-2003. This section takes effect June 12, 2002.

#### Division VIII — Judicial Branch

Division VIII makes appropriations for FY 2002-2003 to the judicial branch. Division VIII appropriates a total of \$111.35 million from the General Fund of the State for the judicial branch, an increase of \$3.2 million compared to the FY 2001-2002 estimated net appropriations.

Division VIII includes a reduction in the percentage of the state's contribution to the Judicial Retirement Fund for FY 2002-2003.

Division VIII eliminates the requirements that moneys be paid out of the Enhanced Court Collections Fund for implementation of the Justice Data Warehouse if sufficient moneys are not made available to the Justice Data Warehouse.

Division VIII creates a study committee in the Supreme Court to review the operation of the clerks of the district court in each county and, until the study committee report is submitted, prohibits appointment of a clerk of court unless the appointment is approved by the State Court Administrator.

#### Division IX — Standing Appropriations

Division IX makes reductions totaling \$6.7 million to FY 2002-2003 General Fund of the State standing appropriations enacted in 2002 Iowa Acts, S.F. 2326, makes transfers from other funds to the General Fund for FY 2002-2003 totaling \$47.1 million, and increases the Senior Living Trust Fund appropriation to Medicaid by \$16 million.

This division reduces standing appropriations for the General Assembly and its agencies and the State Appeal Board by specific dollar amounts. The reductions and limitations in this division are modifications of the same reductions and limitations made in 2002 Iowa Acts, S.F. 2326.

Division IX also limits standing appropriations presently in the Code to specific dollar amounts. These standing appropriations are: personal property tax replacement; franchise tax allocation; payment of livestock production credit refunds; and reimbursements for homestead credits, agricultural land tax credit, family farm tax credit, and for the elderly and disabled tax credit and renter's reimbursement; and public transit assistance.

Division IX transfers moneys from other funds to the General Fund of the State. These funds are the Vehicle Fleet Depreciation, Groundwater Protection, Jury and Witness Fees, Rebuild Iowa Infrastructure, and Environment First Funds and the Endowment for Iowa's Health Account of the Tobacco Settlement Trust Fund. The division also appropriates additional funds to the Medicaid Program from the Senior Living Trust Fund.

#### Division X — Capitals and Infrastructure

Division X relates to appropriations and transfers from the School Infrastructure Fund, County Sales and Services Tax Fund, Rebuild Iowa Infrastructure Fund, and the Environment First Fund. The division reduces appropriations for FY 2002-2003 by \$15.5 million from the Rebuild Iowa Infrastructure Fund and \$18.4 million from the Environment First Fund. The sections of the division relating to the School Infrastructure Fund and County Sales and Services Tax Fund do not take effect unless the Treasurer of State determines that the appropriation from the School Infrastructure Fund will not adversely affect the tax-exempt status of any outstanding bonds issued for the School Infrastructure Program. These sections include an appropriation from the School Infrastructure Fund to the Department of Revenue and Finance for replacement of county sales and services tax revenues that are transferred to the General Fund of the State.

The remainder of Division X reduces previously enacted appropriations from the Rebuild Iowa Infrastructure Fund and the Environment First Fund. The division provides legislative intent for prioritizing funding of lake dredging projects. The division also modifies the purposes for which moneys appropriated from the Environment First Fund to the Iowa Resources Enhancement and Protection Fund may be used.

Division XI — State Employees — Furloughs — Miscellaneous

Division XI relates to vacant state employee positions, creation of a program elimination commission, and employee furloughs.

Division XI requires that effective July 1, 2002, any FTE position authorized in an executive branch table of organization that has been vacant for 12 months or more shall be eliminated from that table of organization. House File 2625 exempts institutions under the State Board of Regents from this provision.

Division XI establishes a Program Elimination Commission to include the Auditor of State with other members to be appointed by legislative leaders, the Governor, the Chief Justice of the Supreme Court, and the Legislative Council. However, H.F. 2625 replaced the Auditor of State with a voting member chosen by the Legislative Council. The commission is directed to consider options for elimination of programs and functions funded in whole or part by state or local public revenues with the goal of identifying savings of 2 percent for the General Fund of the State. In addition, the commission is required to consider sale of public assets or providing for performance of public functions on behalf of government by nongovernmental entities, with various functions identified for consideration.

The commission must issue its report by December 31, 2002, providing recommendations and findings. The recommendations are required to be prepared in bill form. Legislative intent is stated for the commission's bill to be referred to Committees on State Government of the Senate and House of Representatives and that the bill be subject to debate according to procedures that only allow amendments of a purely corrective nature that are recommended by a Committee on State Government. Unless continued by the Legislative Council or by law, the commission is dissolved on December 31, 2002.

Division XI makes reductions in the judicial (\$2,201,399), executive (\$30,862,939) and legislative (\$392,858) branches by requiring furloughs or other cost reductions equal to the furlough cost savings of a one-half-day furlough per employee per calendar month. Executive and judicial branch officials and legislators whose salaries are specifically set by law are subject to a 2.5 percent reduction in salary for the period beginning June 21, 2002, through June 19, 2003. (See H.F. 2625.) Language prohibiting the furlough of more than 25 percent of a division's employees at the same time was modified in H.F. 2625 to be a statement of legislative intent.

Division XI also adjusts the appropriations from the General Fund of the State and the Tobacco Settlement Trust Account for tuition replacement (further adjusted in H.F. 2625), debt service for the Iowa Communications Network, and prison infrastructure bonds for FY 2001-2002 and FY 2002-2003.

Provisions in this division applying operational reductions to executive, judicial and legislative branches of state government take effect June 21, 2002.

Division XII — Corrective Amendments

Division XII provides corrective amendments to legislation enacted in the regular 2002 Legislative Session or to Code provisions affected by legislation enacted in the 2002 Legislative Session.

Division XIII — Drug Utilization Review Committee

Division XIII creates an Iowa Medical Assistance Drug Utilization Review Commission within DHS. The commission has been in existence as an administratively created body. The membership, duties, and related provisions are to comply with federal regulations. The commission is charged with making recommendations to the Council on Human Services regarding strategies to reduce state expenditures for prescription drugs, excluding provider reimbursement rates, under the Medicaid Program. The commission is directed to make initial recommendations by October 1, 2002. Any recommendation approved by the council is to be included in a notice of intended action under Code Chapter 17A. Division XIII directs DHS to seek any federal waiver necessary to implement the approved recommendations. The strategies to be considered for recommendation by the commission are to include, at a minimum, development of a preferred drug formulary in compliance with federal law, negotiation of supplemental rebates from pharmaceutical manufacturers in addition to those rebates provided under the Medicaid Program, disease management programs, drug product donation programs, drug utilization control programs, prescriber and beneficiary counseling and education, fraud and abuse initiatives, pharmaceutical case management, services or administrative investments with guaranteed savings to the Medicaid Program, expansion of prior authorization for prescription drugs and pharmaceutical case management under the Medicaid Program, and any other strategy that has been approved by the U.S. Department of Health and Human Services regarding prescription drugs under the Medicaid Program. The division provides transition provisions, emergency rulemaking provisions, and takes effect June 12, 2002.

## THE GOVERNOR ITEM VETOED THE FOLLOWING:

## DIVISION I

1. The requirement that the Department of Commerce, Iowa Racing and Gaming Commission, and the lottery issue a report to the General Assembly concerning compliance with the reporting requirements of the Accountable Government Act.
2. The requirement that the departments of General Services, Personnel, and Information Technology identify and issue a report concerning duplicative positions in state government as it pertains to that particular department.
3. The requirement that the Information Technology Department notify the Department of Management prior to any fee increase imposed by the department on other state agencies and the requirement that the Department of Management then inform the Legislative Fiscal Bureau concerning any increase.
4. A provision amending Code Section 7D.33, concerning the State Employee Suggestion Program, to increase the maximum payment to an employee for implementation of a cost savings suggestion from \$2,500 to \$25,000.

## DIVISION III

5. A provision requiring IDED to demonstrate accountability by using performance measures appropriate to show the attainment of the goals for the state and by measuring the effectiveness and results of the department's programs and activities.
6. Provisions directing Iowa State University, the University of Iowa, and the University of Northern Iowa to emphasize that a business and an individual that creates a business and receives benefits from specific university programs funded by state moneys have a commercially viable product or service.
7. An appropriation from the Special Employment Security Contingency Fund to the Department of Workforce Development for collection of labor market information; and authorization, upon notification of use to certain legislative leaders and executive branch and legislative agencies, for the department to use any additional penalty and interest revenue to accomplish its mission.
8. A provision directing departments of Economic Development and Workforce Development and the regents institutions receiving an economic development appropriation in the division to file a written report on a quarterly basis with certain legislative leaders and the Legislative Fiscal Bureau (LFB) regarding all expenditures of moneys appropriated, allocations of moneys appropriated, and FTEs allocated.
9. A provision allowing an entity filing the employer's contribution and payroll report form and any other unemployment insurance forms on behalf of multiple accounts to submit one check for these accounts.

## DIVISION V

10. A provision requiring the Iowa Veterans Home to submit a bimonthly report on net budgeting to certain legislative leaders and to the LFB.
11. A provision requiring the Department for the Blind, the departments of Elder Affairs, Public Health, and Human Rights, the Iowa Civil Rights Commission, the Governor's Office of Drug Control Policy, and the Commission of Veterans Affairs to develop program performance budget measures to include, but not be limited to, the development and tracking of demand, workload, productivity, and effectiveness performance indicators for each program, including minority and gender-based programs.
12. A provision repealing the Community Grant Fund for projects to remediate community problems related to juvenile crime.

## DIVISION VI

13. A provision requiring DHS to consult with the Welfare Reform Council and certain legislative leaders before adopting the emergency rules for the Family Investment, Food Stamp, and Medical Assistance Programs to comply with federal requirements.
14. A provision directing DHS to continue the Medicaid waiver for home and community-based services to allow children with mental retardation, who would otherwise require ICFMR care, to be served in out-of-home settings of up to eight beds and allocating for the costs of the waiver up to \$1.5 million from state moneys the division appropriates for medical assistance purposes.
15. A provision directing DHS to receive input and recommendations from certain legislative leaders prior to entering into or extending any managed care contract for mental health or substance abuse services.
16. A provision directing DHS to submit notice to and consult with certain legislative leaders prior to expending any additional federal funding the department receives for FY 2002-2003 under the federal Child Care and Development Block Grant.
17. A statement of legislative intent that commencing on July 1, 2003, the Iowa Juvenile Home at Toledo will serve only females.

18. A statement of legislative intent that administration of the foster care and adoption programs be privatized.
19. A provision directing DHS and Juvenile Court Services to continue to develop criteria for the department service area administrator and chief juvenile court officer to grant exceptions to extend eligibility, within the funds allocated, for intensive tracking and supervision and for supervised community treatment to delinquent youth beyond age 18 who are subject to release from an out-of-home placement.
20. A provision directing DHS to submit proposed legislation to the Eightieth General Assembly, 2003 Session, to correct the necessary Code references.
21. A provision directing DHS to report to the Governor, the General Assembly, LFB, and the Legislative Service Bureau, within 30 days of notice from the source of payment of any moneys received from the federal government, court settlement payments, and any other source that may be used to supplement state funds appropriated to the department.
22. A provision prohibiting DHS from proposing an amendment to the federal government affecting a state plan for a program subject to federal approval if amendment would have an effect on state appropriations unless the amendment is adopted as a rule that has been reviewed and approved by the Administrative Rules Review Committee or the Fiscal Committee of the Legislative Council has adopted a motion recommending implementation of the amendment.
23. Session law requiring DHS to implement copayments for prescription drugs. (The Governor item vetoed a provision in H.F. 2625 that would have codified this requirement.)
24. A provision allowing a health care facility in Dows in operation prior to May 1, 2002, that had previously completed the certificate of need (CON) process, and was previously licensed by the state, to reopen without being subject to a new CON process and the meeting of current life safety code or physical plant requirements, provided it is reopened by July 1, 2004.
25. A statement of legislative intent that DHS evaluate the documentation provisions implemented in FY 2001-2002 for medical assistance claiming of targeted case management services for children who are at risk of maltreatment or who are in need of protective services, and a provision that makes the intent language effective upon enactment.
26. A provision requiring that, beginning October 1, 2002, all licensed nursing facilities be certified under both the federal Medicare Program and Medicaid Program as a condition for participation in the Medicaid Program; and directing DHS, in consultation with nursing facility provider organizations, to adopt rules to establish criteria for individual exceptions to the dual certification requirement. The Governor also item vetoed a provision making this provision effective upon enactment.

## DIVISION VII

27. A provision limiting the costs billed to the racetracks to not more than \$420,000, and the costs billed to the riverboats to not more than \$1.28 million, in excess of the amounts billed to the racetracks and riverboats, respectively, in FY 2002-2003.

## DIVISION X

28. The reduction in the appropriation from the Rebuild Iowa Infrastructure Fund to the Department of Education of \$600,000 for FY 2002-2003 to provide resources for structural and technological improvements to local libraries.

## DIVISION XI

29. Session law for FY 2002-2003, prohibiting, unless specifically authorized by a collective bargaining agreement, executive and judicial branch agencies from providing employees with a subsidy or reimbursement for a class or other course of study leading to an advanced degree. The Governor vetoed a provision of H.F. 2625 that exempted institutions under the State Board of Regents from this provision.
30. Session law for FY 2002-2003 directing the executive and judicial branches to issue in printed form documents of an informational nature only in response to an individual request and to make these documents available, to the extent possible, by internet posting, electronic mail, or other electronic means in lieu of availability in printed form.
31. A provision that increases from \$3 million, as set in H.F. 2623, to \$4.2 million the total amount of Accelerated Career Education Program job credits for all employers during FY 2002-2003.
32. Provisions that limit the new jobs tax credits under the individual and corporate income taxes to those Code Chapter 260E agreements finalized prior to July 1, 2002.





## BUSINESS, BANKING AND INSURANCE

- SENATE FILE 2084** - Farm Implement, Motorcycle, and All-Terrain Vehicle Franchises or Dealerships
- SENATE FILE 2134** - Security and State Bank Deposit Accounts — Transfer Upon Death of Owner or Depositor
- SENATE FILE 2279** - Insurance and Securities Regulation — Miscellaneous Provisions
- SENATE FILE 2317** - Tobacco Settlement Agreement — Miscellaneous Provisions — Litigation Costs
- HOUSE FILE 608** - Consumer Credit Transactions — Delinquency Charges — VETOED BY THE GOVERNOR
- HOUSE FILE 681** - Deposit of Public Funds — Uninsured Funds — Required Collateral
- HOUSE FILE 2446** - Proposed Uniform Computer Information Transactions Act — Effect — Intent
- HOUSE FILE 2487** - Medical Assistance Program — Disproportionate Share Hospital Payments for Inpatient Children's Hospital Services
- HOUSE FILE 2497** - Gift Certificates — Late Claims Charges
- HOUSE FILE 2509** - Business Corporations — Miscellaneous Provisions — Other Entities

### RELATED LEGISLATION

- SENATE FILE 429** - Local Exchange Carrier Regulation — Rate Changes  
*SEE ENERGY & PUBLIC UTILITIES.* This Act provides for modification of rates for basic communications services and price-regulation requirements for price-regulated local exchange carriers with fewer than 500,000 access lines in this state, including temporary authority for immediate partial rate increases conditioned upon the filing of a bond by a local exchange carrier. The Act takes effect April 4, 2002.
- SENATE FILE 2192** - Highways and Motor Vehicles — Miscellaneous Provisions  
*SEE TRANSPORTATION.* This Act makes several Code changes relating to highways and motor vehicles, including provisions relating to motor vehicle and mobile home manufacturers, distributors, franchisees, and dealers, and to motor vehicle registration reciprocity.
- SENATE FILE 2210** - Interests in Agricultural Land — Qualified Enterprises  
*SEE AGRICULTURE.* This Act permits a qualified entity involved in baby chick and fertilized egg production to hold agricultural land for purposes of farming, notwithstanding general prohibitions contained in Code Chapter 9H that restrict corporate entities from holding an interest in agricultural land for purposes of farming, and in Code Chapter 567, which similarly prohibits nonalien residents and foreign governments from holding such an interest. The Act takes effect March 28, 2002.
- SENATE FILE 2212** - Secured Transactions — Landlord Liens  
*SEE AGRICULTURE.* This Act amends Code Chapter 570, which provides for landlord liens that now must be perfected as agricultural liens under revised Article 9 of the Uniform Commercial Code (Code Chapter 554). The Act provides that a creditor who has filed a financing statement to perfect a landlord's lien under revised Article 9 is not required to file a continuation statement as otherwise required under Code Section 554.9515 in order to retain a perfected status in the collateral.
- SENATE FILE 2272** - Acquisition or Holding of Agricultural Land — Permanent Residents  
*SEE AGRICULTURE.* This Act amends Code Chapter 567, which in part prohibits a nonresident alien from acquiring or holding agricultural land in this state. The Act addresses the status of a permanent resident alien who is allowed to hold agricultural land free from the restrictions of the Code chapter, and specifically provides that a "nonresident alien" does not include an individual who is lawfully admitted for permanent residence, regardless of whether the individual's lawful permanent status is conditional.
- SENATE FILE 2275** - Substantive Code Corrections  
*SEE STATE GOVERNMENT.* This Act contains statutory corrections that 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. A reference to S corporations is updated in language relating to the refunding of unused

corporate tax credits for certain new investments and clarifying language is added regarding the tax return to which those tax credit claims must be attached; the word “paragraph” is added to language pertaining to tax exemptions that may be claimed for property within enterprise zones; language relating to the investigation of occupational diseases and the obtaining of special variances from occupational safety and health standards is clarified; language regarding determination of eligibility of special service members for disability benefits under the Iowa Public Employees’ Retirement System chapter is clarified; and a change is made in language relating to civil penalties assessed against certain licensees under the alcoholic beverages chapter. Additional clarifications are also made in the following: language describing the renewal of recording of livestock brands; language relating to the operations of the Grape and Wine Development Commission; language relating to the enforcement of custom cattle feedlot liens; language regarding submission of information pertaining to continuing education program attendance by optometrists; and language relating to hearing aid dispensers.

In other provisions, the statutory prerequisites for in-state travel by unregistered out-of-state commercial motor vehicles are clarified; language relating to petitions regarding the issuance of bonds secured by revenues derived from the local hotel and motel tax is clarified; language describing acquisitions which constitute a “major addition” for purposes of taxation of electricity and natural gas providers is clarified; a reference to the agent of a foreign limited liability company is changed to a reference to the agent of a foreign limited liability partnership in the Uniform Partnership Act; references to the former Individual Health Benefit Reinsurance Board are changed to the Comprehensive Health Insurance Association Board; the procedure for attaching the approval of the Commissioner of Insurance to articles of incorporation and amendments is clarified; language describing the time period for contesting a certification for external review decision by the commissioner and the time period during which the commissioner is to notify an enrollee or the enrollee’s treating health care provider of the reasons for refusal of an external review request are clarified; several of the notice provisions relating to external review of health care coverage decisions are clarified; several references to “agent” are replaced with “insurance producer” in provisions relating to the licensing and regulation of insurance producers; and numerous technical changes are also made within the Licensing of Insurance Producers chapter.

Corrections and clarifications are made in provisions relating to funeral and cemetery services. A correction is made to cover transfer of franchise when ownership interests are exactly 50 percent. Clarifications are made relating to the Uniform Commercial Code chapter. Two clarifications are made in 2001 Iowa Acts, Chapter 55, relating to the regulation of accounting practitioners, and a clerical error is corrected, retroactively to July 1, 2000, in language relating to misrepresentation of a business name by a supplier of a service or product in a local telephone directory or directory assistance database.

**SENATE FILE 2305**

- Tax Administration and Related Matters

**SEE TAXATION.** This Act amends various tax provisions of state law to apply sales tax to executive search agencies whether or not the agencies are licensed, add the adjective “nonprofit” to private educational institutions for purposes of the sales tax exemption for certain sales where the proceeds are used for or by an educational institution, require consolidated filers to provide sales tax information by business location, and repeal the Code chapter on the property taxation of express companies, because there are no longer any express companies in Iowa.

**SENATE FILE 2309**

- Regulation of Beef and Pork Processors

**SEE AGRICULTURE.** This Act amends Code Chapter 9H, which in part provides for the regulation of beef and pork processors that own, finance, or exercise control over cattle or swine operations. The Act amends provisions regulating processors having a total annual wholesale value of beef or pork products of \$80 million or more. It places restrictions upon a person who holds an interest in a business association that directly or indirectly controls the processing of beef or pork products, who holds an executive position in a processor, or who owes a processor some fiduciary duty. The Act amends provisions requiring reports by processors, and provides that a processor who is in compliance with the law prior to January 1, 2002, and is in violation of the Act, has until June 30, 2004 to comply with the Act’s provisions. The Act prohibits a processor from taking an action on or after January 1, 2002, that would be in violation of the Act’s provisions. A processor who violates the provisions of the Act is subject to a civil penalty of not more than \$25,000.

- SENATE FILE 2318** - Taxation of Insurance Premiums, Assessments, and Fees and Health Service Corporation Subscriber Contract Payments  
*SEE TAXATION.* This Act phases in a reduction of the state's gross premiums tax rate from 2 percent to 1 percent by .25 percent per year beginning with the 2003 calendar year for life and health insurance companies and associations, and beginning with the 2004 calendar year for insurance companies and associations that are not life and health insurance companies and associations. The Act also increases the amount of prepayment of taxes beginning with the 2003 calendar year until the 2005 calendar year, when the 100 percent requirement of the previous year's tax liability must be paid. The 100 percent requirement continues for subsequent years.
- SENATE FILE 2321** - Sales and Use Taxes — Miscellaneous Provisions  
*SEE TAXATION.* This Act strikes the repeal of current law that provides that, for the sales tax, a sale of tangible personal property does not occur if the transaction is delivered digitally, electronically, or utilizing cable, or by radio waves, microwaves, or fiber optics, and, for the use tax, that tangible personal property does not include any substance delivered digitally, electronically, or utilizing cable, or by radio waves, microwaves, or fiber optics. The repeal would have taken effect December 31, 2002. The Act takes effect May 10, 2002.
- HOUSE FILE 2035** - State Historic Property Rehabilitation Tax Credit  
*SEE TAXATION.* This Act provides that the historic property rehabilitation tax credit may be applied against the franchise tax and insurance premiums tax. In addition, the Act provides that for purposes of individual and corporate income taxes and franchise tax, the increase in the basis of the rehabilitated property that would otherwise result from the rehabilitation costs is to be reduced by the amount of the credit. The Act takes effect February 21, 2002, and applies retroactively to January 1, 2001, for tax years beginning on or after that date.
- HOUSE FILE 2078** - Business Growth and Development Initiatives — Seed and Venture Capital Investments — Small Business Income Allocation  
*SEE ECONOMIC DEVELOPMENT.* This Act authorizes the issuance of a tax credit against personal and corporate income tax, the franchise tax for financial institutions, the insurance premium tax, and the moneys and credits tax for credit unions for investments in the Iowa Fund of Funds, which is created in the Act. The Act also amends the allocation to Iowa, for purposes of the state individual income tax, of income earned by an S corporation that is distributed to a shareholder to pay federal income tax.
- HOUSE FILE 2271** - Investment Tax Credits — Qualifying Businesses — Community-Based Seed Capital Funds  
*SEE ECONOMIC DEVELOPMENT.* This Act creates a tax credit against personal income tax for investments in qualifying businesses and a tax credit against personal and corporate income tax, the franchise tax for financial institutions, the insurance premium tax, and the moneys and credits tax for credit unions for investments in community-based seed capital funds.
- HOUSE FILE 2475** - Security Interests in Education Loans  
*SEE EDUCATION.* This Act authorizes a tax-exempt organization that provides or acquires education loans to establish and perfect a security interest in the loans, thereby obtaining priority over other security interests.
- HOUSE FILE 2492** - Farm Aid Associations — Termination or Conversion to Nonprofit Corporations  
*SEE AGRICULTURE.* This Act provides that farm aid associations organized under Code Chapter 176 have until June 30, 2005, to incorporate under Code Chapter 504A, the Iowa Nonprofit Corporation Act, or be terminated. The Act provides special procedures for a farm aid association to incorporate under Code Chapter 504A.
- HOUSE FILE 2565** - Residential Real Estate Installment Contracts — Disclosure Statements  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act requires certain sellers under a residential real estate installment sales contract to prepare and deliver to the contract purchaser a written contract disclosure statement and a copy of the installment sales contract.

- HOUSE FILE 2586** - Venture Capital Fund Investment Tax Credits  
*SEE ECONOMIC DEVELOPMENT.* This Act allows a tax credit for equity investments in venture capital funds against personal income, corporate income, franchise, insurance premium, and moneys and credits taxes. The Act takes effect May 8, 2002, and applies retroactively to January 1, 2002, for tax years beginning on or after that date.
- HOUSE FILE 2592** - Start-Up Businesses — Taxable Income Deferment  
*SEE ECONOMIC DEVELOPMENT.* This Act provides a process by which certain start-up businesses may defer taxable income. The Act takes effect April 22, 2002, and is retroactively applicable to January 1, 2002.
- HOUSE FILE 2622** - Tax Administration — Additional Related Matters  
*SEE TAXATION.* This Act amends various provisions of state and local laws to allow a taxpayer to file for an urban revitalization property tax exemption up to two years after the improvements are first assessed for taxation and still receive the exemption for the total number of years allowed in the exemption schedule; provides for a new collection method that allows the Department of Revenue and Finance to use compensation that is owed to an obligor for payment of wages to be applied against a debt owed by the obligor to the state; authorizes the Director of Revenue and Finance to change the filing and remittance thresholds as they relate to income, sales and use taxes if in the best interest of the state and the taxpayer; changes the method of imposing and refunding the sales and use taxes on building materials, supplies, and equipment used in a construction project for exempt entities; exempts from the sales and use tax imposed on service charges of financial institutions those surcharges assessed with regard to nonproprietary ATM transactions; and provides for the abatement of sales and use taxes and local sales and services taxes owed by foundries located in Lee County or Jefferson County on purchases used by the foundry in making patterns, molds or dies if the purchase was made between July 1, 1997, and May 6, 2002.
- HOUSE FILE 2627** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — 2002-2003 and Prior Fiscal Years — SECOND EXTRAORDINARY SESSION  
*SEE APPROPRIATIONS.* This Act provides FY 2002-2003 appropriations from the General Fund of the State to the executive and judicial branches of state government, reduces or limits standing appropriations, and transfers appropriations. The Act is organized into divisions corresponding to the General Assembly's joint appropriations subcommittees and includes appropriations for the departments of Commerce, Economic Development, and Workforce Development that provide for regulation and grants associated with business, banking and insurance and includes health and human services programs such as child welfare and child care subsidies to support working families.

## BUSINESS, BANKING AND INSURANCE

### **SENATE FILE 2084 - Farm Implement, Motorcycle, and All-Terrain Vehicle Franchises or Dealerships**

BY JENSEN. This Act provides for agreements for persons merchandising all-terrain vehicles.

Code Chapter 322D governs agricultural equipment and motorcycle franchises. According to Code Section 322D.7, for agricultural equipment franchises, the provisions of Code Chapter 322D are transitional. Code Chapter 322F replaces Code Chapter 322D's authority over franchise relationships based on agreements executed or renewed on or after July 1, 1990, or agreements without any expiration date. Code Chapter 322D still governs motorcycle dealerships and agricultural dealership agreements executed prior to July 1, 1990, that expire on a date certain.

Code Chapter 322D refers to the merchandisers as franchisees and their agreements with franchisers as franchise agreements, while Code Chapter 322F refers to the merchandisers as dealerships and their agreements with suppliers as dealership agreements. For purposes of simplicity, this summary uses the terms contained in Code Chapter 322F when describing both chapters. The Act provides that the term "all-terrain vehicle" means a motorized flotation-tire vehicle with not less than three low-pressure tires, but not more than six low-pressure tires, or a two-wheeled off-road motorcycle, that is limited in engine displacement to less than 800 cubic centimeters and in total dry weight to less than 750 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

The Act provides that for any remaining dealerships of agricultural equipment and for all dealerships of motorcycles governed under Code Chapter 322D, those provisions apply to all-terrain vehicles. For agricultural equipment dealers governed under Code Chapter 322F, the same provisions that apply to agricultural equipment apply to all-terrain vehicles.

Generally, Code Chapters 322D and 322F regulate business relationships between dealers and suppliers by providing for the terms and conditions of dealership agreements. These terms and conditions relate to causes for termination of a dealership agreement, including requiring that good cause exist for the termination. The two Code chapters provide requirements relating to the repurchase and repossession of equipment following termination of a dealership agreement. The Code chapters specify rights and obligations for dealers and suppliers. They place restrictions on supplier practices, provide for supplier liability, and make remedies available to the dealer.

Under both Code chapters as amended by this Act, the provisions governing all-terrain vehicles apply to those dealership agreements in effect that have no expiration date and all other agreements entered into or renewed on or after July 1, 2002. Any such dealership agreement in effect on July 1, 2002, which by its own terms will terminate on a subsequent date, is governed by the law as it existed prior to July 1, 2002.

### **SENATE FILE 2134 - Security and State Bank Deposit Accounts — Transfer Upon Death of Owner or Depositor**

BY COMMITTEE ON COMMERCE. This Act removes a six-month time period requirement during which a deposit account of a deceased depositor was subject to the debts of the deceased depositor and Iowa inheritance tax. The Act provides that the proceeds of the deposit account remain subject to the decedent's debts and inheritance tax after payment of the proceeds by the state bank to the persons designated by the decedent to receive the proceeds, but the state bank is not liable for any debts or taxes as a result of making the payment to the beneficiary.

The Act also defines "security account" as part of the Uniform Transfer on Death Security Registration Act, codified as part of Iowa's Probate Code. The effect of adding such bank and trust accounts is to make them eligible for registration in beneficiary form, so that the items in the account pass to the beneficiary at the owner's death. By completing a registration in beneficiary form, the owner may designate a beneficiary, authorizing the custodian of the owner's securities (e.g., a broker) to transfer the securities directly to the beneficiary on the owner's death, bypassing the probate process.

### **SENATE FILE 2279 - Insurance and Securities Regulation — Miscellaneous Provisions**

BY COMMITTEE ON COMMERCE. This Act makes changes to various provisions related to insurance throughout the Code, and certain changes related to securities filings and registration provisions, including Code Chapter 502, the Iowa Uniform Securities Act, administered by the Commissioner of Insurance or the commissioner's deputy (referred to as "the administrator").

The Act strikes provisions of Code Chapter 272C regulating professions and occupations that require reports to be filed with the commissioner by insurance carriers that insure professional and occupational licensees relating to negligent acts and omissions in the practice of a profession or an occupation. The Act requires that the reports be filed with the appropriate licensing board.

The Act amends Code Chapter 502 by substituting a definition for "viatical settlement investment contract," rather than "viatical settlement contract," and makes corresponding changes elsewhere in the Code regarding the change in terminology.

The Act provides that Code Section 17A.18A, regarding emergency adjudicative hearings, shall not apply to summary orders issued by the administrator postponing or suspending registration of an applicant or registrant of a broker-dealer, agent, investment adviser, or investment adviser representative under the Iowa Uniform Securities Act pending final determination of any proceeding for denial, revocation or suspension of registration.

The Act amends Code Chapters 502 and 505 to allow the commissioner and the administrator to keep confidential social security numbers, residence addresses, and residence telephone numbers contained in certain securities and insurance filings, if the disclosure is not required in the performance of any duty or is not otherwise required under law.

The Act amends Code Chapter 507C to provide that the commissioner, without advance notice or hearing, may immediately suspend the certificate of authority of an insurer if the insurance supervisory official of another state has commenced any delinquency proceedings against the insurer.

The Act amends Code Chapter 508, Life Insurance Companies, to provide that a funding agreement may be issued to a person other than a natural person that has assets of at least \$25 million. Current Code language provides that the agreement may be issued to a person for specific purposes, including a program of an institution that has assets in excess of \$25 million.

The Act amends a provision in the Code relating to individual deferred annuities to provide that the minimum nonforfeiture amount is calculated in part based on prior withdrawals or from partial surrenders of the contract, calculated currently at 3 percent annually. The Act changes this amount to 1.5 percent annually. The amendments to the provision are repealed effective July 1, 2003.

The Act amends Code chapters regarding life insurance, insurance other than life, and state and county mutual associations to provide that insurance producers who are independent contractors but are not exclusive insurance producers have the right to 180 days' notice of termination of contract except in cases of loss of license, fraud, nonpayment of company premiums, or the withdrawal of operations in the state by the insurance company. An "insurance producer" is a person required to be licensed in the state to sell insurance. The Act defines "exclusive insurance producer" in Code Chapter 522B to mean an insurance producer who has an exclusive relationship with an insurer.

The Act amends provisions in Code Chapter 508E regulating viatical settlement investment contracts. The Act provides immunity from liability for any person acting without malice or bad faith who files a report or otherwise furnishes information to certain persons concerning alleged acts in violation of the chapter or the administrative rules implementing the chapter.

The Act amends a provision in Code Chapter 509 requiring a carrier to provide annual information regarding coverage and claims to group health policyholders with 100 or more eligible employees. The Act reduces the threshold to 51 or more eligible employees, and requires that the information include the total amount of claims paid and the total amount of premiums by line of coverage, for current and prior policy years. The Act adds organized delivery systems, multiple employer welfare arrangements, state employee health plans, and association group policies to the list of persons currently required to furnish such information to group health policyholders.

The Act amends provisions in Code Chapter 513B relating to small group health coverage by requiring that adjustments regarding rate adjustments for claims experience, health status, and duration of coverage be applied uniformly to all covered employees and dependents.

The Act amends Code Chapter 513C by providing that loss of eligibility for the hawk-i Program, which provides health insurance coverage to low-income children under Code Chapter 514I, constitutes a "qualifying event" for purposes of the chapter relating to insurance coverage available due to individual market reform.

The Act amends provisions in Code Chapter 514A, regulating accident and health insurance, by providing for coverage in a medical expense policy if a loss is sustained or contracted due to the insured's being intoxicated or under the influence of narcotics. This Code provision replaces one that excludes coverage if the insured is intoxicated or under the influence of any narcotic unless administered on advice of a physician.

The Act amends Code Chapter 515 to provide that a notice of intent not to renew or nonrenewal sent by insurers for insurance other than life is not required if the insured is transferred from an insurer to an affiliate for future coverage as a result of a merger, acquisition, or company restructuring and if the transfer results in the same or greater coverage. The Act makes similar changes in Code Chapter 515D regarding notice of intent not to renew on automobile policies. The Act also changes certain notice periods in those chapters related to cancellation or intent not to renew insurance other than life and automobile insurance from 20 to 30 days.

The Act amends provisions in Code Chapter 515B creating the Iowa Insurance Guaranty Association, by providing that the association's obligation to defend an insured may cease upon the association's tender to an excess insurer an amount which

equals the obligation or applicable policy limits, whichever is less. The association may review all settlements, releases and judgments of the insolvent insurer to determine which may be contested.

The Act provides that a person may be excluded from an automobile insurance policy if agreed upon by the named insured and insurer, and a policy may be canceled for any reason permitted under Code Section 515D.4 for which a person may be excluded from the policy.

The Act amends Code Chapter 515F governing casualty insurance by excluding state mutual insurance associations from the scope of the Code chapter. The Code chapter currently excludes county mutual insurance associations.

The Act amends Code Chapters 518 and 518A by expanding the standard for exposure of surplus to a general benchmark of 15 percent for state and county mutual associations, and amends the required surplus standard in Code Sections 518.25 and 518A.37, removing the redundant word "property."

The Act amends the authorized area of business for a state mutual association under Code Section 518A.2 to the county of its principal place of business, the contiguous counties, and the next tier of contiguous counties. If the association seeks to modify its authorized territory, it must file and have a plan approved by the commissioner for controlled expansion that protects policyholders.

The Act changes the dates in Code Chapter 519A, relating to medical malpractice insurance, to provide that insurance issued under that chapter shall expire two years from the date the commissioner deems an emergency to exist, or earlier, in accordance with the terms of the statute. Current Code language eliminated in the Act provided for the coverage to expire in 1977.

The Act also amends Code Chapter 519A, regulating medical malpractice insurance, by adding nursing facilities licensed pursuant to Code Chapter 135C to the definition of "licensed health care provider."

#### **SENATE FILE 2317 - Tobacco Settlement Agreement — Miscellaneous Provisions — Litigation Costs**

BY COMMITTEE ON APPROPRIATIONS. This Act relates to cigarettes and tobacco products, including Tobacco Master Settlement Agreement litigation fees.

The Act makes an appropriation for FY 2001-2002 from the Tax-Exempt Bond Proceeds Restricted Capital Funds Account of the Tobacco Settlement Trust Fund to the Treasurer of State to supplement an appropriation made for FY 2001-2002 for payment of litigation fees incurred pursuant to the Tobacco Master Settlement Agreement. This appropriation takes effect May 10, 2002.

#### **THE GOVERNOR ITEM VETOED THE FOLLOWING:**

1. The provision that prohibited a distributor from affixing state tax stamps or causing state tax stamps to be affixed to individual packages of any brand of cigarettes sold or distributed by the distributor in the state and from acting as a distributor for any roll-your-own-tobacco product unless either of the following conditions applied: (1) the tobacco product manufacturer of the brand, or any predecessor tobacco product manufacturer of the brand, is a participating manufacturer under the master settlement agreement; or (2) the tobacco product manufacturer of the brand, or any predecessor tobacco product manufacturer of the brand, has provided the distributor with a current certification that the tobacco product manufacturer and all predecessor tobacco product manufacturers of the brand are in full compliance with the escrow requirements of the master settlement agreement.
2. The provision that prohibited a distributor from affixing or causing to be affixed state tax stamps to individual packages of any brand of cigarettes, subsequent to notice to the distributor by the Department of Revenue and Finance (IDRF) that the tobacco product manufacturer is in violation of Code Chapter 453C with reference to that brand.
3. The provision that required a tobacco product manufacturer whose cigarettes are sold for consumption in the state to quarterly certify, under penalty of perjury, that as of the date of certification, the tobacco product manufacturer and any predecessor of the tobacco product manufacturer are either a participating manufacturer under the master settlement agreement or in full compliance with the escrow requirements under the master settlement agreement.
4. The provision that required that a copy of the certification be delivered to the Director of Revenue and Finance, the Attorney General, and any distributor of the tobacco product manufacturer.
5. The provision that a distributor that violates the provisions of the Act is subject to civil penalties existing in the Code of \$200 for a first violation, \$500 for a second violation within two years of the first violation, and \$1,000 for a third or subsequent violation within two years of the first violation.
6. The provision that authorized that, for the purposes of enforcement of Code Chapter 453C ("Tobacco Product Manufacturers -- Financial Obligations") and the new provisions of the Act, IDRF and the Attorney General may share all information collected under Code Chapter 453C and the provisions of the Act with each other, with the National



Association of Attorneys General, and with agencies of other states responsible for enforcement of cigarette and tobacco laws.

7. The provision that required tobacco product manufacturers whose cigarettes are sold for consumption in the state, prior to any such sale, to maintain both a registered office and a registered agent in the state.

**HOUSE FILE 608 - Consumer Credit Transactions — Delinquency Charges — VETOED BY THE GOVERNOR**

BY COMMITTEE ON COMMERCE AND REGULATION. This bill would have provided that, with respect to a consumer credit transaction that is not pursuant to an open-end credit arrangement, and other than a consumer lease or consumer rental agreement, a delinquency charge on a current paid-in-full installment associated with a precomputed transaction shall not be collected, even if a delinquency on an earlier installment exists. By limiting the provision's applicability to precomputed transactions, the bill would have allowed a delinquency charge to be collected on an installment not part of a precomputed transaction, where the current installment due is paid in full within 10 days after its scheduled or deferred installment due date but an earlier maturing installment or a delinquency or deferral charge on an earlier installment has not been paid in full. The bill, with respect to such transactions, would have eliminated the requirement that payments be applied first to a current installment and then to delinquent amounts.

The bill likewise would have provided that with respect to delinquency charges related to an open-end credit transaction, a delinquency charge could be collected on a payment associated with a transaction other than a precomputed transaction where the current payment due is paid in full on or before its scheduled or deferred due date but where an earlier maturing payment or a delinquency or deferred charge on an earlier payment has not been paid in full. The bill, with respect to such transactions, would have eliminated the requirement that payments be applied first to a current payment and then to delinquent amounts.

**HOUSE FILE 681 - Deposit of Public Funds — Uninsured Funds — Required Collateral**

BY COMMITTEE ON COMMERCE AND REGULATION. This Act amends the regulations regarding public funds deposits in Code Chapter 12C. The Act primarily requires financial institutions to pledge certain types and amounts of financial institutions collateral in order to secure the deposit of public funds in those depositories.

The Act requires that approval of a financial institution as a depository of public funds for a public body shall be by written resolution or order entered in the minutes of the approving board, with the name of each depository and the maximum amount that may be kept on deposit in each depository. Each financial institution seeking to be on the list of financial institutions eligible to accept public funds deposits must annually provide the state with a written statement that includes a statement that the institution has complied with requirements of Code Chapter 12C.

The Act requires quarterly public funds reports to be filed by each savings and loan and each out-of-state bank with the Superintendent of Banking regarding the amount of public funds on deposit with the savings and loan or at each branch of the bank. The superintendent may also request any bank to certify the amount of public funds on deposit on any day specified by the superintendent. The superintendent may investigate as necessary to verify the information, and must notify the Treasurer of State regarding the collateral that must be pledged by each bank during the previous calendar quarter.

The Act adds requirements regarding the collateral that must be pledged by a bank to the treasurer during each calendar quarter in respect to the bank's uninsured public funds deposits. Specific formulas are provided for both the amount of collateral to be pledged by a bank and for the amount of collateral to be pledged by an out-of-state bank that operates a branch in Iowa. A bank accepting public funds deposits must execute a security agreement with the treasurer as the secured party, and deposit the collateral in restricted accounts at a designated financial institution not owned or controlled by the bank pledging the collateral. The Act also specifies the kinds of collateral that may be used to secure public deposits, and provides that a bank may borrow collateral used for a pledge if the collateral is free of any liens, security interest, claims, or encumbrances.

The Code continues to provide a procedure for validating the amount of public funds on deposit at a closed bank, as well as the applicable amount of deposit insurance. The Act amends the Code in relation to the issue of payment of losses in a closed bank, to address the pledging of collateral and the disposition of collateral pledged by the closed bank. The Act retains Code Section 12C.23A's primary resort to deposit insurance, by providing that loss to the depositors of public funds shall be satisfied first by any federal deposit insurance. The Act adds that the secondary and tertiary sources of compensation to a public funds depositor shall be made by the sale or other disposition of collateral pledged by the closed bank, and then from the assets of the closed bank, respectively. Only if the assets of the closed bank are insufficient to cover the loss shall payments be made from the state sinking fund for public deposits in banks. If that fund is inadequate to compensate public funds depositors, the treasurer shall make an assessment against other banks whose public funds deposits exceed federal deposit insurance coverage. The Act changes certain language regarding the calculation of this assessment, and specifies certain actions that the treasurer and superintendent must take if a bank fails to pay its assessment when due, including by liquidating the bank's pledged collateral and imposing statistical assessments. The Act also amends the procedure for distribution of the funds from an assessment.

The Act amends Code Section 12C.24, which provides an exemption from personal liability for losses resulting from the deposit of public funds for a public body. The Act provides that an agent, employee, officer, or board member of a public funds depositor is exempt from liability provided that the deposit is made in accordance with Code Chapter 12C, and an absence of negligence, malfeasance, misfeasance, or nonfeasance exists on the part of the person.

The Act moves from Code Section 12C.23A to Code Section 12C.25 language that requires the treasurer to invest idle balances in the state sinking fund for public deposits in banks, and to credit earnings to that fund. The Act provides that fees paid by banks for the administration of Code Chapter 12C shall be credited to the state sinking fund for public deposits in banks, and the treasurer may deduct actual costs of administration from the fund.

The Act also provides a formula for refunding a pro rata share of assessments paid by banks for the state sinking fund for public deposits in banks when the balance of the fund exceeds \$3.1 million at the end of any calendar year, but the total amount of refunds shall not deplete the balance of the fund beyond \$3 million. Another procedure is provided for payment of the reimbursement when assessments remain unreimbursed by reason of the closing of more than one bank. A separate subsection pertaining to the closing of a credit union is retained.

The Act addresses the notification procedures for the Treasurer of State to follow when a bank fails to maintain the required collateral levels under Code Chapter 12C. The treasurer must give the bank notice and opportunity to pledge the additional collateral; otherwise, the treasurer shall notify the Office of Thrift Supervision, the Comptroller of the Currency, or the Superintendent of Banking, as applicable, who may take such action permitted by law.

The Act allows any notice, report, or other communication required by Code Chapter 12C to be deemed effective if sent or given electronically, according to regulation by the superintendent and the treasurer.

The Act also amends parts of Code Chapter 524 relating to the powers and duties of the superintendent. The changes allow the superintendent to issue orders, specifically refer to Code Chapter 12C, and take certain actions in reference to a bank not in compliance with Code Chapter 12C, including requiring that a bank not accept public funds deposits, that a state bank return some or all uninsured public funds, or that it pledge up to 110 percent of the public funds held by the bank for the current quarter and up to the next succeeding eight calendar quarters.

The Act takes effect July 1, 2002, but special applicability provisions are included as follows:

1. Certification to the Superintendent of Banking regarding the amount of public funds on deposit at each savings and loan and each in-state branch of an out-of-state bank, under Code Section 12C.20, subsection 1, is not required until January 31, 2003.
2. Notification by the Superintendent of Banking to the Treasurer of State regarding the amount of collateral required to be pledged at the end of the previous calendar quarter under Code Section 12C.20, subsection 4, is not required until April 30, 2003.
3. The pledging of collateral by banks to the Treasurer of State pursuant to Code Section 12C.22 shall not be required until July 1, 2003.

#### **HOUSE FILE 2446 - Proposed Uniform Computer Information Transactions Act — Effect — Intent**

BY COMMITTEE ON COMMERCE AND REGULATION. This Act amends certain provisions of 2000 Iowa Acts, Chapter 1189, creating a new Code chapter referred to as the Uniform Electronic Transactions Act providing for electronic transactions and electronic records proposed by the National Conference of Commissioners on Uniform State Laws. The 2000 Act eliminates a provision codified in Code Section 554.104 relating to a choice of law clause in a computer information agreement. During the 2001 Legislative Session, the General Assembly amended the 2000 Act to extend the effective date for the repeal from July 1, 2001, to July 1, 2002. This Act extends the date for repeal to July 1, 2003.

The Act also amends 2000 Iowa Acts, Chapter 1189, as amended in 2001 Iowa Acts, Chapter 34, to provide that it is the intent of the General Assembly to consider the proposed Uniform Computer Information Transactions Act, as proposed by the National Conference of Commissioners on Uniform State Laws, in the 2003 Regular Legislative Session, rather than in the 2002 Regular Legislative Session.

#### **HOUSE FILE 2487 - Medical Assistance Program — Disproportionate Share Hospital Payments for Inpatient Children's Hospital Services**

BY COMMITTEE ON COMMERCE AND REGULATION. This Act directs the Department of Human Services to designate a children's hospital that meets the criteria for a voting member of the National Association of Children's Hospitals and Related Institutions and which operates as part of a licensed hospital, as a qualifying hospital for the purpose of receipt of disproportionate share hospital payments for inpatient services under the Medical Assistance Program. Such a children's hospital is eligible for

receipt of disproportionate share hospital funds, whether or not the children's hospital has a separate federal Medicare provider number. The Act directs the department to adopt rules and to seek an amendment to the state plan from the Centers for Medicare and Medicaid of the U.S. Department of Health and Human Services, as necessary, to implement the Act.

#### **HOUSE FILE 2497 - Gift Certificates — Late Claims Charges**

BY COMMITTEE ON COMMERCE AND REGULATION. This Act provides that an issuer of a gift certificate shall not deduct any charges from the face value of the gift certificate for the gift certificate remaining outstanding, unless an enforceable written contract exists between the issuer and the owner pursuant to which the issuer regularly imposes such charges and does not regularly reverse or cancel them. The provision is part of a Code section that provides that intangible personal property, including any income earned on the property and deducting any lawful charges, is presumed abandoned if unclaimed after more than three years. The Act also defines "gift certificate" to mean a merchandise certificate generally purchased by a buyer for use by a person other than the buyer.

#### **HOUSE FILE 2509 - Business Corporations — Miscellaneous Provisions — Other Entities**

BY COMMITTEE ON COMMERCE AND REGULATION. This Act amends Code Chapter 490, the Iowa Business Corporation Act, based on recommendations proposed by the Iowa Bar Association's Corporate Laws Committee. The Code chapter regulates for-profit corporations. The following overview highlights the areas of change to the Act:

*LIABILITY OF DIRECTORS.* Code Section 490.202 is amended to allow a corporation's articles of incorporation to include a provision eliminating or limiting the liability of a corporation's director or shareholders, with certain exceptions.

*DIRECTOR CONFLICT OF INTERESTS AND OFFICER CONDUCT.* The Act revises and renumbers several Code sections relating to conflicts of interest of directors and officers. The Act revises the general standard of conduct for directors in Code Section 490.830, deleting the current "ordinarily prudent person in a like position" requirement and retaining the good faith and reasonability requirements. The Act also makes other changes to the standard of care in Code Section 490.830. New Code Section 490.831 provides standards of liability. Current Code Section 490.831 is redesignated as new Code Section 490.832, providing for a director's conflict of interest. The Act adds a two-year time limitation on a director's suit for recoupment or contribution in cases of unlawful distribution of corporate assets or indebtedness under Code Section 490.833, and makes other changes consistent with the changes in standards for director conflict of interest.

Code Section 490.842 provides standards of conduct for a corporation's officers. The Act amends Code Section 490.843 regarding the procedure for resignation and removal of officers.

*DERIVATIVE PROCEEDINGS.* The Act replaces current Code Section 490.740, providing for civil actions brought by shareholders on behalf of the corporation (derivative proceedings), provides a new part that includes definitions, and addresses shareholder demand on the corporation, stay of proceedings, dismissal of the action, settlement, and payment of expenses.

Code Section 490.742 allows a shareholder to commence a derivative proceeding 90 days after the demand was made unless the shareholder has earlier been notified that the demand has been rejected by the corporation or unless irreparable injury to the corporation would result by waiting for the expiration of the 90-day period. Code Section 490.741 provides for a shareholder's standing.

A litigation committee composed of independent directors may be appointed to investigate and make recommendations concerning derivative proceedings. Code Section 490.744 addresses the issue of independence and provides that by itself, the nomination or election of the director by persons who are defendants in the derivative proceeding or against whom the action is demanded shall not cause a director to be considered as not independent. In addition, the Act allows such investigation and recommendation to be made by a panel appointed either by the independent directors present at a meeting of the board of directors if the independent directors constitute a quorum or, if the independent directors do not constitute a quorum, a committee of two or more independent directors appointed by a majority vote of independent directors present at a meeting of the board of directors.

*CLOSELY HELD CORPORATIONS.* Code Section 490.732 validates shareholder agreements appearing in the articles of incorporation or signed by all shareholders, and it authorizes wide latitude in their content for closely held corporations whose shares are not listed on a national securities exchange or regularly traded in a market maintained by one or more members of a national or affiliated securities association.

New Code Section 490.1434 provides an alternative to a closely held corporation and its shareholders where one or more but fewer than all shareholders petition for judicial dissolution on grounds, for example, of deadlock or oppression. The alternative essentially is a buyout of the petitioning shareholders, either for an amount the parties can negotiate or for "fair value" of the

shares, with the corporation having the right to do so in the first instance, and, if the corporation does not so elect, due regard for shareholders' relative positions. If the parties cannot reach an agreement, a court, upon application of a party, may determine the fair value of the petitioner's shares.

*INDEMNIFICATION AND ADVANCE FOR EXPENSES.* The Act expands the authority of a corporation to indemnify a director as provided in the corporation's articles of incorporation pursuant to Code Section 490.202 and as provided in Code Section 490.851. The Act generally permits indemnification with respect to a director's conduct to the same extent that the director's liability for that conduct can be limited under the section (e.g., intentionally inflicting harm on the corporation). Code Sections 490.851 through 490.859 address the procedures for making decisions on granting indemnification and authorizing an advance for expenses, and make a court order available as a remedy to enforce a legal right to indemnification or expense advancement. Code Section 490.854 permits a court to order an advance for expenses as well as indemnification.

*SHAREHOLDER MEETINGS AND VOTING.* The Act amends Code Section 490.702 regarding the percentage of shares required for a special meeting of shareholders to be granted. The Act provides that the percentage may be established in the corporation's articles of incorporation within parameters. New Code Section 490.704 establishes a procedure for revoking a shareholder's consent to a special meeting. New Code Section 490.708 addresses conduct of a meeting of shareholders, providing that a chairperson shall preside who, unless the articles or bylaws provide otherwise, has the authority to determine the order of business and establish rules for the conduct of the meeting. The rules adopted and the conduct of the meeting must be fair to shareholders. Amendments to Code Section 490.722 provide for the appointment of a proxy by electronic transmission. New Code Section 490.729 requires the appointment of one or more inspectors of election for publicly traded corporations and also delineates the inspector's duties. Any other corporation may appoint inspectors pursuant to Code Section 490.729.

*ELECTRONIC FILINGS.* Code Section 490.140 adds definitions applicable to the chapter, including definitions for "deliver," "electronic transmission," "sign" or "signature," and "voting power." Code Section 490.141 provides that notice required under the chapter may be by electronic transmission, and notice from a corporation to a shareholder may be effective when electronically transmitted in a manner authorized by the shareholder. Code Sections 490.120, 490.123, 490.124, 490.125, and 490.127 all address electronic filings with the Secretary of State.

*STANDARDS OF CONDUCT AND STANDARDS OF LIABILITY FOR DIRECTORS.* The Act adds new Code Section 490.831 to clarify and distinguish the standard a plaintiff must meet in order to hold a director liable to the corporation for harm suffered by the corporation due to the action or inaction of the director. In general, the articles of incorporation must not preclude liability and the director must have acted in a manner contrary to a fiduciary duty to the corporation.

*INSPECTION RIGHTS AND NOTICES.* The Act revises Code Section 490.1603, relating to the scope of a shareholder's inspection right, in order to reflect availability of electronic transmissions. New Code Section 490.1605 provides for inspection of records by directors. A court action is authorized in which the corporation has the burden of proof, and the court is directed to dispose of an application of a director for inspection on an expedited basis.

*FUNDAMENTAL CHANGES IN GENERAL.* The quorum required when corporate action effecting fundamental change is undertaken is that stated in current Code Section 490.725, namely, "a majority of votes entitled to be cast on the matter by the voting group," unless the articles or bylaws require a greater number. Current Code language requires that the votes cast in favor of a proposed change exceed those cast opposing it.

Current Code Section 490.1202 addresses sales of assets other than in the regular course of business and requires shareholder approval of a sale or other disposition of all or substantially all corporate assets where it does not occur in the regular course of business. As amended, Code Section 490.1202 does not utilize the standard "all or substantially all" and the requirement of a shareholder vote instead turns upon whether the disposition will leave the corporation without a significant continuing business activity.

*APPRAISAL RIGHTS.* The Act makes a number of changes in several Code sections, including sections 490.1301, 490.1302, 490.1303, 490.1320, 490.1321, 490.1322, 490.1323, 490.1324, 490.1325, 490.1326, 490.1330, and 490.1331. Generally, the Act allows corporations, acting through their boards of directors and shareholders, to change the nature and shape of the enterprise and the rights of security holders on the one hand, and, on the other hand, to allow shareholders who object to the change to withdraw from the corporation and obtain the fair value of their investment. This accommodation has been known as "dissenters' rights" or "appraisal rights." The Act amends the title of Division XIII of the Iowa Business Corporation Act and Code provisions within Division XIII and other references in the Code to dissenters' rights to change the name from the former to the latter. Shareholders will not be entitled to appraisal if the terms of the class or series of shares they hold will not be changed.

A shareholder who objects to corporate action effecting fundamental change will receive fair value where the shares are publicly traded and there is a sufficient market for the shares. However, the Act also includes provisions identifying conflict-of-interest transactions in which the market exception will not apply and appraisal rights will be available to shareholders.

*DIRECTORS AND OFFICERS.* Code Section 490.803 is amended to provide that a variable range for the size of the board of directors may be established by the articles of incorporation or bylaws. The Act amends Code Section 490.825 to allow committees of the board of directors to be given more authority to act, primarily within limits stated by the board, to authorize distributions; to allow the board to appoint one or more directors to serve as alternates on a committee where one or more is absent or disqualified, and unless the articles, bylaws, or resolution of the board creating the committee provide otherwise; and to allow the committee, upon unanimous vote of those present and not disqualified, to appoint another director to serve in place of the absent or disqualified member.

Code Section 490.809, dealing with the judicial removal of directors, is amended to require that action be brought by or in the right of the corporation, rather than by an authorized percentage of a class of shareholders. In addition, the Act amends grounds for removal of directors. Fraudulent conduct remains a basis for removal, but dishonest conduct has been eliminated, and the Act adds grounds that the director “intentionally inflicted harm on the corporation” or “grossly abused the position of director.” Code Section 490.821, allowing the board of directors to take action without a meeting, is amended to require that action taken without a meeting by consent must be unanimous, and that action taken by consent is the act of the board of directors when one or more consents signed by all the directors are delivered to the corporation. Consent may be withdrawn by signed revocation delivered to the corporation prior to delivery to the corporation of unrevoked consents signed by all directors.

*DISSOLUTION.* Current Code Section 490.640 provides that the corporation must satisfy equity and bankruptcy insolvency tests before the board can authorize a distribution. The Act provides that distribution provisions do not apply to distributions in liquidation.

The Act amends Code Section 490.1407 to provide for a three-year period to assert claims against the dissolved corporation, rather than the five years provided under the current section, and adds new Code Sections 490.1408 and 490.1409 that provide directors may anticipate unknown and contingent claims. Critical steps in the new Code provisions include giving notice to known creditors and claimants, general publication of notice, and in claims that are unknown or contingent, a court proceeding pursuant to Code Section 490.1408, which authorizes the corporation’s board to file an application in court for a determination of the amount and form of security to be provided for payment of claims that are contingent or have not been made known to the dissolved corporation or that are based on an event occurring after the effective date of dissolution, excluding claims that are or are reasonably anticipated to be barred. The court is authorized to appoint a guardian ad litem to represent such claimants. The court hearing the matter may then determine the amount and form to be provided for payment, and compliance with the court order shall satisfy the dissolved corporation’s obligations with respect to claims that are contingent, have not been made known to the dissolved corporation, or are based on an event occurring after the effective date of dissolution, and such claims may not be enforced against a shareholder who received assets in liquidation.

The Act takes effect January 1, 2003.

## CHILDREN AND YOUTH

- SENATE FILE 2205** - Regulation of Child Care and Child Care Providers
- HOUSE FILE 2399** - Case Permanency Plans — Foster Children Aged Sixteen or Older
- HOUSE FILE 2518** - Child Foster Care and Adoption
- HOUSE FILE 2552** - Child Abuse Assessment Interviews

### RELATED LEGISLATION

- SENATE FILE 466** - Child Care and Child Care Providers — Obtaining Public Funding by Fraudulent Means  
*SEE HUMAN SERVICES.* This Act provides that a child care provider who has been found in an administrative or judicial proceeding to have used fraudulent means to obtain public funding for child care is subject to administrative sanctions from the Department of Human Services.
- SENATE FILE 2121** - Child Labor — Motor Vehicle Cleaning — VETOED BY THE GOVERNOR  
*SEE LABOR & EMPLOYMENT.* This bill would have amended the child labor laws to permit a child under the age of 18 to use detergents, cleaners and protectants in employment involving motor vehicle cleaning, washing and polishing.
- SENATE FILE 2197** - Sex Offenders — Residency Restrictions — Child Care Facilities and Elementary or Secondary Schools  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act prohibits a convicted sex offender from residing within 2,000 feet of a public or nonpublic elementary or secondary school, or child care facility.
- SENATE FILE 2231** - Single Contact Repository — Hospital Access to Current and Prospective Employee Records  
*SEE HEALTH & SAFETY.* This Act allows hospitals licensed under Code Chapter 135B to have access to abuse registries for purposes of checking persons employed or being considered for employment.
- SENATE FILE 2275** - Substantive Code Corrections  
*SEE STATE GOVERNMENT.* This Act contains statutory corrections that 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. Changes made in the area of children and youth include correcting a reference to the Bureau of Vital Records in a provision relating to the transmission of a list of all reported deaths of persons age 17 1/2 years and older to the State Registrar of Voters; correcting a reference to the entity responsible for vital records in language relating to Child Death Review Team members, and correcting language relating to the confidentiality of records and information produced for the team; correcting language relating to when hearing aid dispensers may sell a hearing aid to persons age 12 or younger; clarifying language describing combined requirements for reporters of child and dependent adult abuse; adding a reference to student achievement rules language to a description of comprehensive school transformation activities; striking language from a provision prohibiting persons from allowing unauthorized minors to drive; adding a reference to juvenile proceedings to language describing the kinds of actions in which the State Public Defender coordinates the legal representation of indigents; modifying language describing the compensation of court-appointed attorneys in juvenile matters; modifying references to the prohibitions against child pornography within the definition of the term “criminal offense against a minor” in the Sex Offender Registry chapter; and clarifying language regarding persons who may be charged with neglect or abandonment of a dependent person or with child endangerment.
- SENATE FILE 2280** - Rehabilitative Treatment Services Provider Regulation  
*SEE HUMAN SERVICES.* This Act directs the Department of Human Services to revise the requirements for certain child welfare services providers reimbursed for rehabilitative treatment services under the Medical Assistance (Medicaid) Program. The Act takes effect April 23, 2002.
- SENATE FILE 2286** - Sexually Violent Predators — Civil Commitment  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act makes numerous changes to the Sexually Violent Predator Act in Code Chapter 229A.
- SENATE FILE 2325** - State Agency Regulatory Functions — Miscellaneous Reorganizations, Transfers, and Revisions  
*SEE STATE GOVERNMENT.* This Act relates to certain regulatory functions. The Act reorganizes duties of the Department of Inspections and Appeals (DIA), transfers the Court Appointed Special

Advocate Program from the judicial branch to the DIA, reorganizes the structure of the Department of Natural Resources, provides for legislative review of agencies, and addresses regulation of birth centers.

- SENATE FILE 2326** - Appropriations — Miscellaneous Provisions, Reductions, Transfers, and Other Matters  
**SEE APPROPRIATIONS.** This Act provides FY 2002-2003 appropriations from the General Fund of the State to the executive and judicial branches of state government, reduces or limits standing appropriations, and transfers appropriations. The Act is organized into divisions corresponding to the General Assembly's joint appropriations subcommittees and, although the Governor vetoed a large portion of the Act, many provisions affecting children and youth were approved, especially those involving education.
- HOUSE FILE 678** - Domestic Relations Action — Mediation — VETOED BY THE GOVERNOR  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This bill would have provided for mandatory participation of parents in mediation or a settlement conference in dissolution of marriage or other domestic relations proceedings that involve custody of a child, unless the court determined that a history of domestic abuse existed or that direct physical harm or significant emotional harm to the child, other children, or a parent was likely to result. The bill also would have required the court, in determining a custody arrangement, on the application of either parent, to consider granting joint physical care. The bill would have taken effect July 1, 2003.
- HOUSE FILE 2075** - Economic Emergency Funds — Transfer to Tobacco Settlement and Senior Living Trust Funds  
**SEE STATE GOVERNMENT.** This Act directs the repayment from excess moneys in the Economic Emergency Fund of moneys transferred or appropriated from the Endowment for Iowa's Health Account of the Tobacco Settlement Trust Fund that were used for purposes of the General Fund of the State and for state aid to education.
- HOUSE FILE 2190** - Foreign and International Adoption Procedures  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act relates to recognition of foreign and international adoptions.
- HOUSE FILE 2340** - Family Investment Program Limited Benefit Plans — Well-Being Visits  
**SEE HUMAN SERVICES.** This Act allows a well-being visit to be conducted on an optional basis under a Family Investment Program Limited Benefit Plan.
- HOUSE FILE 2395** - Support of Dependents — Calculation and Withholding — Medical and Educational Support  
**SEE HUMAN SERVICES.** This Act makes changes in the law relating to child support, including those relating to medical support and the calculation of the child support amount relative to receipt by a parent of federal social security disability benefits, postsecondary education subsidy provisions, and adoption of a child receiving child support.
- HOUSE FILE 2430** - Administration of Mental Health and Developmental Disabilities Services  
**SEE HUMAN SERVICES.** This Act provides for the Mental Health and Developmental Disabilities (MH/DD) Commission to assume the duties of the State-County Management Committee, incorporates membership positions from the committee into the commission, and transfers certain rules adoption authority from the Council on Human Services to the commission. The State-County Management Committee was created in the mid-1990s to facilitate communication between the Department of Human Services and counties regarding their respective roles with the MH/DD service system.
- HOUSE FILE 2582** - Federal Block Grant Appropriations  
**SEE APPROPRIATIONS.** This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2002, and ending September 30, 2003. The Act includes funding for various programs involving children and families, including Child Care and Development, Maternal and Child Health Services, Community Services, and Social Services Block Grants.
- HOUSE FILE 2615** - Healthy Iowans Tobacco Trust and Tobacco Settlement Trust Fund — Appropriations  
**SEE APPROPRIATIONS.** This Act relates to and makes appropriations from the Healthy Iowans Tobacco Trust and addresses the Medicaid Program, the hawk-i Program, the Tobacco Use Prevention and Control Program including community partnership funding, and School Ready Children Grant funding under the Community Empowerment Initiative.

## CHILDREN AND YOUTH

### **SENATE FILE 2205 - Regulation of Child Care and Child Care Providers**

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to regulation of child care and child development homes and child care centers. The three major types of registered child care homes are combined into a new “child development home” classification with three categories. Licensing and registration periods are lengthened.

Code Section 237A.1, providing definitions, is amended in several ways. Under prior law, a “child” meant a person under age 18. Under the Act, “child” generally means a person under age 13, with an exception to include a person, age 13 to 18, that has a developmental disability as defined by federal law.

An existing exception to the definition of “child care” for after-school programs is expanded to include summer-only programs for school-age children. A new exception is established for a child whose parent is participating in activities other than employment on the same premises on which the child’s care is provided.

Code Section 237A.2, relating to licensing of child care centers, is amended to increase the license validity period from one year to 24 months. A licensee must comply with rules adopted by the Department of Human Services (DHS) and the department is authorized to inspect a licensed center at any time. Under prior law, if a license was denied or revoked, a person could not own or operate a center for six months and DHS could not act on an application from that person for the same period. The Act extends that period to 12 months. The Act applies the same time period for purposes of registration of home child care providers.

The Act amends Code Chapter 237A relating to requirements administered by DHS affecting home child care providers. Under prior law, a family child care home could provide child care to six or fewer children at any one time, along with up to five additional children during inclement weather, and registration with DHS was optional. Prior law required a group child care home registration for homes providing care to more than six but fewer than 12 children at any one time, along with up to five additional children during inclement weather. In addition, under Code Section 237A.3A, a pilot project was implemented in at least 10 counties for four levels of registration within a general child care home category. These three types of registration for home child care providers are eliminated.

The Act reduces the number of children allowed to be cared for before registration is required and eliminates family and group child care home registrations. Unregistered child care is defined as a “child care home” serving no more than five children at any one time. Registration is required for homes that may provide care to six or more children at any one time. The registered providers are termed “child development homes” and DHS is directed to develop standards in consultation with the Iowa Department of Public Health for capacity, provider qualifications, health and safety, amount of space available per child, and other requirements based upon three categories of care. Initially, the three categories were “A,” “B” and “C,” as ranked by applying less stringent to more stringent standards. The requirements for determining the number of children present are included. Smoking of tobacco products in the areas used by children is not permitted during a registered child development home’s hours of operation. The Act clarifies that DHS adopts fire safety rules for registered child care homes while the State Fire Marshal adopts fire safety rules for child care centers.

The Act addresses child care provider eligibility for child care wrap-around funding. The Act amends the responsibilities of a child care resource and referral service grantee under Code Section 237A.26. Responsibility for providing specialized services to employers may include identifying networks of providers for employee groups and assisting with employer-supported quality improvement initiatives. A grantee must also provide assistance to public and private funders of child care at the community level, such as community empowerment area boards.

The Act repeals Code Section 237A.27, which established a special regulatory classification for crisis child care.

The Act includes transition provisions allowing a child development home provider who is providing child care to a greater number of children than is allowed for the provider’s registration category to continue to provide child care to those children until the children become old enough or are no longer receiving the care.

The Act takes effect October 1, 2002, and is applicable to child care home providers registered prior to that date upon renewal of the registration. The department is authorized to adopt rules in accordance with emergency procedures, which eliminate notice and comment periods, but require review by the Administrative Rules Review Committee.

### **HOUSE FILE 2399 - Case Permanency Plans — Foster Children Aged Sixteen or Older**

BY GRUNDBERG AND HEATON. This Act relates to the requirements of a case permanency plan for a child who is age 16 or older in a court-ordered out-of-home placement.



As defined in current law under Code Section 232.2, the term “case permanency plan” includes a requirement applicable to a child age 16 or older for developing a service plan, which, based upon an assessment of the child’s needs, would assist the child in preparing for independent living. Under current law, the case permanency plan is developed by the Department of Human Services or agency involved with the child and the child’s parent, guardian or custodian. The Act requires the service plan and needs assessment to be developed with any person who may be reasonably expected to become a service provider for the child when the child becomes an adult or to become responsible for the cost of services at that time. These persons may include the administrator of county general relief or the single entry point process for services to persons with mental illness or a developmental disability (commonly referred to as the central point of coordination).

The definition of case permanency in the Act also applies to Code Chapter 237 provisions relating to child foster care.

In addition to revising the definition of case permanency plan, the Act amends existing foster care disposition provisions in Code Sections 232.52 and 232.102, involving a child age 16 or older found to be delinquent or to be a child in need of assistance, to require the court to consider the written plan and needs assessment developed for the child’s case permanency plan. If the child does not have a case permanency plan containing the written plan and needs assessment at the time the disposition order is entered, the court must consider a written plan and needs assessment to be developed with those persons who are required by the Act to develop a written plan and needs assessment for such a child’s case permanency plan.

#### **HOUSE FILE 2518 - Child Foster Care and Adoption**

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to child foster care and adoption requirements involving provision of health information, licensure periods, foster parent training, and annual reports.

Code Section 237.3, relating to rules adopted by the Department of Human Services (DHS) for housing, health, safety, and medical care policies for children receiving foster care, is amended to require the department to provide a foster care provider with a child’s health information prior to placement.

Code Section 237.5, relating to foster care licensure requirements, is amended to change the term of the license for a child foster care agency from a one-year period to a period of up to three years as determined by the DHS employee designated to administer foster care licensing. The term of the license for an individual foster family home remains at one year.

Code Section 237.5A, relating to foster parent training requirements, is amended to increase the number of hours required for initial foster parent licensure from 12 to 30 hours. For annual renewal, the requirement remains six hours.

Code Sections 238.3 and 238.9, relating to licensure of child-placing agencies, are amended to change the term of the license from a one-year period to a three-year period and to make technical and conforming changes.

Code Section 238.24, relating to information required to be kept confidential, is rewritten to clearly state the prohibition against disclosure of confidential information and the exceptions to that prohibition. Existing law in Code Section 238.45 provides that a violation of the chapter is a fraudulent practice.

Code Section 238.23, requiring child-placing agencies to file an annual report with DHS and specifying the placement and budget information for the report, is repealed.

#### **HOUSE FILE 2552 - Child Abuse Assessment Interviews**

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to interviews conducted in association with a child abuse assessment of persons alleged to have committed child abuse.

The Act amends Code Section 232.71B, relating to the duties of the Department of Human Services upon receiving a child abuse report. Prior law provided for an interview or opportunity for an interview with the person alleged to have committed the child abuse in order to afford the person an opportunity to address the allegations of the report. The Act provides that the interview must be offered prior to any consideration or determination being made that the person committed the abuse. Under the Act, the purpose of the interview is to allow the person to explain or rebut the allegations made in the report or during the assessment. Prior law is narrowed in that the court may only waive the requirement to offer an interview for good cause. The Act allows the person or the person’s attorney to decline the interview.

Code Section 235A.13, relating to the definitions used for the child abuse information registry, is amended to include in the “report data” definition any recording made of an interview conducted under Code Chapter 232, Juvenile Justice, in association with a child abuse assessment. Report data in existing law includes information about the child, nature of injury to the child, additional information such as the identity of the person alleged to be responsible for the injury, names of other children in the child’s home, and any other information believed to be helpful in regard to establishing the additional information. Existing law restricts access

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to report data to authorized parties. Parties to a child abuse report may examine report data relating to the parties and have specific rights to challenge the data.



## CIVIL LAW, PROCEDURE AND COURT ADMINISTRATION

- SENATE FILE 2100** - Domestic Abuse — Intimate Relationships
- SENATE FILE 2141** - Servers of Civil Process — Appointment by Sheriff
- SENATE FILE 2286** - Sexually Violent Predators — Civil Commitment
- SENATE FILE 2320** - Court Fees — Miscellaneous Changes
- HOUSE FILE 518** - Small Claims Jurisdiction
- HOUSE FILE 678** - Domestic Relations Action — Mediation — VETOED BY THE GOVERNOR
- HOUSE FILE 2190** - Foreign and International Adoption Procedures
- HOUSE FILE 2191** - Notarial Acts by Judicial Officers
- HOUSE FILE 2339** - Supersedeas Bonds — Statutory Limits — VETOED BY THE GOVERNOR
- HOUSE FILE 2531** - Iowa Trust Code Revisions
- HOUSE FILE 2539** - Trusts and Estates — Medical Assistance Benefits — Interest Disclaimers — Total Return Unitrusts
- HOUSE FILE 2565** - Residential Real Estate Installment Contracts — Disclosure Statements

### RELATED LEGISLATION

- SENATE FILE 415** - District Associate Judge Jurisdiction  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act permits a district associate court judge to have jurisdiction in any felony arraignment and any proceeding or trial related to class “D” felonies.
- SENATE FILE 2118** - Human Cloning Prohibition  
*SEE HEALTH & SAFETY.* This Act creates new Code Chapter 707B, the “Human Cloning Prohibition Act.” The Act establishes criminal offenses and civil penalties for a person intentionally or knowingly doing any of the following: performing or attempting to perform human cloning; participating in performing or in an attempt to perform human cloning; transferring or receiving a cloned human embryo for any purpose; and transferring or receiving, in whole or in part, any oocyte, human embryo, fetus, or human somatic cell for the purpose of human cloning.
- SENATE FILE 2124** - Public Defense, Emergency Management, and Iowa Technology Center  
*SEE STATE GOVERNMENT.* This Act amends provisions of the State Military Code and Iowa Code of Military Justice, creates a statewide mutual aid compact, creates an Iowa National Guard Civil Relief Act, provides for confidentiality of certain records relating to public assets and defense capabilities, exempts the Department of Public Defense from certain service contract requirements and state competitive bidding requirements, and exempts the Iowa Technology Center from anticompetition provisions.
- SENATE FILE 2134** - Security and State Bank Deposit Accounts — Transfer Upon Death of Owner or Depositor  
*SEE BUSINESS, BANKING & INSURANCE.* This Act removes a six-month time period requirement during which a deposit account of a deceased depositor was subject to the debts of the deceased depositor and Iowa inheritance tax. Proceeds of the deposit account remain subject to the decedent’s debts and inheritance tax after payment of the proceeds by the state bank to the persons designated by the decedent to receive the proceeds, but the state bank is not liable for any debts or taxes as a result of making the payment. The Act also defines “security account” as part of the Uniform Transfer on Death Security Registration Act, making such bank and trust accounts eligible for registration in beneficiary form, so that the items in the account pass to the beneficiary at the owner’s death, bypassing the probate process.
- SENATE FILE 2155** - Life-Sustaining Procedures — Out-of-Hospital Do-Not-Resuscitate Orders  
*SEE HEALTH & SAFETY.* This Act provides for the development and use of out-of-hospital do-not-resuscitate orders. The Act provides definitions, including definitions of “emergency medical care provider,” “out-of-hospital do-not-resuscitate order,” and “resuscitation.” The Act also provides the process for issuing an out-of-hospital do-not-resuscitate order, directs the Iowa Department of Public Health to develop a uniform form and personal identifier for the orders, specifies the contents of the form, and establishes the scope and limitations of the order.

- SENATE FILE 2195** - Anatomical Gifts  
*SEE HEALTH & SAFETY.* This Act relates to the Uniform Anatomical Gift Act. The Act defines “document of gift” to include a written statement attached to or imprinted or noted on a driver’s license or nonoperator’s identification card and an entry in a donor registry, in addition to the existing forms, which include a card signed by the individual donor, a donor’s will, or any other written document used by a donor to make an anatomical gift. The Act provides that valid documents of gift include a driver’s license, a nonoperator’s identification card, and an entry in a donor registry if the document or entry is certified as being executed in the prescribed manner. The Act also defines “donor registry” to mean the Statewide Organ and Tissue Donor Registry established pursuant to Code Section 142C.18 or a similar registry.
- SENATE FILE 2207** - Conservation Easements  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act provides that a conservation easement shall be enforceable during the term of the easement, notwithstanding sections of the Code relating to reversion or use restrictions on land and marketable record title.
- SENATE FILE 2212** - Secured Transactions — Landlord Liens  
*SEE AGRICULTURE.* This Act amends Code Chapter 570, which provides for landlord liens that now must be perfected as agricultural liens under revised Article 9 of the Uniform Commercial Code (Code Chapter 554). This Act provides that a creditor who has filed a financing statement to perfect a landlord’s lien under revised Article 9 is not required to file a continuation statement as otherwise required under Code Section 554.9515 in order to retain a perfected status in the collateral.
- SENATE FILE 2268** - Regulation, Protection, and Disposition of Animals  
*SEE AGRICULTURE.* This Act amends a number of Code chapters providing for the treatment and disposition of animals. The Act amends provisions providing for the regulation of stray dogs and for offenses involving nonlivestock. The Act creates a new Code Chapter 717D, prohibiting contests in which certain animals are engaged in fighting sports. The Act makes a number of changes to Code sections that provide for the rescue of animals other than livestock. It provides that a local authority may rescue and a court may provide for the disposition of a “threatened animal,” which is defined to mean an animal that is abused, neglected or tortured. The Act provides that a person responsible for the animal is liable for dispositional expenses, which include expenses incurred by a local authority in rescuing an animal, maintaining the animal, and disposing of the animal. The Act permits a local authority to confiscate a contest animal that is trained with a contest device or is part of a contest event. The contest animal may be rescued and disposed of as neglected livestock or other animal.
- SENATE FILE 2275** - Substantive Code Corrections  
*SEE STATE GOVERNMENT.* This Act contains statutory corrections that 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. Changes made include clarifying language relating to obtaining special variances from occupational safety and health standards; changes to language relating to civil penalties assessed against certain licensees under the alcoholic beverages chapter; clarifying language regarding the compensation of owners for property inadvertently destroyed as a result of regulation of activities in an area quarantined because of the presence of infectious and contagious diseases among animals; and language describing the renewal of recording of livestock brands. In provisions governing various agricultural liens, corrections are made in language relating to the enforcement of custom cattle feedlot liens and the definition of the term “personal representative” in the Commodity Production Contract Lien chapter, and the term “owner of the commodity” is also replaced by the term “contractor.” Language relating to the confidentiality of reports that include the identity of persons infected with communicable and infectious diseases, language relating to complaints and proceedings against hearing aid dispensers and temporary permit holders, and language regarding the filing of reports regarding psychiatric hospital patients is clarified. Corrections are made in language relating to certain other reports and orders pertaining to persons hospitalized for treatment of mental illness; technical changes are made in the newborn infant custody release procedures; and a clarification is made in language describing combined requirements for child and dependent adult abuse reporters. Changes are also made in language relating to commencement of domestic abuse actions. Changes are made in language relating to the statute of limitations and filing requirements for a petition against

an establishment selling pre-need cemetery or funeral merchandise or services, and in language relating to the constructive notice of the filing of a petition for liquidation of a funeral or cemetery services establishment in the county where real property is located. Clarifications are made relating to the Uniform Commercial Code (UCC) chapter, and several internal references and citations are conformed to the changes recommended in the revised UCC Article 9 Model Act. An attestation of marriage and return provision in the Marriage chapter is corrected and corrections are made in language in two notices relating to the filing of medical assistance claims against an estate. The notice provisions for the opening of conservatorships are conformed to the notice provisions for the opening of guardianships, and references to persons who are an “heir” for purposes of intestate succession are stricken from several provisions. A number of citations to the now obsolete third edition are stricken from references to the Iowa Court Rules.

- SENATE FILE 2288** - Temporary or Acting County Attorneys  
**SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.** This Act relates to the appointment of an acting or temporary county attorney.
- SENATE FILE 2304** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions  
**SEE APPROPRIATIONS.** This Act makes, reduces and transfers appropriations for FY 2001-2002 and includes reductions to the appropriations made to the judicial branch that may be attained through reduction of judicial salaries and employee furloughs. The Act takes effect March 1, 2002.
- SENATE FILE 2325** - State Agency Regulatory Functions — Miscellaneous Reorganizations, Transfers, and Revisions  
**SEE STATE GOVERNMENT.** This Act relates to certain regulatory functions. The Act reorganizes duties of the Department of Inspections and Appeals (DIA), transfers the Court Appointed Special Advocate Program from the judicial branch to the DIA, reorganizes the structure of the Department of Natural Resources, provides for legislative review of agencies, and addresses regulation of birth centers.
- HOUSE FILE 2291** - City Real Estate — Attachment of Judgment Liens  
**SEE LOCAL GOVERNMENT.** This Act allows a city to discharge a judgment lien against city real estate by filing a bond in the amount of the judgment with the district court. The Act also prohibits a judgment lien from attaching to certain city property.
- HOUSE FILE 2395** - Support of Dependents — Calculation and Withholding — Medical and Educational Support  
**SEE HUMAN SERVICES.** This Act makes changes in the law relating to child support, including those relating to medical support and the calculation of the child support amount relative to receipt by a parent of federal social security disability benefits, postsecondary education subsidy provisions, and adoption of a child receiving child support.
- HOUSE FILE 2399** - Case Permanency Plans — Foster Children Aged Sixteen or Older  
**SEE CHILDREN & YOUTH.** This Act relates to the requirements of a case permanency plan for a child who is age 16 or older in a court-ordered out-of-home placement.
- HOUSE FILE 2495** - Sexual Abuse — Issuance of No-Contact Order Upon Defendant’s Arrest  
**SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.** This Act allows for the issuance of a no-contact order to protect victims of first, second and third degree sexual abuse, their immediate family members, and other persons who may reside with victims of sexual abuse upon the arrest of a defendant accused of first, second or third degree sexual abuse.
- HOUSE FILE 2506** - Sex Offenders — Issuance of No-Contact Order Upon Defendant’s Release From Confinement  
**SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.** This Act relates to the issuance of a no-contact order against a defendant convicted of a sexual offense upon the defendant’s release from jail or prison.
- HOUSE FILE 2532** - Public Retirement Systems  
**SEE STATE GOVERNMENT.** This Act makes numerous changes pertaining to public retirement systems, including the Public Safety Peace Officers’ Retirement, Accident, and Disability System (PORS, Code Chapter 97A), the Iowa Public Employees’ Retirement System (IPERS, Code Chapter 97B), the Statewide Fire and Police Retirement System (Code Chapter 411), and the Judicial Retirement System.

- HOUSE FILE 2552** - Child Abuse Assessment Interviews  
*SEE CHILDREN & YOUTH.* This Act relates to interviews conducted in association with a child abuse assessment of persons alleged to have committed child abuse.
- HOUSE FILE 2623** - Compensation for Public Employees and Additional Provisions  
*SEE APPROPRIATIONS.* This Act relates to compensation and benefits for public officials and employees, county mental health allowed growth, regulatory and other related matters of the state, and makes and reduces appropriations. The Act also permits the cost of summoning jurors to be paid from a revolving fund established in Code. The Act eliminates the requirement that 20 percent of the Court Technology and Modernization Fund be used for alternative dispute resolution and methods to resolve domestic abuse and permits the fund to be used for the Iowa Court Information System.
- HOUSE FILE 2627** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — 2002-2003 and Prior Fiscal Years — SECOND EXTRAORDINARY SESSION  
*SEE APPROPRIATIONS.* This Act provides FY 2002-2003 appropriations from the General Fund of the State to the executive and judicial branches of state government, reduces or limits standing appropriations, and transfers appropriations. The Act is organized into divisions corresponding to the General Assembly's joint appropriations subcommittees and includes appropriations for the state's justice system and the judicial branch, as well as funding for substance abuse, juvenile justice, and child welfare programs.

## CIVIL LAW, PROCEDURE AND COURT ADMINISTRATION

### **SENATE FILE 2100 - Domestic Abuse — Intimate Relationships**

BY COMMITTEE ON JUDICIARY. This Act amends Code Chapter 236 to expand the availability of a civil protective order in a domestic abuse situation to persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year of the assault. Under current law, civil protection from domestic abuse is limited to persons who are married or have been married and who are not currently living together, persons who are the parents of the same minor child, regardless of whether they have been married or have ever lived together, and family or household members 18 or older who are currently living together or who are not currently living together but who have lived together within the past year.

The Act also defines “intimate relationship” for the purposes of Code Chapter 236 as a significant romantic involvement that may or may not include sexual involvement. The Act exempts intimate relationship domestic abuse from domestic abuse assault law in Iowa. The Act further provides that the court may order a person against whom a protective order has been issued to participate in a batterers’ treatment program.

The Act provides that a temporary or emergency civil protective order shall be based on a showing of a prima facie case of domestic abuse. If the factual basis for the domestic abuse is contested, the court shall issue the protective order based upon a finding of domestic abuse by a preponderance of the evidence.

### **SENATE FILE 2141 - Servers of Civil Process — Appointment by Sheriff**

BY COMMITTEE ON JUDICIARY. This Act authorizes sheriffs to appoint civil process servers to execute and return writs and other legal process issued to the sheriff by legal authority. The Act provides that the court shall take judicial notice of a civil process server’s signature, and that the civil process server’s fees shall be collected as provided in Code Section 331.655. The Act further exempts such civil process servers from sheriff or deputy sheriff status.

### **SENATE FILE 2286 - Sexually Violent Predators — Civil Commitment**

BY COMMITTEE ON JUDICIARY. This Act makes numerous changes to the Sexually Violent Predator Act in Code Chapter 229A.

*DEFINITIONS.* The Act defines “discharge” to mean an unconditional discharge from the Sexually Violent Predator Program. The Act defines “safekeeper” to mean a person who is confined in an appropriate secure facility, but who is not subject to an order of commitment. The Act creates a transitional release program and defines “transitional release” to mean a conditional release from a secure facility with conditions set by the court or the Department of Human Services (DHS).

*ANNUAL REVIEW AND FINAL HEARING.* The Act and current law provide that a sexually violent predator is entitled to an annual examination of the person’s mental abnormality. The Act provides that the court shall conduct an annual review, and if warranted, set a final hearing on the status of the committed person.

*Annual Review.* The Act provides that the Iowa Rules of Evidence do not apply to an annual review and the sexually violent predator is not entitled to be present at the annual review; however, the person’s attorney may be present. The burden is on the sexually violent predator to show by a preponderance of the evidence that competent evidence exists to lead a reasonable person to believe a final hearing should be held to determine that the mental abnormality of the sexually violent predator has so changed that the person is not likely to engage in predatory acts constituting sexually violent offenses if discharged, or that the sexually violent predator is suitable for placement in a transitional release program. If at the time of the annual review the sexually violent predator has filed a petition for discharge or placement in the transitional release program with the permission of the Director of Human Services, the court shall not conduct an annual review but shall set a final hearing on the petition. If at the time of the annual review the sexually violent predator has filed a petition without authorization from the director, the court shall first conduct an annual review to determine if a final hearing is warranted.

*Final Hearing.* The Act provides that the purpose of the final hearing is to determine whether the mental abnormality of the sexually violent predator has so changed that the person is not likely to engage in predatory acts constituting sexually violent offenses if discharged, or whether the sexually violent predator is suitable for placement in a transitional release program. The Act and current law provide that either party or the court may request a jury to make the determination. The Act provides that if the Director of Human Services has authorized a person to petition for discharge or placement in a transitional release program and the case is before a jury, testimony by a victim of a sexually violent offense committed by the person is not admissible. If the director has not authorized the petition, or the case is before the court, a victim’s testimony may be admitted.

*TRANSITIONAL RELEASE.* The Act establishes a transitional release program that provides for the conditional release of a sexually violent predator. The Act permits DHS or the court to place conditions on such a release. A sexually violent predator is suitable for placement in a transitional release program if all of the following apply: the person is no longer classified as “high risk”



to reoffend, significant insights have been achieved in the sex offending cycle, acceptance of responsibility for past behavior and an understanding have been achieved concerning the impact sexually violent crimes have on a victim, a relapse prevention program has been developed, no major discipline reports have been filed during the previous year, the person is not likely to attempt to escape or leave the program, acts constituting a sexually violent offense are not likely to occur, it is in the best interest of the committed person, and a willingness to abide by rules has been demonstrated.

*VIOLATIONS OF TRANSITIONAL RELEASE.* The Act provides that the treatment staff of a transitional release program may remove a sexually violent predator from the program and transfer the person back to a secure facility for a violation of the conditions of release. The treatment staff may request an ex parte order directing a local law enforcement agency to take the sexually violent predator into custody so the person can be returned to a secure facility. If a sexually violent predator has absconded from the program, DHS, in cooperation with a local law enforcement agency, may make a public announcement about the sexually violent predator. Upon the return of the sexually violent predator to a secure facility, the court shall determine if a violation of a condition of release occurred. If the court determines a violation did occur, the court may order the person to remain confined in a secure facility, or the court may return the person to the transitional release program subject to further terms and conditions.

*SUPERVISED RELEASE.* The Act and current law provide for release with or without supervision. The Act provides that the court may order release with or without supervision in lieu of discharge if during the annual review or final hearing one of the following occurs: the state and the sexually violent offender stipulate to release with or without supervision, or the court or jury has determined the person should be discharged from the program but the court determines it is in the best interest of the community that the person be released with or without supervision. Within 30 days of ordering release with or without supervision, the court shall have a hearing regarding a release plan prepared by DHS. The Act provides that if the court orders release with supervision, the court shall order supervision by an agency with jurisdiction that is familiar with the placement of criminal offenders in the community. If the person is released without supervision, the agency shall be responsible for initiating proceedings against the sexually violent predator if a violation of the release plan occurs. A person released with or without supervision is not considered discharged from the Sexually Violent Predator Program. The sexually violent predator may petition the court for discharge from the program if released with or without supervision.

*VIOLATIONS OF RELEASE WITH OR WITHOUT SUPERVISION.* The Act provides that if a violation of the release plan occurs, the agency with jurisdiction may request the district court to issue an emergency ex parte order directing a law enforcement agency to take the sexually violent predator into custody so the person can be returned to a secure facility. If a sexually violent predator has absconded in violation of the release plan, DHS, in cooperation with a local law enforcement agency, may make a public announcement about the sexually violent predator. Upon return of the sexually violent predator to a secure facility, the court shall determine if a violation of the release plan occurred. If the court determines a violation did occur, the court may order the person to remain confined in a secure facility, or the court may place the person in the transitional release program or again release the person with or without supervision subject to further terms and conditions.

*TRANSPORT ORDERS.* The Act provides that a transport order may only be requested by the court, the state, or the sexually violent predator's attorney. A sexually violent predator may be transported to trial and any other court proceedings if the court authorizes a transport order, and the transportation shall be provided by the sheriff of the county in which the action is brought, or as otherwise agreed to by the parties. A transport order is not necessary to transport a sexually violent predator to a medical facility or to an evaluation. Transportation shall be provided by the county in which the person is confined if requested by DHS.

*CRIMINAL OFFENSES COMMITTED WHILE DETAINED OR AFTER DISCHARGE.* The Act provides that if a person being detained for commitment or who has been civilly committed commits a crime, the civil commitment proceedings or treatment process shall be suspended until the criminal proceedings, including any term of confinement, are completed. Upon the filing of a criminal complaint, indictment, or information, the person shall be transferred to the county jail in the county where the crime occurred until the criminal proceedings have been completed. If the person is sentenced to a term of confinement in the county jail as a result of the criminal offense, the person shall serve the sentence in the county jail. If the person is sentenced to prison, the person shall serve the sentence at a correctional institution. The person shall not be released from jail or paroled or released to a facility or program located outside the jail or prison other than to a secure facility operated by DHS upon completion of the term of confinement.

*ENHANCED SENTENCE FOR SUBSEQUENT CONVICTION.* A person who has been placed in a transitional release program, released with or without supervision, or discharged from the program, and who is subsequently convicted of a sexually predatory offense or sexually violent offense, shall be sentenced to life in prison.

*DEPARTMENT OF CORRECTIONS.* Upon placement of a person accused of being a sexually violent predator in an appropriate secure facility, the Director of the Department of Corrections may determine in which appropriate secure facility the person will be placed and the level of segregation the person will be subjected to while in the placement.

*PROTECTIVE ORDER.* The Act provides that a victim of a person detained or committed pursuant to Code Chapter 229A may obtain a protective order against a safekeeper or person committed using the same procedures as in Code Section 915.22, relating to civil injunctions to restrain harassment or intimidation of victims or witnesses.

*RULEMAKING AUTHORITY.* The Act grants rulemaking authority to DHS to administer the Sexually Violent Predator Program. The Act takes effect April 30, 2002.

#### **SENATE FILE 2320 - Court Fees — Miscellaneous Changes**

BY COMMITTEE ON WAYS AND MEANS. This Act relates to the assessment of court costs by the clerk of court by increasing the filing fee for the following types of cases in the following amounts: most civil petitions, including filings of foreign judgments, bankruptcy, transcripts, and changes of name, from \$80 to \$100; stipulated modifications of dissolution decrees from \$25 to \$50; final decrees of dissolutions from \$30 to \$50; appeals from a judgment in small claims cases from \$50 to \$75; motions to show cause in civil cases from \$25 to \$50; mechanic's liens from \$10 to \$20; agriculture supply dealer's lien from \$10 to \$20; change of title to real estate from \$10 to \$20; and small claims actions from \$30 to \$50. The Act also increases the jury fees assessed as costs in a jury trial from \$10 to \$100.

#### **HOUSE FILE 518 - Small Claims Jurisdiction**

BY COMMITTEE ON JUDICIARY. This Act makes jurisdictional changes to small claims court cases. The Act provides that a small claims court case commenced on or after July 1, 2002, shall not involve damages or value in excess of \$5,000. Under existing law, a small claims court case shall not involve damages or value in excess of \$4,000. The Act provides that the jurisdictional amount shall revert to \$4,000 if a court finds the \$5,000 limit unconstitutional. By increasing the jurisdictional amount for small claims court, the Act expands the jurisdiction of a magistrate or district associate judge to hear and assess judgment on certain actions, including county and city violations.

#### **HOUSE FILE 678 - Domestic Relations Action — Mediation — VETOED BY THE GOVERNOR**

BY COMMITTEE ON JUDICIARY. This bill would have provided for mandatory participation of parents in mediation or a settlement conference in dissolution of marriage or other domestic relations proceedings that involve custody of a child. The requirement would not have applied if the court determined that a history of domestic abuse existed or if the court determined that direct physical harm or significant emotional harm to the child, other children, or a parent was likely to result.

The bill also would have required that in determining a custody arrangement, on the application of either parent, the court consider granting joint physical care.

The bill also directed the Iowa Supreme Court to prescribe a model parenting agreement to be used in establishing visitation provisions of a custody order, and to prescribe rules for enforcement of parenting agreements. The bill would have taken effect July 1, 2003.

#### **HOUSE FILE 2190 - Foreign and International Adoption Procedures**

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to foreign and international adoptions. The Act replaces prior law relating to foreign and international adoptions, including the requirement that if an adoption occurred in the minor person's country of origin, an additional adoption must occur in the state in which the adopting parents reside and under the laws of that state, and instead provides that a decree establishing a parent-child relationship by adoption, which is issued pursuant to due process of law by a juvenile court or court of any jurisdiction in the United States or in the minor person's country of origin, is recognized in this state. The Act makes changes related to the process for preparation of birth certificates related to foreign and international adoptions.

The Act takes effect March 29, 2002.

#### **HOUSE FILE 2191 - Notarial Acts by Judicial Officers**

BY COMMITTEE ON JUDICIARY. In the 2001 Session, the General Assembly enacted H.F. 259 (2001 Iowa Acts, Chapter 38), amending Code Chapter 9E, regulating notarial officers or other officers authorized to perform notarial acts under statute, including judges. House File 259, in part, created Code Section 9E.6A, requiring the use of stamps or seals. The Code section created an exception for persons performing a notarial act under federal authority. This Act amends that Code section by providing that the exception applies to a notarial act performed by a judicial officer, defined as a supreme court justice, a judge of the court of appeals, a district judge, a district associate judge, an associate juvenile judge, an associate probate judge, or a magistrate, if the notarial act is performed in accordance with state or federal statutory authority.

#### **HOUSE FILE 2339 - Supersedeas Bonds — Statutory Limits — VETOED BY THE GOVERNOR**

BY COMMITTEE ON JUDICIARY. This bill would have allowed the State of Iowa or any of its political subdivisions to request the district court, upon a showing of good cause, to stay all proceedings under the order or judgment appealed and waive the requirement that the state or any of its political subdivisions file a supersedeas bond upon appeal to the Iowa Supreme Court.

The bill would have provided that if the judgment or order appealed from was for money, an appeal bond would not exceed any of the following amounts, excluding costs:

1. One hundred percent of the amount of the money judgment, up to and including \$1 million.
2. One million dollars, if the amount of the money judgment is in excess of \$1 million, up to and including \$100 million.
3. Twenty-five million dollars, if the amount of the money judgment is in excess of \$100 million.

#### **HOUSE FILE 2531 - Iowa Trust Code Revisions**

BY COMMITTEE ON JUDICIARY. This Act provides for a number of amendments to the Iowa Trust Code.

The Act defines “qualified beneficiary” to mean any beneficiary who, on the date the beneficiary’s qualification is determined, is eligible to receive income or principal, or would receive property from the trustee upon immediate termination of the trust. The Act makes numerous modifications to the use of the term throughout the Trust Code.

The Act provides that the power to select beneficiaries under the trust must be exercised within a reasonable time or the power fails and the property passes to the person or persons who would have taken the property had the power not been conferred.

The Act permits the court to reform the terms of the trust, even if unambiguous, to conform to the settlor’s intent if it is proved by clear and convincing evidence that the settlor’s intent and the terms of the trust were affected by a mistake of fact or law whether expressed or induced.

The Act allows extrinsic evidence to be considered in determining to whom to distribute the trust property when a trust with insufficient value to justify continued administration is terminated.

The Act substitutes the term “material” for the term “substantial” when referring to conflicts between the trustee’s fiduciary and personal interests. The Act allows the trustee in a capacity other than as trustee to invest in mutual and proprietary funds even where the trustee provides services to the fund. The investment must comply with the prudent investor rule. If the trust pays a fee for these services, the trustee must provide notification. The trustee is also permitted to establish trust funds in the trustee’s own banking department.

The Act requires the trustee to keep the qualified beneficiaries of the trust reasonably informed about the administration of the trust and the material facts necessary for the qualified beneficiaries to protect their interests, including an annual accounting and a copy of the trust instrument.

The Act provides certain provisions regarding the terms of a trust relating to estate and gift tax consequences.

The Act provides additional trust powers to a trustee, including certain actions necessary to accomplish the proper management, investment and distribution of the trust property; trustee power to make certain discretionary distributions; trustee participation in the operation of a business or other enterprise that is part of the trust property; trustee participation in an employee benefit or retirement plan, annuity, or life insurance; trustee participation in the distribution or division of trust property; trustee participation in any potential environmental law violations in regard to any trust property; trustee participation in dispute resolution concerning the interpretation of the trust; and trustee participation in administering the trust upon termination.

The Act allows a beneficiary to hold a trustee liable for breach of trust, despite a consent, release or affirmation by the beneficiary, if at the time of such consent, release or affirmation, the beneficiary did not know the beneficiary’s rights, the beneficiary did not know the material facts known to the trustee or which the trustee should have known, and the trustee did not reasonably believe the beneficiary knew either of the above. The Act further allows a beneficiary to hold a trustee liable for a breach of trust if the beneficiary’s consent, release or affirmation was induced by improper conduct on the part of the trustee.

The Act provides that a trustee is personally liable for environmental law violations for torts committed in the course of administering a trust only if the trustee is personally at fault.

The Act provides that the district court has exclusive jurisdiction over proceedings concerning the internal affairs of a trust and of actions and proceedings to determine the existence of a trust, actions and proceedings by or against creditors or debtors of a trust, and other actions and proceedings involving a trust and third persons.

The Act provides that notice to a representative is considered to be binding on the person represented unless the person represented objects to the representation before the consent would otherwise have become effective.

#### **HOUSE FILE 2539 - Trusts and Estates — Medical Assistance Benefits — Interest Disclaimers — Total Return Unitrusts**

BY COMMITTEE ON JUDICIARY. This Act relates to a number of Code revisions involving trusts and estates.

The Act provides that if a medical assistance debt is waived for a surviving spouse of a deceased Medicaid recipient, or for those dependents of the deceased Medicaid recipient who are under the age of 21, blind, or disabled, or a person who is the recipient of a hardship waiver, the debt shall be due from the estate of the recipient's surviving spouse, dependent child who is blind or has a disability, or person who is the recipient of a hardship waiver, upon the death of the spouse, child, or person, or due from a surviving child who was under the age of 21 at the time of the recipient's death upon the child reaching the age of 21.

The Act limits estate recovery of medical assistance debts to life estates that were created by the Medicaid recipient or spouse. Current law allows the Department of Human Services to pursue recovery of medical assistance debts regardless of the person or the entity that created them.

The Act also amends the Probate Code to allow a conservator, upon court order, to exercise the right to make disclaimers on behalf of the ward.

The Act further creates a new subchapter in Code Chapter 637, Iowa's Uniform Principal and Income Act, relating to the total return unitrust. The purpose of the total return unitrust is to provide the trustee of an income trust the option to invest the trust assets in a way that provides income for the current income beneficiaries while maximizing the potential for long-term appreciation in trust assets sufficient to meet the needs of the remainder beneficiaries. The trustee may elect to distribute annually 4 percent of the trust's assets, based upon the fair market value of the trust, to the income beneficiaries regardless of the net income generated. The trustee may elect to distribute between 3 percent and 5 percent of the trust's assets subject to court approval.

The Act also requires the trustee to send written notice to certain persons in regard to any action taken by the trustee related to the trust. The Act applies to all trusts administered in Iowa, whether administered by a corporation or an individual trustee, and also applies to trusts moved into Iowa.

The total return unitrust subchapter takes effect upon the effective date of the Act and applies to trusts in existence on that date or created after that date.

The Act takes effect April 5, 2002.

#### **HOUSE FILE 2565 - Residential Real Estate Installment Contracts — Disclosure Statements**

BY COMMITTEE ON JUDICIARY. This Act requires that a person selling real estate pursuant to an installment sales contract prepare and deliver to the contract purchaser a written contract disclosure statement and a copy of the installment sales contract. The contract disclosure statement is required if the contract seller entered into more than four real estate installment sales contracts in the 365 days previous to the seller signing the contract disclosure statement.

The Act requires that the contract disclosure statement contain specified information, including the property tax assessment on the real estate, information on delinquent property taxes or special assessments, information on mortgages or liens on the real estate, an amortization schedule, balloon payment information, the annual rate of interest to be charged under the contract, statements as to the purchaser's rights, mailing addresses of the parties to the contract, and information on forfeiture of the contract. The Act provides that certain lending institutions do not have to provide a contract disclosure statement.

The Act defines "residential real estate" as a residential dwelling containing no more than two single-family dwelling units, which is not located on agricultural land.

The Act provides that the civil remedy for violation of the contract disclosure requirements is rescission of the installment sales contract or recovery of a money judgment against the contract seller. The contract purchaser has the burden of proof by a preponderance of the evidence. If a contract purchaser prevails in an action for rescission or for a money judgment, the court may also award to the contract purchaser reasonable attorney fees incurred in bringing the action.

The Act provides that a contract seller required to provide a contract disclosure statement shall, in the property disclosure statement, recommend that the buyer obtain an independent home inspection. The Act also requires such a contract seller to provide the property disclosure statement at least seven days before the contract is executed by all parties to the contract. A contract seller who intentionally provides inaccurate information on a contract disclosure statement or on a property disclosure statement is guilty of a fraudulent practice. A contract seller who commits a fraudulent practice is subject to criminal fines and penalties, ranging from a simple misdemeanor punishable by confinement for no more than 30 days or a fine of at least \$50 but not more than \$500, or both, to a class "C" felony punishable by confinement for no more than 10 years and a fine of at least \$1,000 but not more than \$10,000.

The Act applies to residential real estate installment sales contracts entered into on or after July 1, 2002, by contract sellers who entered into four or more residential real estate installment sales contracts in the 365 days previous to a contract entered into on or after July 1, 2002.



## CRIMINAL LAW, PROCEDURE AND CORRECTIONS

- SENATE FILE 415** - District Associate Judge Jurisdiction
- SENATE FILE 2034** - Limitations on Prosecutions of Criminal Actions — Persons Absent From State
- SENATE FILE 2098** - Criminal Mischief and Unauthorized Computer Access
- SENATE FILE 2146** - Terrorism and Intimidation With a Dangerous Weapon
- SENATE FILE 2197** - Sex Offenders — Residency Restrictions — Child Care Facilities and Elementary or Secondary Schools
- SENATE FILE 2288** - Temporary or Acting County Attorneys
- SENATE FILE 2301** - Indigent Defense
- HOUSE FILE 2153** - Criminal Sentencing Procedures — Victim Impact Statements
- HOUSE FILE 2201** - DNA Profiling of Criminal Defendants
- HOUSE FILE 2230** - Operating While Intoxicated — Penalties for Third or Subsequent Offenses
- HOUSE FILE 2338** - Sex Offender Registration — Enrollment, Employment, or Vocation at Higher Education Institution
- HOUSE FILE 2345** - Violence Against Women Program — Administration
- HOUSE FILE 2363** - Weapons Purchase, Possession, and Sale — Permits — Contiguous or Adjacent States
- HOUSE FILE 2495** - Sexual Abuse — Issuance of No-Contact Order Upon Defendant’s Arrest
- HOUSE FILE 2506** - Sex Offenders — Issuance of No-Contact Order Upon Defendant’s Release From Confinement
- HOUSE FILE 2507** - Possession and Distribution of Anthrax
- HOUSE FILE 2546** - Assault — Intent Requirements

### RELATED LEGISLATION

- SENATE FILE 466** - Child Care and Child Care Providers — Obtaining Public Funding by Fraudulent Means  
*SEE HUMAN SERVICES.* This Act provides that a child care provider who has been found, in an administrative or judicial proceeding, to have used fraudulent means to obtain public funding for child care is subject to administrative sanctions from the Department of Human Services.
- SENATE FILE 2100** - Domestic Abuse — Intimate Relationships  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act expands the availability of civil protective orders in a domestic abuse situation to persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year of the assault. Although the Act exempts intimate relationship domestic abuse from domestic abuse assault law, the Act permits a court to order a person who is convicted of intimate relationship domestic abuse to participate in a batterers’ treatment program.
- SENATE FILE 2118** - Human Cloning Prohibition  
*SEE HEALTH & SAFETY.* This Act creates new Code Chapter 707B, the “Human Cloning Prohibition Act.” The Act establishes criminal offenses and civil penalties for a person intentionally or knowingly doing any of the following: performing or attempting to perform human cloning; participating in performing or in an attempt to perform human cloning; transferring or receiving a cloned human embryo for any purpose; and transferring or receiving, in whole or in part, any oocyte, human embryo, fetus, or human somatic cell for the purpose of human cloning.
- SENATE FILE 2124** - Public Defense, Emergency Management, and Iowa Technology Center  
*SEE STATE GOVERNMENT.* This Act amends provisions of the State Military Code and Iowa Code of Military Justice, creates an Iowa National Guard Civil Relief Act, and provides for confidentiality of certain records relating to public assets and defense capabilities.
- SENATE FILE 2268** - Regulation, Protection, and Disposition of Animals  
*SEE AGRICULTURE.* This Act amends a number of Code chapters providing for the treatment and disposition of animals. The Act amends provisions in Code Chapter 351, providing for the regulation of stray dogs, and Code Chapter 717B, providing for offenses involving nonlivestock. The Act

creates a new Code Chapter 717D, prohibiting contests in which certain animals are engaged in fighting sports. A person who violates Code Section 351.37 is guilty of a simple misdemeanor. A person who commits a violation of Code Chapter 717B is guilty of a range of criminal penalties from a serious misdemeanor to a class “D” felony. A person violating a provision in new Code Chapter 717D is guilty of a serious misdemeanor. In addition, a local authority may confiscate a contest animal that is trained with a contest device or is part of a contest event. The contest animal may be rescued and disposed of as neglected livestock or other animal, or it may be forfeited to the state.

**SENATE FILE 2275**

## - Substantive Code Corrections

**SEE STATE GOVERNMENT.** This Act contains statutory corrections that 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. Changes made include eliminating a portion of the definition of the term “express advocacy” and a prohibition relating to the placement of political yard signs from the Campaign Finance chapter; changes in language relating to the investigations of the relationships between decedent victims and the perpetrators in domestic abuse death cases and in language relating to commencement of domestic abuse actions; eliminating a reference to a former requirement imposed on manufactured or mobile home retailers; clarifying the statutory prerequisites for in-state travel by unregistered out-of-state commercial motor vehicles; striking language from a provision that prohibits persons from allowing unauthorized minors to drive; updating the description of peace officer warning signals in the offense of eluding a law enforcement vehicle; clarifying language that describes the situations in which a person declared to be a habitual offender of the motor vehicle laws may be issued a temporary restricted permit; adding licensed substance abuse treatment providers to language describing authorized providers of drinking driver courses; changing the language relating to prohibitions against depositing a regulated substance in an underground storage tank under certain circumstances; adding a reference to juvenile proceedings in language describing the kinds of actions in which the State Public Defender may coordinate the legal representation of indigents; clarifying language relating to the appointment and removal of local public defenders and local public defender office staff; making technical changes in language describing the compensation of court-appointed attorneys in juvenile matters, court-appointed attorney fees, and the expenses of a public defender; adding language referring to the law enforcement initiative surcharge to language relating to priority of payment of criminal penalty surcharges from moneys deposited with the clerk of court; changing references to the prohibitions against child pornography within the definition of the term “criminal offense against a minor” in the Sex Offender Registry chapter; correcting language relating to the consequences for violations of certain Sex Offender Registry requirements by persons on probation, parole, or other form of release; clarifying an effective date reference in language relating to electronic access to Sex Offender Registry information; correcting a clerical error, retroactively to July 1, 2000, in language relating to misrepresentation of a business name by a supplier of a service or product in a local telephone directory or directory assistance database; clarifying language regarding persons who may be charged with neglect or abandonment of a dependent person or with child endangerment; and clarifying language regarding the procedures applicable to violations of parole or work release.

**SENATE FILE 2278**

## - Jails and Local or Regional Confinement Facilities — Space and Needs Inventory

**SEE LOCAL GOVERNMENT.** This Act relates to an analysis of the confinement and detention needs of jails and other local or regional confinement facilities.

**SENATE FILE 2286**

## - Sexually Violent Predators — Civil Commitment

**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act makes numerous changes to the Sexually Violent Predator Act in Code Chapter 229A.

**HOUSE FILE 2249**

## - Private Investigation, Private Security, and Lottery Licensing and Regulation

**SEE STATE GOVERNMENT.** This Act relates to criminal history checks of applicants for certain licenses and amends the Iowa lottery laws relating to background investigations for lottery employees and contract vendors and their employees, the content of marketing materials, and the imprint of a licensee’s name and address on instant lottery tickets.

**HOUSE FILE 2264**

## - Informed Consent Prior to Abortion — VETOED BY THE GOVERNOR

**SEE HEALTH & SAFETY.** This bill would have established a new Code Chapter 146A, the “Woman’s Right to Know Act.” The bill would have specified the required informed consent provisions prior to

the performance of an abortion and would have established a criminal penalty of a simple misdemeanor for a person who knowingly or recklessly performs or attempts to perform an abortion in violation of the chapter. The bill would have prohibited the assessment of a criminal penalty against a woman upon whom an abortion is performed or attempted to be performed, and would have prohibited the assessment of a criminal penalty against a woman for failure to comply with certification requirements if the department had not made the printed materials available as required. The bill also would have provided for protection of confidentiality of a woman relative to court proceedings relating to an action under the chapter. The bill would have taken effect October 1, 2002.

- HOUSE FILE 2409** - Election Misconduct  
*SEE ELECTIONS, ETHICS & CAMPAIGN FINANCE.* This Act corrects internal inconsistencies in the Code relating to election misconduct and creates new Code Chapter 39A to contain the criminal provisions relating to violations of election laws and the penalties applicable to those violations.
- HOUSE FILE 2447** - Watercraft Regulation — Operation and Safety  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act provides for the operation and regulation of personal watercraft and other motorboats and requires a watercraft safety course for certain operators. Violations relating to watercraft safety certification, safe watercraft operation, hours of operation, and harassment of animals are punishable by a scheduled fine of \$25.
- HOUSE FILE 2552** - Child Abuse Assessment Interviews  
*SEE CHILDREN & YOUTH.* This Act relates to interviews conducted in association with a child abuse assessment of persons alleged to have committed child abuse.
- HOUSE FILE 2565** - Residential Real Estate Installment Contracts — Disclosure Statements  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act requires certain sellers under a residential real estate installment sales contract to prepare and deliver to the contract purchaser a written contract disclosure statement and a copy of the installment sales contract. A contract seller who intentionally provides inaccurate information on a contract disclosure statement is guilty of a fraudulent practice.
- HOUSE FILE 2582** - Federal Block Grant Appropriations  
*SEE APPROPRIATIONS.* This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2002, and ending September 30, 2003. The Act includes funding for various programs involving criminals and corrections, including Drug Control and System Improvement, Local Law Enforcement, and Residential Substance Abuse Treatment for State Prisoners Block Grants.
- HOUSE FILE 2615** - Healthy Iowans Tobacco Trust and Tobacco Settlement Trust Fund — Appropriations  
*SEE APPROPRIATIONS.* This Act relates to and makes appropriations from the Healthy Iowans Tobacco Trust and includes funding for special programming at correctional facilities and community-based corrections.
- HOUSE FILE 2616** - Protection of Wild Animals  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act increases the time limit for the legal possession of deer venison, without a special permit, from the date of taking until the following September 1. From September 1 until the first day of the next deer open season, a person may possess up to 25 pounds of deer venison if the deer was legally obtained. This Act also increases the minimum fine for illegally taking, possessing, injuring, or transporting game or fish from \$10 to \$20.
- HOUSE FILE 2623** - Compensation for Public Employees and Additional Provisions  
*SEE APPROPRIATIONS.* This Act relates to compensation and benefits for public officials and employees, county mental health allowed growth, regulatory and other related matters of the state, and makes and reduces appropriations. The Act also increases the penalty for manufacturing with intent to distribute certain controlled substances; eliminates a provision that allowed for the placing on probation of certain first-time offenders of controlled substance laws; and requires the Department of Corrections to maintain a correctional training program, which does not necessarily need to be located at the Mount Pleasant Correctional Facility.



- HOUSE FILE 2625** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — Fiscal Year 2001-2002 — SECOND EXTRAORDINARY SESSION  
*SEE APPROPRIATIONS.* This Act addresses public funding provisions and related matters by making, transferring and reducing appropriations in order to balance the State General Fund budget for FY 2001-2002. The Act includes a transfer of victim compensation funding.
- HOUSE FILE 2627** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — 2002-2003 and Prior Fiscal Years — SECOND EXTRAORDINARY SESSION  
*SEE APPROPRIATIONS.* This Act provides FY 2002-2003 appropriations from the General Fund of the State to the executive and judicial branches of state government, reduces or limits standing appropriations, and transfers appropriations. The Act is organized into divisions corresponding to the General Assembly's joint appropriations subcommittees and includes appropriations for the state's justice system and the judicial branch, as well as funding for substance abuse, juvenile justice, and child welfare programs.

## CRIMINAL LAW, PROCEDURE AND CORRECTIONS

### **SENATE FILE 415 - District Associate Judge Jurisdiction**

BY COMMITTEE ON JUDICIARY. This Act permits a district associate court judge to have jurisdiction in any felony arraignment, and any proceeding or trial related to class “D” felonies.

### **SENATE FILE 2034 - Limitations on Prosecutions of Criminal Actions — Persons Absent From State**

BY COMMITTEE ON JUDICIARY. This Act relates to the filing of a criminal indictment or trial information.

The Act provides that when a person leaves the state, the time to file an indictment or information does not run while the person is out of the state if the person maintains a residence in Iowa. Current law provides that the time to file an indictment or trial information does not run if the person leaves the state with the intent to avoid prosecution.

The Iowa Rules of Criminal Procedure specify that an indictment or trial information must be found within 45 days of arrest.

### **SENATE FILE 2098 - Criminal Mischief and Unauthorized Computer Access**

BY COMMITTEE ON JUDICIARY. This Act relates to the criminal offense of unauthorized computer access. A person commits the crime of unauthorized computer access if the person knowingly and without authorization accesses a computer, computer system, or computer network.

The Act provides that a person commits an aggravated misdemeanor if the computer data accessed contains confidential records as defined in Code Section 22.7, operational or support data of a public utility as defined in Code Section 476.1, or trade secrets as defined in Code Section 550.2. A person commits a serious misdemeanor if, during the unauthorized access, computer data is copied, altered or deleted. A person commits a simple misdemeanor for any other unauthorized access to a computer, computer system, or computer network. Prior law classified all unauthorized computer access as a simple misdemeanor.

### **SENATE FILE 2146 - Terrorism and Intimidation With a Dangerous Weapon**

BY COMMITTEE ON JUDICIARY. This Act establishes new criminal offenses related to acts of terrorism. The Act defines “terrorism” as an act intended to intimidate or coerce a civilian population, or to influence the policy of a unit of government by intimidation or coercion, or to affect the conduct of a unit of government. However, the term “terrorism” shall not be construed to prohibit forms of expression protected by the United States and Iowa constitutions.

*CLASS “A” FELONY.* A person who kills another person while participating in an act of terrorism commits a class “A” felony.

*TERRORISM.* A person who commits or attempts to commit an act of terrorism commits a class “B” felony, punishable by not more than 50 years’ confinement.

*SOLICITING OR PROVIDING SUPPORT FOR AN ACT OF TERRORISM.* A person who provides material support or resources valued in excess of \$1,000 to a person who commits an act of terrorism is guilty of a class “B” felony; if the value does not exceed \$1,000, the person is guilty of a class “C” felony. The Act defines “material support or resources” as providing money, financial securities, financial services, lodging, training, safe houses, false documentation, communication equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets.

*THREAT OF TERRORISM.* A person who threatens to commit or cause an act of terrorism to be committed and raises a reasonable expectation or fear the threat will be carried out is guilty of a class “D” felony.

*OBSTRUCTION OF TERRORISM PROSECUTION.* A person who renders criminal assistance to a person who commits an act of terrorism that results in the death of another person is guilty of a class “B” felony. If the person renders criminal assistance but no death results from the act, the person is guilty of a class “C” felony. The Act defines “person who renders criminal assistance” as a person who knowingly attempts to prevent the apprehension or obstructs the prosecution or defense of another person who has committed an act of terrorism.

*INTIMIDATION WITH A DANGEROUS WEAPON.* The Act changes the name of the current criminal offense of “terrorism” to the criminal offense of “intimidation with a dangerous weapon.”

### **SENATE FILE 2197 - Sex Offenders — Residency Restrictions — Child Care Facilities and Elementary or Secondary Schools**

BY COMMITTEE ON JUDICIARY. This Act prohibits a registered sex offender from residing near a school or child care facility.

The Act provides that a person required to register as a sex offender shall not reside within 2,000 feet of the real property comprising a public or nonpublic elementary or secondary school, or child care facility. The Act defines “child care facility” to mean a child care center, preschool, or registered child care home.

A person who violates the Act commits an aggravated misdemeanor, punishable by confinement for no more than two years and a fine of at least \$500 but not more than \$2,000.

The Act also provides that prior to release or sentencing, the person shall be informed about the restrictions on residing near a school or child care facility.

A sex offender who resides within the restricted area does not violate the Act under any of the following circumstances: (1) the person is required to serve a sentence at a jail, prison, or juvenile facility, (2) the person is subject to an order of commitment under Code Chapter 229A, (3) the person has established a residence prior to the effective date of this Act, (4) a school or child care facility is newly located on or after the effective date of this Act, or (5) the person is a minor or a ward under a guardianship.

**SENATE FILE 2288 - Temporary or Acting County Attorneys**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act relates to the appointment of an acting or a temporary county attorney.

The Act provides that upon the application of a county attorney or the Attorney General, the chief judge or the chief judge's designee may appoint an attorney to act temporarily as county attorney until the board of supervisors has had sufficient time to appoint an acting county attorney. The Act provides that as an alternative, after an application has been filed, the Attorney General may be appointed to temporarily act as county attorney if the Attorney General consents to the appointment.

The Act provides that if the county attorney and all assistant county attorneys are disqualified, because of a conflict of interest, from performing duties and conducting official business in any juvenile, criminal, contempt, or commitment proceeding which requires the attention of the county attorney, the chief judge or the chief judge's designee may appoint an attorney to act as county attorney in the proceeding, upon the application of the county attorney or the Attorney General. As an alternative, after an application has been filed, the Attorney General may be appointed to act as county attorney in the proceeding if the Attorney General consents to the appointment. The Act provides that if the Attorney General does not consent to the appointment, the chief judge or the chief judge's designee may appoint an attorney designated by the Attorney General.

The Act provides that the board may appoint an attorney to act as county attorney in any civil proceeding if the county attorney and all assistant county attorneys are disqualified because of a conflict of interest. Upon request by the county attorney, the Attorney General may act as county attorney in a criminal proceeding, without appointment by the board, the chief judge, or the chief judge's designee. Upon an application by the Attorney General under this Act, the county attorney shall be provided notice and an opportunity to object to any appointment.

Under current law, the county board of supervisors may appoint an acting county attorney if the county attorney and assistant county attorneys are unable to carry out the official duties of office because of absence, sickness or disability.

**SENATE FILE 2301 - Indigent Defense**

BY COMMITTEE ON JUDICIARY. This Act relates to the representation of indigent persons and to the duties of the State Public Defender.

The Act permits the State Public Defender to deny an indigent defense claim requesting payment from the state if the claim is not payable as an indigent defense claim, or if it is not payable under the contract between the attorney and the State Public Defender, or if the appointment was obtained improperly by the attorney. The Act also permits the State Public Defender to deny portions of a claim if it is not within the scope of representation of the indigent person. Prior law permitted the State Public Defender to deny a claim only if it was not timely filed or incomplete, and to deny those portions that were excessive.

The Act provides that an attorney seeking judicial review of any action denying or reducing an indigent defense claim must file a motion within 20 days of the denial or reduction of the claim by the State Public Defender. The Act requires the State Public Defender to be notified 10 days prior to the hearing on the motion. The attorney or State Public Defender may appear at the hearing by telephone and if the State Public Defender appears by telephone, the State Public Defender shall be responsible for paying the telephone charges.

The Act provides that in reviewing a claim for compensation to determine if the claim is reasonable and necessary, the State Public Defender may consider whether the attorney was retained or agreed to represent the indigent person prior to appointment. The Act requires the attorney to provide the State Public Defender with any representation agreement and any information on moneys earned or paid prior to appointment. The Act makes confidential all attorney-client information submitted to the State Public Defender regarding the representation prior to appointment.

The Act strikes the section requiring the State Public Defender to annually report to the General Assembly the amount of funds recouped from the collection of assessed court-appointed attorney fees and public defender expenses.

The Act strikes the Code provision requiring the State Public Defender to provide a written proposal to the Justice Systems Appropriation Subcommittee detailing the reasons for establishing or abolishing a local public defender office. The provision

stricken by the Act requires that if the State Public Defender proposes to abolish a local public defender office before the regular session of the General Assembly, the State Public Defender must notify the General Assembly of such action. The provision stricken by the Act further requires that, if within the first 90 days of session, the General Assembly fails to act on the proposal, the local public defender office shall be abolished.

The Act provides that a public defender or any other attorney appointed to represent an indigent person is immune from liability for representing the person unless the court finds that the attorney provided ineffective assistance of counsel and it is the proximate cause of the injury or damage to the person. Prior law provided that an appointed attorney was immune from liability unless the conviction of an indigent person resulted from ineffective assistance of counsel.

The Act provides that if the public defender is unable to represent a person because of a temporary overload of cases or a conflict of interest, the court shall appoint the designee of the public defender. If there is no designee available, the court shall appoint a contract attorney, and if a contract attorney is unavailable, the court shall appoint a noncontract attorney. Prior law provided that if the public defender had a temporary overload of cases or a conflict of interest, the court must first attempt to appoint a contract attorney; and if a contract attorney was unavailable, the court must appoint a noncontract attorney.

The Act provides that the court shall first attempt to appoint the Appellate Defender, if available, to represent an indigent person on appeal for denial of postconviction relief.

The Act provides that an attorney appointed to represent an indigent person shall obtain court approval prior to exceeding the fee limitations established in Code Section 13B.4. An attorney may exceed the fee limitations if good cause is shown. The Act also provides that an attorney may obtain court approval after exceeding the fee limitations if good cause is shown. Failure to timely file an application to exceed the fee limitations after exceeding the fees does not constitute good cause.

The Act provides that costs and fees incurred under provisions of the Code or not enumerated under administrative rules, including fees to material witnesses, fees associated with arrests of alleged parole violators, fees for representing parole violators, and fees for certain probation violations, are not payable out of indigent defense funds.

The Act provides that when determining the amount of restitution for each case, the expense of the public defender shall be calculated at the same hourly rate of compensation specified under Code Section 815.7, but shall not exceed the fee limitations in Code Section 13B.4.

#### **HOUSE FILE 2153 - Criminal Sentencing Procedures — Victim Impact Statements**

BY COMMITTEE ON JUDICIARY. This Act relates to the presentation of a victim impact statement at a criminal sentencing hearing.

The Act provides that a victim impact statement may be presented at the sentencing hearing in a video or audio format as well as orally or in a written format and the victim shall not be placed under oath and subjected to cross-examination at the sentencing hearing.

The Act requires that a written, video or audio victim impact statement be presented at a defendant's sentencing hearing in the presence of the defendant if the victim requests it to be so presented. The Act also permits the impact statement to be presented by the victim's attorney or designated representative.

Current law permits a victim to present a victim impact statement orally at the sentencing hearing or in writing prior to sentencing.

#### **HOUSE FILE 2201 - DNA Profiling of Criminal Defendants**

BY COMMITTEE ON JUDICIARY. This Act requires all felons to submit a physical specimen for "DNA profiling," which the Act defines as a procedure for determining a person's genetic identity.

The Act provides that any person convicted of a felony shall submit a physical specimen for DNA profiling. The Act requires that a felon submit a physical specimen when confined at a correctional institution or assigned to a judicial district department of correctional services. The Act and current law provide that the Division of Criminal Investigation shall conduct the DNA profiling or that the division may contract with private entities to conduct the profiling. Code Section 13.10 lists other offenses that require DNA profiling.

The Act requires the division to share the DNA information with appropriate federal agencies for use in a national database.

The Act and current law also provide that a person convicted of assault with intent to commit sexual abuse, punishable as an aggravated misdemeanor, must submit a physical specimen for DNA profiling.

The Act directs the Board of Parole to require DNA profiling as a condition of parole or work release. Current law permits the board to require DNA profiling as a condition of parole or work release.

Current law and the Act provide that the court may order a misdemeanor to submit a physical specimen for DNA profiling. In determining whether to order DNA profiling, the court shall consider the deterrent effect, the likelihood of repeat offenses, and the seriousness of the crime.

Current law and the Act do not apply to a person receiving a deferred judgment.

The Act contains a contingent effective date making the Act effective only if sufficient funds are appropriated or received to pay the annual cost of the Act.

#### **HOUSE FILE 2230 - Operating While Intoxicated — Penalties for Third or Subsequent Offenses**

BY COMMITTEE ON JUDICIARY. This Act provides that persons who commit a third or subsequent operating-while-intoxicated (OWI) offense shall be committed to the custody of the Director of the Department of Corrections for an indeterminate term not to exceed five years with a mandatory minimum term of confinement of 30 days, and assessed a fine of at least \$2,500 but not more than \$7,500. If the court does not suspend the person's sentence of commitment to the custody of the director, the person shall be assigned to an OWI treatment facility. If the court suspends the person's sentence of commitment to the custody of the director, the court shall order the person to serve at least 30 days but not more than one year in the county jail, and the person may be ordered to do treatment in the community.

#### **HOUSE FILE 2338 - Sex Offender Registration — Enrollment, Employment, or Vocation at Higher Education Institution**

BY COMMITTEE ON JUDICIARY. This Act relates to a person registering as a sex offender in a county where an institution of higher education is located.

The Act provides that a person who is required to register as a sex offender shall, if the person is a full-time or part-time student or is employed or engaged in a vocation on a full-time or part-time basis at an institution of higher education in a county other than the county of residence, register in a county where the person is a nonresident. The Act provides the person must register and provide the sheriff with the name of the institution within five days of becoming a student, being employed, or engaging in a vocation at the institution.

The Act also provides that a person who is required to register as a sex offender, who is a full-time or part-time student, or is employed or engaged in a vocation on a full-time or part-time basis at an institution of higher education in the county of residence, shall notify the sheriff of the name of the institution.

A person required to register pursuant to this Act who changes the person's status as a student or in employment or vocation is also required to notify the sheriff of the county in which the information was provided within five days of a change in the person's status.

The Act also provides that the entity responsible for releasing the person shall inform the person of the notice requirements under the Act.

The Act provides that a criminal violation of Code Chapter 692A, which provides for the Sex Offender Registry, occurs when a person knows or reasonably should know of the duty to fulfill a requirement of Code Chapter 692A.

A person required to register as a sex offender who commits a violation of this Act commits a serious misdemeanor for a first offense and a class "D" felony for a second or subsequent offense. A person who commits a violation of this Act and commits certain other criminal offenses commits a class "C" felony.

#### **HOUSE FILE 2345 - Violence Against Women Program — Administration**

BY COMMITTEE ON JUDICIARY. This Act expands the authority of the Department of Justice to administer the Violence Against Women Program and grants received under the federal Violence Against Women Act (VAWA). This program is currently administered by the Governor's Office of Drug Control Policy.

#### **HOUSE FILE 2363 - Weapons Purchase, Possession, and Sale — Permits — Contiguous or Adjacent States**

BY COMMITTEE ON JUDICIARY. This Act relates to permits for and the possession of weapons. The Act eliminates the requirement that an applicant for a weapons permit, or for an annual permit to acquire pistols or revolvers, provide a social security number on the application, but requires that an applicant provide either a driver's license or nonoperator's identification card number.

The Act also provides that a person who knowingly makes a false statement of material fact on an application for an annual permit to acquire a pistol or revolver commits a class "D" felony, which is punishable by confinement for not more than five years and a fine of at least \$750, but not more than \$7,500.

The Act repeals Code Section 724.24, which allowed a resident of Iowa to purchase rifles, shotguns, and other firearms accessories outside of Iowa in contiguous states that have similar laws. This Code section also allowed a licensed firearms dealer in Iowa to sell or deliver a rifle or shotgun, or a collector licensed in Iowa to sell or deliver a rifle or shotgun if it was a curio or relic, to a resident of an adjacent state under certain conditions. The purpose of this repeal is to comply with federal law.

The Act also adds the term “possession” as an element of the criminal offense of dominion and control, receipt or transportation of firearms and offensive weapons by felons, a class “D” felony.

**HOUSE FILE 2495 - Sexual Abuse — Issuance of No-Contact Order Upon Defendant’s Arrest**

BY COMMITTEE ON JUDICIARY. This Act relates to the issuance of a no-contact order to protect a victim of first, second or third degree sexual abuse, the victim’s immediate family members, and other persons who may reside with a victim of sexual abuse.

The Act provides that upon the arrest of a defendant accused of first, second or third degree sexual abuse, the court may issue a no-contact order to protect the victim, the victim’s family, or persons residing with the victim.

The Act also provides that if a defendant is convicted of, receives a deferred judgment for, or pleads guilty to first, second or third degree sexual abuse, the court shall modify the no-contact order issued upon the defendant’s arrest to provide that the no-contact order shall continue in effect for a period of five years from the date that the judgment is entered or the deferred judgment is granted, regardless of whether the defendant is placed on probation.

The Act further provides that upon the filing of an affidavit by the victim which states that the defendant continues to pose a threat to the safety of the victim, persons residing with the victim, or members of the victim’s immediate family within 90 days prior to the expiration of the modified no-contact order, the court shall modify and extend the no-contact order for an additional period of five years, unless the court finds the defendant no longer poses a threat to the safety of the victim, persons residing with the victim, or members of the victim’s immediate family.

**HOUSE FILE 2506 - Sex Offenders — Issuance of No-Contact Order Upon Defendant’s Release From Confinement**

BY COMMITTEE ON JUDICIARY. This Act relates to the issuance of a no-contact order against a defendant convicted of a sexual offense upon the defendant’s release from jail or prison.

The Act provides that upon a filing of an affidavit by a victim or a parent or guardian on behalf of a minor who is a victim, which states that upon the defendant’s release from jail or prison, the presence of or contact with the defendant continues to pose a threat to the safety of the victim or persons residing with the victim, or members of the victim’s immediate family, the court shall enter a temporary no-contact order which shall require the defendant to have no contact with the victim, persons residing with the victim, or members of the victim’s family.

The Act further allows the court to issue a no-contact order for up to one year from the date of the issuance of the order if the court, after a hearing, finds by a preponderance of the evidence that the defendant poses a threat to the safety of the victim, persons residing with the victim, or members of the victim’s immediate family.

The Act applies to a victim of a crime of first, second or third degree sexual abuse, a victim of a crime of lascivious acts with a child, a victim of a crime of assault with intent to commit sexual abuse, a victim of a crime of indecent contact with a child, a victim of a crime of lascivious contact with a minor, a victim of a crime of sexual exploitation by a counselor or therapist, or a victim of a crime of sexual misconduct with offenders and juveniles.

The Act further provides that violation of a no-contact order constitutes contempt of court and may be punished by contempt proceedings.

**HOUSE FILE 2507 - Possession and Distribution of Anthrax**

BY COMMITTEE ON JUDICIARY. This Act creates a criminal offense for possession or distribution of bacillus anthracis, commonly referred to as anthrax.

The Act provides that a person shall not knowingly possess anthrax or a substance containing anthrax. The Act also provides that a person shall not knowingly distribute anthrax or any substance containing anthrax, which may or may not cause exposure to anthrax, to any other person.

The Act provides that a person who knowingly possesses anthrax or a substance containing anthrax commits a class “C” felony. The Act provides that a person who knowingly distributes anthrax commits a class “F” felony.

A person who possesses or distributes anthrax, or a substance containing anthrax, which is being used solely for a purpose that is lawfully authorized under federal law, is exempt from the criminal penalties in the Act.

**HOUSE FILE 2546 - Assault — Intent Requirements**

BY COMMITTEE ON JUDICIARY. This Act classifies the criminal offense of assault as a general intent crime.

Current case law classifies the criminal offense of assault as a specific intent crime. The Iowa Supreme Court in *State v. Heard*, 636 N.W.2d 227, recently distinguished the difference between a general criminal intent and a specific criminal intent crime. The Iowa Supreme Court concluded that the crime is a general intent crime when the crime consists of only the description of a particular act, without reference to intent to do a further act or achieve a further consequence.

The Iowa Supreme Court concluded that a crime is a specific intent crime when the definition of a crime refers to a defendant's intent to do some further act or achieve some additional consequence.

## ECONOMIC DEVELOPMENT

- SENATE FILE 2048** - Project Labor Agreements Prohibited — VETOED BY THE GOVERNOR
- SENATE FILE 2160** - Dry Fire Hydrant and Rural Water Supply Education and Demonstration Project
- HOUSE FILE 2078** - Business Growth and Development Initiatives — Seed and Venture Capital Investments — Small Business Income Allocation
- HOUSE FILE 2229** - Strategic Investment Fund — Use of Fund Moneys
- HOUSE FILE 2271** - Investment Tax Credits — Qualifying Businesses — Community-Based Seed Capital Funds
- HOUSE FILE 2378** - Enterprise Zones
- HOUSE FILE 2586** - Venture Capital Fund Investment Tax Credits
- HOUSE FILE 2592** - Start-Up Businesses — Taxable Income Deferment

### RELATED LEGISLATION

- SENATE FILE 2051** - State Interagency Missouri River Authority  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act creates a State Interagency Missouri River Authority to represent the State of Iowa as a member of the Missouri River Basin Association. The Director of the Department of Economic Development is a member of the authority.
- SENATE FILE 2275** - Substantive Code Corrections  
*SEE STATE GOVERNMENT.* This Act contains statutory corrections that 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. Changes made in the area of economic development include substituting the word “treasurer” for the word “authority” in language relating to the Treasurer of State’s authority to receive and deposit moneys into the Vision Iowa Fund and the School Infrastructure Fund bond reserve funds; correcting a reference to the Iowa Department of Economic Development Board; updating a reference to S corporations in language relating to the refunding of unused corporate tax credits for certain new investments and clarifying language relating to the tax return to which those tax credit claims must be attached; adding a definition of the term “department” in the Development Activities chapter; correcting language pertaining to tax exemptions that may be claimed for the value of certain property located within enterprise zones; clarifying language relating to the Grape and Wine Development Commission; correcting a reference to a certificate of appropriateness in description of the standards governing the establishment of rehabilitation project criteria and standards by the State Historic Preservation Office; adding a citation to an additional exception in a provision regarding optional advertisement and letting of contracts for construction of secondary roads; striking a reference to a former requirement imposed on manufactured or mobile home retailers; clarifying the statutory prerequisites for in-state travel by unregistered out-of-state commercial motor vehicles; striking obsolete definitions of “distributor’s representative” and “manufacturer’s representative” from the Travel Trailer Dealers, Manufacturers, and Distributors chapter; correcting a reference to successors in interest of a railroad corporation in the definition of “railroad right-of-way” in a public utility crossings and railway property provision; replacing the word “city” with “municipal” or “municipality” in two provisions in the Urban Renewal chapter; clarifying language relating to petitions regarding the issuance of bonds secured by revenues derived from the local hotel and motel tax; and clarifying language describing acquisitions that constitute a “major addition” for purposes of taxation of electricity and natural gas providers.
- SENATE FILE 2304** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions  
*SEE APPROPRIATIONS.* This Act makes, reduces and transfers appropriations for FY 2001-2002 and includes transfers to the General Fund of the State from the Value-Added Agricultural Products and Processes Financial Assistance Fund and the Strategic Investment Fund. The Act takes effect March 1, 2002.



- SENATE FILE 2318** - Taxation of Insurance Premiums, Assessments, and Fees and Health Service Corporation Subscriber Contract Payments  
*SEE TAXATION.* This Act phases in a reduction of the state's gross premiums tax rate from 2 percent to 1 percent by .25 percent per year beginning with the 2003 calendar year for life and health insurance companies and associations and beginning with the 2004 calendar year for insurance companies and associations that are not life and health insurance companies and associations. The Act also increases the amount of prepayment of taxes beginning with the 2003 calendar year until the 2005 calendar year, when 100 percent of the previous year's tax liability must be paid. The 100 percent requirement continues for subsequent years.
- HOUSE FILE 2582** - Federal Block Grant Appropriations  
*SEE APPROPRIATIONS.* This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2002, and ending September 30, 2003. The Act includes funding for various economic development programs, including the Community Development Block Grant.
- HOUSE FILE 2623** - Compensation for Public Employees and Additional Provisions  
*SEE APPROPRIATIONS.* This Act relates to compensation and benefits for public officials and employees, county mental health allowed growth, regulatory and other related matters of the state, and makes and reduces appropriations. The Act also amends the Accelerated Career Education Program by reducing the total amount of program job credits from all employers during FY 2002-2003 from \$6 million to \$3 million.
- HOUSE FILE 2625** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — Fiscal Year 2001-2002 — SECOND EXTRAORDINARY SESSION  
*SEE APPROPRIATIONS.* This Act addresses public funding provisions and related matters by making, transferring and reducing appropriations in order to balance the State General Fund budget for FY 2001-2002. The Act includes transfers and reductions that affect economic development funding and addresses distribution of tax credits under the New Jobs and Income Program and the Enterprise Zone Program to members of a farmers' cooperative that owns an ethanol-producing facility.
- HOUSE FILE 2627** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — 2002-2003 and Prior Fiscal Years — SECOND EXTRAORDINARY SESSION  
*SEE APPROPRIATIONS.* This Act provides FY 2002-2003 appropriations from the General Fund of the State to the executive and judicial branches of state government, reduces or limits standing appropriations, and transfers appropriations. The Act is organized into divisions corresponding to the General Assembly's joint appropriations subcommittees and includes appropriations for the state's economic development programs.

## ECONOMIC DEVELOPMENT

### **SENATE FILE 2048 - Project Labor Agreements Prohibited — VETOED BY THE GOVERNOR**

BY COMMITTEE ON BUSINESS AND LABOR RELATIONS. This bill would have prohibited the disbursement of moneys from the Vision Iowa Fund to any public contracting entity that requires certain labor-related agreements for a public works project. The bill would prohibit disbursement if the public contracting entity requires any person to become a member of a labor organization, to use a referral screening process through a labor organization, or to pay dues or fees to a labor organization as a condition for being eligible to be a party to or work on a public works project; requires a person to enter into any agreement with a labor organization as a condition of being involved in a public works project; or discriminates against any person for refusing or failing to remain a party to any labor agreement as referenced in the bill or for bringing a civil action to enforce the bill.

The bill also would have provided that the requirements of the bill be enforced through a civil action, including injunctive relief.

### **SENATE FILE 2160 - Dry Fire Hydrant and Rural Water Supply Education and Demonstration Project**

BY GREINER. This Act relates to the Dry Fire Hydrant and Rural Water Supply Education and Demonstration Project created in 1998 Iowa Acts, Chapter 1219, and administered by the Department of Economic Development. The Act defines the term “dry fire hydrant,” for purposes of the project, to mean a water supply system permanently installed in existing lakes, ponds, streams, holding tanks, or other water sources that provide a ready means of transporting water by a fire tanker truck.

### **HOUSE FILE 2078 - Business Growth and Development Initiatives — Seed and Venture Capital Investments — Small Business Income Allocation**

BY COMMITTEE ON WAYS AND MEANS. This Act creates the Iowa Capital Investment Board, and authorizes the organization of a private, not-for-profit corporation, the Iowa Capital Investment Corporation, and the organization of a for-profit, limited partnership or limited liability company, the Iowa Fund of Funds. The Act authorizes the issuance of tax credits to investors in the Iowa Fund of Funds. The Act also amends the allocation to Iowa of income earned by an S corporation for purposes of the state individual income tax.

The Act creates the Iowa Capital Investment Board as a governmental entity consisting of five voting members and two nonvoting members. The Act provides the board with powers to carry out its purpose and prohibits the board from hiring employees. The Act provides that board members are indemnified against loss under Code Chapter 669. Board meetings must comply with open meetings laws, except to the extent necessary to protect confidential information with respect to investments in the Iowa Fund of Funds. The Act requires the board, in cooperation with the Department of Revenue and Finance, to establish criteria and procedures for the allocation and issuance of tax credits to designated investors by means of certificates issued by the board, which may be redeemable for tax credits as incentives to designated investors to make equity investments. The board must issue the certificates so that not more than \$20 million of tax credits may be initially redeemable in any fiscal year. The board may charge a placement fee to the Iowa Fund of Funds with respect to the issuance of a certificate and related tax credit. The board, in consultation with the Iowa Capital Investment Corporation, must publish an annual report of the activities conducted by the Iowa Fund of Funds. The board shall redeem a certificate submitted by a designated investor, shall calculate the amount of the allowable tax credit, and issue a verification to the department setting forth the maximum tax credit which may be claimed.

The Act authorizes the organization of an Iowa Capital Investment Corporation as a private, not-for-profit corporation. The Act provides a method for incorporation, including providing for incorporators, an appointment committee, and an initial board of directors. The Act requires the Department of Economic Development to assist the incorporators and the appointment committee in any manner determined necessary and appropriate. The corporation must conduct a national solicitation for an investment plan proposal. The corporation may charge a management fee on assets under management in the Iowa Fund of Funds that shall not exceed one-half of 1 percent per year of the value of the assets under management. The directors of the corporation shall be compensated for direct expenses and mileage, but shall not receive a director’s fee or salary for their service. The Act provides the corporation with various business-related powers. Upon the dissolution of the Iowa Fund of Funds, the corporation shall be liquidated and dissolved, and any assets owned by it shall be distributed to the State of Iowa.

The Act provides for the organization of the Iowa Fund of Funds by the Iowa Capital Investment Corporation. Under the Act, the Iowa Fund of Funds shall be organized as a for-profit limited partnership or limited liability company, for which the Iowa Capital Investment Corporation shall be the general partner or manager, and shall be organized so as to provide for equity interests for designated investors which provide for a designated scheduled rate of return and a scheduled redemption that shall occur not less than five years following the issuance of such equity interests.

The Iowa Fund of Funds shall principally make investments in high-quality venture capital funds managed by investment managers who have made a commitment to consider equity investments in businesses located within the state of Iowa and which

have committed to maintain a physical presence within the state of Iowa. The Iowa Fund of Funds must invest 5 percent of its assets in investments in the form of loan guarantees and other related credit enhancements on loans to rural and small business borrowers within the state of Iowa. The Act provides the Iowa Fund of Funds with certain business-related powers. The Act permits the Iowa Fund of Funds to issue debt and borrow, to open and manage bank and short-term investment accounts, and to expend moneys to secure investment ratings for investments by designated investors. Each calendar year, the Auditor of State must conduct an annual audit of the activities of the Iowa Fund of Funds or engage an independent auditor to conduct the audit. The Act provides that the Iowa Fund of Funds shall be liquidated 50 years following the organization of the Iowa Fund of Funds and requires a report to be filed with the General Assembly upon liquidation.

The Act permits the Iowa Capital Investment Board to issue to designated investors certificates and related tax credits that shall not exceed a total aggregate of \$100 million of tax credits. The certificates shall be issued contemporaneously with an investment in the Iowa Fund of Funds by a designated investor. The certificates and tax credits are transferable. The Act provides that a tax credit shall be claimed for a tax year that begins during the calendar year maturity date stated on the certificate. The amount of the tax credit shall be limited to the equivalent of any difference between the scheduled aggregate return to the designated investor and the aggregate return on invested capital at rates of return authorized by the board. Any tax credit in excess of the designated investor's tax liability for the tax year may be credited to the tax liability for the following seven years, or until depleted, whichever is earlier. The board, in conjunction with the Department of Revenue and Finance, shall develop a system for registration of any certificate and related tax credit issued or transferred and a verification system. A certificate or tax credit issued pursuant to the Act is not considered a security.

The Act provides provisions relating to statutory construction and the powers of the Iowa Capital Investment Board.

The Act provides that investments by designated investors in the Iowa Fund of Funds shall be deemed permissible investments for state-chartered banks, credit unions, and domestic insurance companies under applicable state laws.

The Act authorizes the Attorney General to enforce the provisions of the Act and to conduct any necessary investigations.

Currently, under the state individual income tax, resident shareholders of S corporations doing business within and without the state are allowed to allocate income between Iowa and other states in determining their state income tax. As part of the allocation procedure, under current law, 50 percent of the amount of an S corporation distribution received by a shareholder, which is used to pay federal income tax, is not allocated to Iowa. The Act increases this percentage to 100 percent. This provision applies retroactively to January 1, 2002, for tax years beginning on or after that date.

#### **HOUSE FILE 2229 - Strategic Investment Fund — Use of Fund Moneys**

BY COMMITTEE ON ECONOMIC DEVELOPMENT. This Act amends the purposes for which moneys in the Strategic Investment Fund may be used by the Department of Economic Development.

Currently, the Code lists a number of specific programs for which moneys in the Strategic Investment Fund may be used. The Act provides that moneys in the fund shall be used to assist in relocation or expansion projects for existing businesses, as well as entrepreneurial start-up and expansion projects, and for projects designed to meet certain purposes.

The Act eliminates a requirement that the Director of the Department of Economic Development annually submit a proposed allocation of funds from the Strategic Investment Fund. The Act provides that, at the beginning of each fiscal year, the Iowa Economic Development Board shall establish goals for the Strategic Investment Fund relating to the intended strategic focus for the fiscal year.

#### **HOUSE FILE 2271 - Investment Tax Credits — Qualifying Businesses — Community-Based Seed Capital Funds**

BY COMMITTEE ON WAYS AND MEANS. This Act creates a tax credit for investments in qualifying businesses and community-based seed capital funds.

The Act provides that, for tax years beginning on or after January 1, 2002, a tax credit shall be allowed against personal income tax for a portion of an individual taxpayer's equity investment in a qualified business. An individual shall not claim a tax credit for an equity investment in a qualified business of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual.

The Act provides that, for tax years beginning on or after January 1, 2002, a tax credit shall be allowed against personal and corporate income tax, the franchise tax for financial institutions, the insurance premium tax, and the moneys and credits tax for credit unions for a portion of a taxpayer's equity investment in a community-based seed capital fund.

The Act provides that a tax credit shall be allowed only for an investment made in a form of cash to purchase equity in a qualifying business or in a community-based seed capital fund. A taxpayer shall not claim the tax credit prior to the third tax year following the

tax year in which the investment is made. Any tax credit in excess of the taxpayer's liability for the tax year may be credited to the tax liability for the following five years or until depleted, whichever is earlier. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer redeems the tax credit. A tax credit shall equal 20 percent of the taxpayer's equity investment.

The maximum amount of a tax credit for an investment by a taxpayer in any one qualifying business shall be \$50,000. The Act provides that, each year, an investor and all affiliates of the investor shall not claim tax credits for more than five different investments in five different qualifying businesses. An investment shall be deemed to have been made on the same date as the date of acquisition of the equity interest, as determined by the Internal Revenue Code. The aggregate amount of tax credits issued shall not exceed a total of \$10 million. The total amount of tax credits issued shall not exceed \$3 million for the fiscal year beginning July 1, 2002, \$3 million for the fiscal year beginning July 1, 2003, and \$4 million for the fiscal year beginning July 1, 2004. A tax credit shall not be redeemed during any tax year beginning prior to January 1, 2005, and shall not be transferable.

The Act authorizes the Iowa Capital Investment Board to cooperate with the small business development centers in an effort to disseminate information regarding the availability of tax credits for investments in qualifying businesses and to develop a standard seed capital application form. The Act requires the board to develop a system for registration and authorization of tax credits authorized pursuant to this Act and to control distribution of all tax credits distributed to investors under the Act.

In order for an equity investment to qualify for a tax credit, the business in which the equity investment is made shall, within 120 days of the date of the first investment, notify the board of the names, addresses, taxpayer identification numbers, shares issued, consideration paid for the shares, and the amount of any tax credits of all shareholders who may initially qualify for the tax credits, and the earliest year in which the tax credits may be redeemed. The Act provides certain criteria that a qualifying business must meet relating to location of the business, the duration of the business, the experience of the business owner, the type of business, the net worth of the business, and the equity investments in the business.

A qualifying business shall have the burden of proof to demonstrate to the board its qualifications, and the obligation to notify the board in a timely manner of any changes in the qualifications or in the eligibility of investors to redeem the investment tax credits in any tax year. After verifying the eligibility of a qualifying business, the board shall issue a tax credit certificate to be attached to the equity investor's tax return.

An investment in a community-based seed capital fund qualifies for a tax credit provided that all requirements of the Act are met. In order to be a community-based seed capital fund qualifying under this Act, a community-based seed capital fund must be a limited partnership or limited liability company; must have, on or after January 1, 2002, a total of both capital commitments from investors and investments in qualifying businesses of at least \$500,000, but not more than \$3 million; and must have no fewer than 10 individual investors who are not affiliates, with no single investor and affiliates of that investor together owning a total of more than 25 percent of the ownership interests outstanding in the fund.

In order for an investment in a community-based seed capital fund to qualify for a tax credit, the community-based seed capital fund shall, within 120 days of the date of the first investment, notify the board of the names, addresses, taxpayer identification numbers, equity interests issued, consideration paid for the interests, and the amount of any tax credits of all limited partners or members who may initially qualify for the tax credits and the earliest year in which the tax credits may be redeemed. After verifying the eligibility of the community-based seed capital fund, the board shall issue a tax credit certificate to be attached to the taxpayer's tax return.

The manager of the community-based seed capital fund has the burden of proof to demonstrate to the board the community-based seed capital fund's qualifications, and has the obligation to notify the board in a timely manner of any changes in the qualifications of the community-based seed capital fund, in the qualifications of any qualifying business in which the fund has invested, or in the eligibility of limited partners or members to redeem the investment tax credits in any year. In the event a community-based seed capital fund fails to meet or maintain any requirement set forth in the Act, or in the event the community-based seed capital fund has not invested at least 33 percent of its invested capital in no fewer than two separate qualifying businesses, measured at the end of the 36<sup>th</sup> month after commencing the fund's investing activities, the board shall rescind any tax credit certificates issued to limited partners or members and notify the Department of Revenue and Finance that it has done so, and the tax credit certificates shall be null and void. A community-based seed capital fund may apply to the board for a one-year waiver regarding the investment requirements.

A community-based seed capital fund shall receive a tax credit only for an investor's investment in the community-based seed capital fund and shall not receive any additional tax credit for the investor's share of investments in a qualifying business made by the community-based seed capital fund. An investor may receive a tax credit with respect to a separate direct investment made by the investor in the same qualifying business in which the community-based seed capital fund invests. A community-based seed capital fund shall not invest in the Iowa Fund of Funds organized pursuant to H.F. 2078 (see Economic Development).

The Act requires the board to file an annual report with the General Assembly and the Governor regarding eligible qualifying businesses and tax credit certificates issued.

State mandate requirements shall not apply to a tax credit issued and applied against the moneys and credits tax liability of a credit union.

The provision of the Act amending 2002 Iowa Acts, H.F. 2078, takes effect February 28, 2002. The Act takes effect February 28, 2002, and applies retroactively to January 1, 2002, for tax years beginning on or after that date.

#### **HOUSE FILE 2378 - Enterprise Zones**

BY COMMITTEE ON ECONOMIC DEVELOPMENT. This Act amends the Enterprise Zone Program administered by the Department of Economic Development.

The Act changes all the references to the 1990 certified federal census to the 2000 certified federal census, allows counties and cities currently meeting distress criteria based on the 1990 census to continue to designate enterprise zones until July 1, 2003, and allows counties and cities meeting the distress criteria based on the 2000 census to designate enterprise zones between the effective date of the Act (July 1, 2002) and July 1, 2005. The Act amends one of the possible distress criteria that cities may meet in order to designate an enterprise zone. The Act raises the per capita income level from \$9,600 to \$12,648.

The Act provides that a certified enterprise zone shall not be decertified or amended.

The Act adds a tax credit under the housing portion of the program for insurance companies to claim against the tax on gross premiums.

The Act eliminates a special provision that allowed a county to designate an enterprise zone if certain criteria were met. The special provision limited the department to approving not more than five such enterprise zones prior to July 1, 2001.

The Act amends the provision of the Code that allows an enterprise zone to be established on property on which a business closure occurred that resulted in a significant loss of employment. The Act expands the area that may be included in such an enterprise zone from one mile adjacent to the property to three miles adjacent to the property. An eligible housing business under the program shall not receive incentives or assistance for a home or multiple dwelling unit built or rehabilitated in such an enterprise zone.

The Act amends provisions relating to business development enterprise zones. The Act eliminates a provision that prohibited an eligible business from receiving enterprise zone incentives and assistance if the eligible business is located on property which is owned, or was previously owned, by an approved development business that had received enterprise zone incentives and assistance. The Act provides that nonretail businesses locating in a building space developed by an approved development business must create at least 10 full-time positions, meet certain employment and wage criteria, and not share common ownership or common management with the development business. The Act provides that a development business shall receive a pro rata share of the total incentives and assistance available to the development business based on the percentage of the building that is leased to nonretail businesses. The Act directs the department to determine the procedure for issuing the incentives and assistance on a pro rata basis. Provisions of the Act relating to business development enterprise zones take effect April 30, 2002, and, if approved by the Governor after April 30, 2002, apply retroactively to April 30, 2002.

The Act repeals Code Section 15E.193A, relating to the ability of certain businesses located outside of an enterprise zone to receive enterprise zone incentives and assistance.

#### **HOUSE FILE 2586 - Venture Capital Fund Investment Tax Credits**

BY COMMITTEE ON WAYS AND MEANS. This Act allows a tax credit for equity investments in venture capital funds against personal, corporate, franchise, insurance premium, and moneys and credits taxes. The amount of the tax credit shall not exceed 6 percent of the taxpayer's equity investment in a venture capital fund certified by the Iowa Capital Investment Board.

The Act prohibits a taxpayer from claiming a tax credit if the taxpayer is a venture capital investment fund allocation manager for the Iowa Fund of Funds, created in H.F. 2078 (see Economic Development), or an investor that receives a tax credit for an investment in a community-based seed capital fund as defined in H.F. 2271 (see Economic Development).

The Act requires the Iowa Capital Investment Board to issue certificates that may be redeemed for tax credits. However, the board must issue the certificates so that not more than a total of \$5 million of tax credits may be claimed.

The Act provides that a taxpayer shall not claim the tax credit prior to the third tax year following the tax year in which the investment is made; that any tax credit in excess of the taxpayer's liability for the tax year may be credited to the tax liability for the

following five years or until depleted, whichever is earlier; and that a tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer claims the tax credit.

The Act provides that state funding requirements shall not apply to tax credits allowed against the moneys and credits tax.

The Act takes effect May 8, 2002, and applies retroactively to January 1, 2002, for tax years beginning on or after that date.

**HOUSE FILE 2592 - Start-Up Businesses — Taxable Income Deferment**

BY COMMITTEE ON WAYS AND MEANS. This Act relates to certain businesses deferring taxable income.

The Act permits a start-up business that meets certain criteria to submit a request to the Department of Revenue and Finance for the deferment of taxable income and the tax on it for the first three years that the business is in operation. If the department approves the deferment, the taxpayer shall pay taxes owed on the deferred income in five equal annual installments during the five tax years following the three years of income deferment. The taxpayer shall file a return for each tax year in which a deferment is approved. Net losses during the three-year deferment period may be applied to any deferred income. The department must approve a request for deferment if the business is a wholly new start-up business beginning operations during the first tax year for which the income deferment is claimed, the business has its commercial domicile in the state, the operations of the business are at least 25 percent funded by venture capital moneys, and the taxpayer does not have any delinquent taxes or other debt outstanding and owed to the state. Penalty and interest are not to be assessed until after the tax on the deferred income is due and payable.

The Act takes effect April 22, 2002, and is retroactively applicable to January 1, 2002.



## EDUCATION

- SENATE FILE 348** - Charter Schools
- SENATE FILE 2168** - University of Iowa Hospitals and Clinics Facilities — Issuance of Bonds
- SENATE FILE 2228** - School Finance — Use of Physical Plant and Equipment Levy Moneys
- SENATE FILE 2258** - Board of Educational Examiners — Determinations of Licensee Qualification
- SENATE FILE 2259** - Education Regulation and Funding — Miscellaneous Provisions
- SENATE FILE 2260** - Area Education Agencies — Reorganization or Dissolution
- SENATE FILE 2315** - School Finance — Allowable Growth, Area Education Agency Payments, and State Foundation Aid
- SENATE FILE 2316** - Sale of Iowa State University of Science and Technology Dairy Research Farm — Use of Proceeds
- SENATE FILE 2323** - Registered Nurse Recruitment
- SENATE FILE 2328** - School Finance — Allowable Growth
- HOUSE FILE 2138** - Student Financial Aid Programs — Modification or Waiver of Requirements in National Emergency
- HOUSE FILE 2139** - Vocational-Technical Tuition Grants — Maximum Amount
- HOUSE FILE 2151** - Confidential Public Records — School Security or Emergency Preparedness
- HOUSE FILE 2183** - School District Boards of Directors — Size and Method of Election
- HOUSE FILE 2394** - Community College Faculty
- HOUSE FILE 2404** - School Finance — Weighting for Limited English Proficient Students
- HOUSE FILE 2454** - Character Education Programs
- HOUSE FILE 2467** - Student Financial Aid Programs — Sanctions Against Licenses of Defaulters
- HOUSE FILE 2475** - Security Interests in Education Loans
- HOUSE FILE 2482** - Board of Educational Examiners — Licensee Disciplinary Investigations and Proceedings
- HOUSE FILE 2515** - Education — Administration, Funding, Programming, and Services
- HOUSE FILE 2549** - Primary and Secondary Education — Employee Standards, Career Development, Assessment, and Remuneration
- HOUSE FILE 2571** - Iowa Cultural Trust

### RELATED LEGISLATION

- SENATE FILE 2197** - Sex Offenders — Residency Restrictions — Child Care Facilities and Elementary or Secondary Schools  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act prohibits a convicted sex offender from residing within 2,000 feet of a public or nonpublic elementary or secondary school, or child care facility.
- SENATE FILE 2203** - Iowa Communications Network — Access by Homeland Security or Defense Facilities  
*SEE STATE GOVERNMENT.* This Act provides that a homeland security or defense facility established by the Administrator of the Emergency Management Division of the Department of Public Defense, or the Governor, shall be regarded as a public agency for purposes of access to the Iowa Communications Network.
- SENATE FILE 2273** - Juneteenth National Freedom Day  
*SEE STATE GOVERNMENT.* This Act authorizes and requests the Governor to issue an annual proclamation designating the third Saturday in June as Juneteenth National Freedom Day and encourages all governmental entities, civic organizations, schools, and institutions of higher education in the state to observe this day commemorating the Emancipation Proclamation, which ended slavery in the United States.
- SENATE FILE 2275** - Substantive Code Corrections  
*SEE STATE GOVERNMENT.* This Act contains statutory corrections that 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. Changes made in the area of education include substituting the word “treasurer” for the word “authority” in language relating to the Treasurer of State’s authority to receive and deposit moneys into the Vision Iowa Fund and the School Infrastructure Fund bond reserve funds; making a clarification relating to continuing education program attendance by optometrists; changing an approval procedure for undertaking and carrying out certain projects at regents institutions; adding a reference to student achievement rules language to a description of comprehensive school transformation activities; and adding licensed substance abuse treatment providers to language describing authorized providers of drinking driver courses.

- SENATE FILE 2304** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions  
**SEE APPROPRIATIONS.** This Act makes, reduces and transfers appropriations for FY 2001-2002 and includes an appropriation from the Iowa Economic Emergency Fund for school aid allowable growth in lieu of a portion of the appropriation made by the General Fund of the State, exemptions from an across-the-board reduction for various education-related purposes, and a transfer to the General Fund of the State from an infrastructure appropriation made for construction of the livestock infectious disease isolation facility at Iowa State University. The Act takes effect March 1, 2002.
- SENATE FILE 2305** - Tax Administration and Related Matters  
**SEE TAXATION.** This Act amends various tax provisions to state law to add the adjective “non-profit” to private educational institutions for purposes of the sales tax exemption for certain sales where the proceeds are used for or by an educational institution.
- SENATE FILE 2326** - Appropriations — Miscellaneous Provisions, Reductions, Transfers, and Other Matters  
**SEE APPROPRIATIONS.** This Act provides FY 2002-2003 appropriations from the General Fund of the State to the executive and judicial branches of state government, reduces or limits standing appropriations, and transfers appropriations. The Act is organized into divisions corresponding to the General Assembly’s joint appropriations subcommittees and, although a large portion of the Act was vetoed by the Governor, most education provisions were approved. These include annual appropriations and standing appropriations for the state’s education programs, including early childhood, K-12, community colleges, and institutions of higher education.
- HOUSE FILE 2075** - Economic Emergency Funds — Transfer to Tobacco Settlement and Senior Living Trust Funds  
**SEE STATE GOVERNMENT.** This Act directs the repayment from excess moneys in the Economic Emergency Fund of moneys transferred or appropriated from the Endowment for Iowa’s Health Account of the Tobacco Settlement Trust Fund and used for the Student Achievement and Teacher Quality Program and for school foundation aid.
- HOUSE FILE 2150** - Military Honor Guard Services on Public Property  
**SEE STATE GOVERNMENT.** This Act provides that members of the Iowa National Guard, the Reserve Forces of the United States, or a Reserve Officers Training Corps shall be allowed to perform any honor guard services on public property.
- HOUSE FILE 2248** - Bill of Rights Day  
**SEE STATE GOVERNMENT.** This Act authorizes and requests the Governor to issue annually a proclamation designating December 15 as “Bill of Rights Day,” and to encourage a formal recitation of the Bill of Rights in its entirety in all schools, government meetings, and courtrooms on or about that date.
- HOUSE FILE 2338** - Sex Offender Registration — Enrollment, Employment, or Vocation at Higher Education Institution  
**SEE CRIMINAL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act relates to a person registering as a sex offender in a county where the person is a nonresident, if the person is a full-time or part-time student or is employed or engaged in a vocation at an institution of higher education.
- HOUSE FILE 2395** - Support of Dependents — Calculation and Withholding — Medical and Educational Support  
**SEE HUMAN SERVICES.** This Act makes changes in the law relating to child support, including those relating to postsecondary education subsidy provisions.
- HOUSE FILE 2472** - Elections and Voter Registration  
**SEE ELECTIONS, ETHICS & CAMPAIGN FINANCE.** This Act makes a number of changes to the election laws of Iowa. The Act requires that the director district boundaries, if districts are drawn, of

a newly formed or reorganized school district be drawn after the election making the changes; makes the candidate nomination petition requirement of new school districts the same as for established school districts; removes the question of approval of director district boundaries from the election or the question of whether a school district should change its method of electing directors; requires director or district boundaries be drawn or redrawn after the election approving the change in boundaries; requires approval of the new boundaries by the State Commissioner of Elections; provides a process for the transition from five school board members to seven and from seven school board members to five; allows the county commissioner to include with the summary of the question on the ballot a map showing the new school district boundaries of school districts to which portions of a dissolved district are to be attached if approved at the election; provides a process for attachment of territory received by a school district when an adjacent school district dissolves; makes the provisions of Code Section 275.37 relating to implementation of a change to increase the number of director districts applicable to all changes increasing the membership of school boards; requires that a school district with all of a city with a population of 15,000 or more located in the district must have seven directors on the board; provides that the deadline for submission of a resignation if the office is to appear on the ballot at the next regular school election is not later than 45 days before the election; requires that, within 10 days after receiving a petition for a bond election, the president of the school board call a meeting of the board to set an election date and that the meeting be held within 30 days of receipt of the petition; and provides that election costs for a school infrastructure sales tax shall be apportioned among the school districts in the county in the ratio of the number of registered voters in each school district residing in the county to the total number of registered voters in the county. The Act takes effect January 1, 2003, and applies to elections held on or after that date.

- HOUSE FILE 2582** - Federal Block Grant Appropriations  
**SEE APPROPRIATIONS.** This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2002, and ending September 30, 2003, including funding made available to the state for a number of education programs.
- HOUSE FILE 2587** - Energy and Environmental Research and Development — Iowa Energy Center — Alternative Energy Revolving Loan Program  
**SEE ENERGY & PUBLIC UTILITIES.** This Act provides that the limit on salary expenditures for the Iowa Energy Center shall be adjusted annually according to the salary adjustment approved by the State Board of Regents for professional and scientific employees at Iowa State University of Science and Technology.
- HOUSE FILE 2614** - Tobacco Settlement, Infrastructure, and Environment First Funds — Appropriations and Miscellaneous Related Changes  
**SEE APPROPRIATIONS.** This Act makes appropriations to various departments and agencies for infrastructure and capital projects. The Act also appropriates funds to the State Board of Regents from moneys to be deposited in the Endowment for Iowa's Health Account of the Tobacco Settlement Trust Fund from the wagering tax for tuition replacement.
- HOUSE FILE 2622** - Tax Administration — Additional Related Matters  
**SEE TAXATION.** This Act provides for the abatement of local sales and services tax for school infrastructure purposes owed or refund of such taxes paid as a result of the purchases by a foundry in Lee County or Jefferson County of items used in making patterns, molds or dies if the purchases occurred between July 1, 1997, and May 6, 2002.
- HOUSE FILE 2623** - Compensation for Public Employees and Additional Provisions  
**SEE APPROPRIATIONS.** This Act relates to compensation and benefits for public officials and employees, county mental health allowed growth, regulatory and other related matters of the state, and makes and reduces appropriations. The Act also reduces the total amount of Accelerated Career Education Program job credits from all employers during FY 2002-2003 from \$6 million to \$3 million, increases the FTEs for the State School for the Deaf, appropriates and transfers moneys to the Student Achievement and Teacher Quality Program, increases an appropriation for community colleges, decreases appropriations to State Board of Regents universities, and reduces an additional amount from the standing appropriation under the Educational Excellence Program.

- HOUSE FILE 2625** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — Fiscal Year 2001-2002 — SECOND EXTRAORDINARY SESSION
- SEE APPROPRIATIONS.*** This Act addresses public funding provisions and related matters by making, transferring and reducing appropriations in order to balance the State General Fund budget for FY 2001-2002. The Act addresses the table of organization for employees under the State Board of Regents.

## EDUCATION

### **SENATE FILE 348 - Charter Schools**

**BY COMMITTEE ON EDUCATION.** This Act directs the State Board of Education to initiate a pilot program to test the effectiveness of charter schools. A pilot charter school is a public school, which is either a new school within an existing public school or is an existing public school converted to charter status. The Act sets up the provisions by which, and the purposes for which, pilot charter school programs may be established.

*CONDITIONAL EFFECTIVENESS — FEDERAL RULES AND REGULATIONS.* The Act takes effect when the Department of Education receives federal funding for purposes of providing financial assistance for the planning, program design, and initial implementation of public charter schools. The department must notify the Code Editor upon receipt of such federal funds. If federal rules or regulations adopted relating to the distribution or utilization of these funds are inconsistent with the Act, the Act directs the state board to adopt rules to comply with the requirements of the federal rules or regulations.

*APPLICATION.* To receive approval to establish a charter school, the principal, teachers, or parents or guardians of students at an existing public school must submit an application to a public school board to convert an existing public school attendance center to a charter school. The application must demonstrate the support of at least 50 percent of the teachers employed at the school and 50 percent of the parents or guardians voting whose children are enrolled at the school, provided that a majority of the parents or guardians eligible to vote participate in the ballot process. The Act specifies the essential elements of the application, including but not limited to the method for admission; the mission, purpose, innovation, and specialized focus of the charter school; and the performance goals and objectives by which the school's student achievement shall be judged, the measures to be used to assess progress, and the current baseline status with respect to the goals.

*APPROVAL.* The public school board must by a majority vote approve or deny the charter school application within 60 calendar days. An applicant may appeal school board denial of the application to the state board. If approved, the school board must submit the application to the state board, and if approved by the state board, the application constitutes an agreement between the school board and the charter school for the operation of the charter school. The state board shall approve not more than 10 charter school applications and not more than one charter school application per school district. However, if the state board receives 10 or fewer applications as of June 30, 2003, and two or more of the applications received by the state board by that date are submitted by one school district, the state board may approve any or all of the applications submitted by the school district.

*GENERAL OPERATING REQUIREMENTS.* A charter school may elect to comply with one or more provisions of statute or administrative rule, but is exempt from statutes and rules applicable to a school, a school board, or a district. However, a charter school shall meet all applicable state and local health and safety requirements, length of school year Code provisions, civil and human rights laws, and laws relating to student transportation, special education, contracts with and discharge of teachers and administrators, and suspension and expulsion of a student. A charter school is subject to an annual financial audit, must be free of tuition and application fees to students between the ages of 5 and 21, and must be nonsectarian in its programs, admission policies, employment practices, and all other operations. A charter school must provide instruction for at least 180 days, or the equivalent number of total hours, and must also annually submit a comprehensive school improvement plan to the department.

*ADMISSIONS.* A charter school may limit admission to students who are within a particular range of age or grade level or on any other basis that would be legal if initiated by a school district. Enrollment priority shall be given to the siblings of students enrolled in a charter school. A charter school shall enroll an eligible resident student who submits a timely application unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, students must be accepted for enrollment by lot. If the charter school enrolls an eligible nonresident student, the sending district must make payments to the charter school in the same manner required under the open enrollment law.

*ADVISORY COUNCIL.* The charter school application is required to specify the method for appointing or forming an advisory council for the charter school. The school board is to consult with the advisory council when deciding matters related to the operation of the school, including budgeting, curriculum, and operating procedures. Meetings of the advisory council are subject to the open meetings and open records laws.

*STATE SCHOOL FOUNDATION AID.* A charter school shall be considered a part of the school district in which it is located for purposes of state school foundation aid. The Act adds the "opening or closing of a pilot charter school" to the list of unusual circumstances a school district may experience that creates an unusual need for additional funds, and for which the School Budget Review Committee may grant supplemental aid to the district.

*CONTRACT.* An approved charter school application shall constitute an agreement, the terms of which shall, at a minimum, be the terms of a four-year enforceable, renewable contract between the school board and the state board.

*EMPLOYMENT AND RELATED MATTERS.* Charter school teachers and administrators must be licensed by the Board of Educational Examiners. Employees of a charter school are considered employees of the school district.

*PROCEDURES FOR REVOCATION OR NONRENEWAL OF CONTRACT.* The Act sets forth the conditions under which a contract for the establishment of a charter school may be revoked by the state board or the school board that established the charter school. The Act also specifies who must be notified and when notification must occur when a board considers revocation or nonrenewal of a charter school contract. Before the state board can take final action, it must conduct an informal hearing. Final action to revoke a contract must be in a manner least disruptive to students enrolled in the charter school. The decision of the state board to revoke a contract is final.

*PROCEDURES AFTER REVOCATION — STUDENT ENROLLMENT.* If a charter school contract is revoked, a nonresident student who attended the school, and any siblings of the student, are determined to have good cause under the open enrollment law and may submit an application to participate in open enrollment to another school district at any time.

*REPORTS.* A charter school must report at least annually to the school board, advisory council, and the state board the information required by the school board, advisory council, or the state board. The reports are public records. The Act also requires the state board to submit the following to the chairpersons and ranking members of the Senate and House standing committees on Education:

- ? A report identifying inconsistencies between federal and state rules and regulations relating to charter schools and any recommendations for legislative action.
- ? A comprehensive annual report, beginning not later than December 1, 2003, that evaluates the state's charter school programs generally, including, but not limited to, an evaluation of whether the pilot programs are fulfilling their purposes. The report also shall contain, for each charter school, a copy of the charter school's mission statement, attendance statistics and dropout rate, aggregate assessment test scores, projections of financial stability, the number and qualifications of teachers and administrators, and the number of and comments on supervisory visits by the department.

*FUTURE REPEAL.* The Act repeals the new Code chapter establishing the charter school pilot program effective July 1, 2010.

*EXPEDITED APPLICATION PROCEDURE — EMERGENCY RULES.* The Act grants the state board emergency rulemaking authority and requires the state board to develop an expedited charter school application procedure for the fiscal year beginning July 1, 2003, for purposes of receiving federal planning funds that may be issued pursuant to the federal Elementary and Secondary Education Act of 1965, Title X, Part C, as codified in 20 U.S.C. § 8061-8067.

**SENATE FILE 2168 - University of Iowa Hospitals and Clinics Facilities — Issuance of Bonds**

BY COMMITTEE ON APPROPRIATIONS. This Act authorizes the State Board of Regents to issue \$100 million in bonds to construct, improve, remodel, repair, furnish, and equip inpatient and outpatient facilities and patient care facilities, including facilities for image-guided radiation therapy services and mechanical and other supporting facilities at the University of Iowa Hospitals and Clinics. The bonds are authorized because the General Assembly finds that the university's hospitals are inadequate to meet present and future demands for statewide specialty care, technology, and teaching services.

The board may increase the amount of bonds issued as needed to capitalize bond reserves and issuance costs. The Code provides that if the amount of bonds issued exceeds the actual costs, the difference shall be used to pay the principal and interest due on the bonds issued.

**SENATE FILE 2228 - School Finance — Use of Physical Plant and Equipment Levy Moneys**

BY COMMITTEE ON EDUCATION. This Act relates to the authorized purposes for which revenue generated by the physical plant and equipment levy can be used. Current law provides that one of the authorized uses relates to the purchase of buildings, or the purchase of a single unit of equipment or a technology system exceeding \$1,500 in value. The Act adds entering into a lease or lease-purchase agreement as an authorized use of levy revenue with respect to the acquisition of a single unit of equipment or technology, deletes the term "system" with reference to the acquisition of technology, and lowers the threshold from \$1,500 to \$500 regarding the dollar amount a purchase, lease, or lease-purchase of equipment or technology must exceed.

**SENATE FILE 2258 - Board of Educational Examiners — Determinations of Licensee Qualification**

BY COMMITTEE ON EDUCATION. This Act strikes, repeals, transfers, and rewrites provisions of the Code relating to the Board of Educational Examiners' authority to adopt rules to determine whether an applicant for licensure or renewal of licensure is qualified for the license sought.

The Code currently authorizes the board to consider the nature and seriousness of a founded abuse or crime committed by the applicant, the time elapsed since the founded abuse or crime was committed, the degree of rehabilitation that has since taken

place, the likelihood that the person will commit the same abuse or crime again, and the number of founded abuses committed and criminal convictions by the person, in determining qualification for licensure. The Act also authorizes the board to consider these circumstances, but specifically lists certain crimes and offenses and requires the board to deny or revoke a license if the person seeking the license or renewal enters a plea of guilty to, or has been found guilty of, any of the offenses or crimes enumerated by the Act. The Act makes conforming changes to Code language relating to para-educator certificates.

**SENATE FILE 2259 - Education Regulation and Funding — Miscellaneous Provisions**

BY COMMITTEE ON EDUCATION. This Act amends Code provisions administered by the Department of Education, including provisions related to participation by children in extracurricular activities, payment for postsecondary enrollment options costs for a student participating in open enrollment, agreements to provide for interscholastic activities for nonpublic school students, the date by which the department must release its school infrastructure program calculations, and the basis for Phase I payment calculations and the use of Phase III balances by school districts and area education agencies under the Educational Excellence Program.

Currently, the Code requires the State Board of Education to adopt rules to permit a child who does not meet residence requirements to participate immediately in extracurricular activities if the child is duly enrolled in a school, is otherwise eligible to participate, and meets the circumstances provided for in the Code. The Act expands these circumstances to include a circumstance in which a child is living with one of the child's parents pursuant to a court-ordered decree or order of custody.

The Act amends the Postsecondary Enrollment Options Act to shift responsibility for the payment of the tuition reimbursement amount owed by a school district for a student who is enrolled under postsecondary enrollment options and who is also participating in open enrollment to the receiving district. However, if the child's residency changes during the school year, tuition shall be paid by the district in which the child was enrolled on the third Friday in September.

The Act permits the authorities in charge of a nonpublic school to enter into an agreement with a school district or other nonpublic school to provide for the eligibility of its students in interscholastic activities provided by the school district or other nonpublic school.

The Act extends from July 1 to September 1 the date by which the department must annually release its school infrastructure program calculations for the purpose of providing grants to school districts under the program.

The Act also requires Phase I payments under the Educational Excellence Program to be based upon the prior year's full-time equivalent teacher count, and permits school districts and area education agencies to retain their Phase III balances for use in succeeding school years for Phase III purposes.

**SENATE FILE 2260 - Area Education Agencies — Reorganization or Dissolution**

BY COMMITTEE ON EDUCATION. This Act makes a number of changes to Code provisions relating to the reorganization or dissolution of area education agencies (AEAs).

Under the Act, reorganization plans submitted to the State Board of Education after the deadline of November 1 must be considered by the state board, but cannot take effect prior to July 1 after the next succeeding fiscal year.

Transfer to the new AEAs of the existing AEA board's authority and responsibility to offer, continue, modify, or terminate employment contracts shall take place following state board approval of the reorganization plan. Current law transfers the authority on the third Tuesday of January prior to the school year in which the reorganization takes effect.

An AEA must notify the school districts within its boundaries, school districts and AEAs contiguous to its boundaries, and any other school district under contract with the AEA of the state board's approval of its reorganization plan or dissolution proposal. Within 60 days of state board approval of a reorganization plan or dissolution proposal, a school district that wishes to join an AEA or be released from a contract with an AEA must file a petition with the AEA to that effect.

The Act also provides that, for the school year beginning on the effective date of an AEA reorganization, the special education support services cost per pupil shall be based upon the combined base year budgets for special education support services of the AEAs that reorganized to form the newly formed AEA, divided by the total of the weighted enrollment for special education support services in the reorganized AEA for the base year plus the allowable growth amount per pupil for special education support services for the budget year.

The Act additionally provides that the special education support cost per pupil, the media cost per pupil, and the educational services cost per pupil for a school district petitioning into an AEA shall, if the petition is approved, be that of the AEA into which it petitions.

Finally, unless an AEA reorganization takes effect less than two years before the taking of the next federal decennial census, the newly formed AEA must redraw its director district boundaries within one year of reorganizing if a petition filed by a school district to join or be released from a newly formed AEA was approved. Until the boundaries are redrawn, the newly formed AEA shall use the boundaries set forth in the approved reorganization plan.

The Act takes effect March 28, 2002.

**SENATE FILE 2315 - School Finance — Allowable Growth, Area Education Agency Payments, and State Foundation Aid**

BY COMMITTEE ON APPROPRIATIONS. This Act provides for the establishment of a revised state percent of growth amount for the school budget year beginning July 1, 2002. This figure was established at the rate of 4 percent during the 2001 Legislative Session and the Act reduces the rate to 1 percent. Senate File 2328 amends this Act to set the allowable growth amount for the budget year beginning July 1, 2003, at 2 percent.

The Act also provides that the state school foundation aid for area education agencies (AEAs) and the portion of the combined district cost calculated for these agencies for the 2001-2002 and 2002-2003 fiscal years shall be reduced by the Department of Management by \$7.5 million. The amount of the reduction for each AEA shall equal the reduction that each agency previously experienced for the 2000-2001 fiscal year. The Act authorizes an AEA to exceed the amount otherwise authorized for special education support services payments pursuant to Code Section 257.35, within the limits of the total amount of funds provided to the AEA.

The Act further provides that although Code Section 257.16 provides a standing appropriation in an amount necessary to pay state foundation aid and supplementary aid each year, for FY 2002-2003, an appropriation of \$1.784 billion will be provided, to be prorated based on budget enrollment if necessary.

The Act additionally appropriates \$25 million of the funds appropriated from the Iowa Economic Energy Fund created in Code Section 8.55 to the Department of Management, and \$20 million to the funds deposited in the Endowment for Iowa's Health Account of the Tobacco Settlement Trust Fund, for FY 2002-2003, to pay that part of foundation aid which represents the allowable growth amounts for all school districts. The Act provides that an appropriation from the General Fund of the State which is supplanted by these appropriations shall be accordingly reduced.

The Act takes effect March 28, 2002.

**SENATE FILE 2316 - Sale of Iowa State University of Science and Technology Dairy Research Farm — Use of Proceeds**

BY COMMITTEE ON APPROPRIATIONS. This Act directs Iowa State University of Science and Technology, immediately after the effective date of the Act, to develop a plan to sell the university's 1,100-acre Ankeny dairy breeding research farm and use the proceeds to establish a new dairy research and dairy teaching facility or for its Plant Sciences Institute. The plan must be submitted to the State Board of Regents for approval prior to its implementation.

As provided under the Act, the General Assembly finds and declares that although the 50-year-old facility has been very successful, its facilities have become outdated, the city of Ankeny has grown to surround the facility, and the dairy farm is inhibiting Ankeny's future growth and contributing to the problem of urban sprawl.

The Act exempts the sale of the farmland and use of the proceeds from current Code provisions that require Executive Council approval prior to the acquisition or sale of property by a regents institution and which appropriate the proceeds from any sale to the State Board of Regents.

The state board must submit an annual report of the activities and costs of the sale of the property to the General Assembly and the Legislative Fiscal Bureau until all sales are complete and the proceeds expended, at which time the state board must submit a final report.

The Act takes effect May 2, 2002.

**SENATE FILE 2323 - Registered Nurse Recruitment**

BY COMMITTEE ON APPROPRIATIONS. This Act creates a Registered Nurse Recruitment Program administered by the College Student Aid Commission and comprised of a forgivable loan program, a tuition scholarship program, and a registered nurse loan repayment program. Under the Act, the commission pays a fee to the schools of nursing for administration of the program. The Act also creates a Registered Nurse Recruitment Revolving Fund administered by the commission for the deposit of payments made by program recipients and the proceeds from the sale of loans. Moneys in the fund can be used by the commission for purposes of the program.

The Act provides that a student who is enrolled at an accredited school of nursing located in the state and who agrees to practice in this state for a period of time to be determined by the commission is eligible for the loan forgiveness or a tuition scholarship. However, to be eligible for the forgivable loan program, the student must also be a resident of the state.

Under the loan repayment program, registered nurses who agree to practice in an eligible community in the state are eligible for loan repayment. A portion of the administrative fee paid to a school of nursing is based on the number of registered nurses the school recruits and places in communities that have agreed to provide additional funds for a registered nurse's loan repayment. A student who receives a tuition scholarship is not eligible for the loan repayment program.

Students who received a forgivable loan or tuition scholarship, and registered nurses for whom loan repayments were made, who fail to satisfactorily continue in the school of nursing or who fail to complete the agreed upon time period of practice in the state or in the community must repay to the commission moneys received under the program. The program is not funded.

**SENATE FILE 2328 - School Finance — Allowable Growth**

BY IVERSON. This Act sets the state percent of growth under the State School Foundation Program at 2 percent for the school budget year beginning July 1, 2003. The Act amends Code Section 257.8 as it was amended with the passage of S.F. 2315 (see Appropriations), which revised the state percent of growth for the school budget year beginning July 1, 2002, from 4 to 1 percent. The Act is applicable for computing state school foundation aid for the school budget year beginning July 1, 2003.

**HOUSE FILE 2138 - Student Financial Aid Programs — Modification or Waiver of Requirements in National Emergency**

BY COMMITTEE ON EDUCATION. This Act authorizes the College Student Aid Commission to waive or modify, for individuals and entities specified in the Act, any statutory or regulatory provision applicable to state financial aid programs in the event of a national emergency declared by the President of the United States by reason of terrorist attack.

Under the Act, the waivers or modifications may be issued for "affected individuals," defined as individuals who are serving on active duty during the national emergency; or who reside or are employed in an area declared a disaster area by any federal, state or local official in connection with the national emergency; or who suffered direct economic hardship as a result of the national emergency. The commission may issue waivers or make modifications to ensure, with regard to affected individuals, that state student loan borrowers are not worsened in relation to those loans and that administrative requirements placed on state student loan borrowers are minimized to ease their burdens and avoid inadvertent technical violations or defaults. Calculations used to determine financial need for affected individuals or their families may be modified by the commission to reflect more accurately the financial condition of the affected individuals or the affected individuals' families.

The Act also allows the commission to grant temporary relief from requirements rendered infeasible or unreasonable by the national emergency to postsecondary education institutions, eligible lenders, and other entities participating in the state student assistance programs located in, or whose operations are directly affected by, areas that are declared disaster areas by any federal, state or local official in connection with the national emergency.

The Act does not require the commission to exercise its authority on a case-by-case basis. The Act takes effect July 1, 2002, but applies on or after September 11, 2001.

**HOUSE FILE 2139 - Vocational-Technical Tuition Grants — Maximum Amount**

BY COMMITTEE ON EDUCATION. This Act increases the maximum possible amount of a vocational-technical tuition grant to a qualified full-time student from \$650 to \$1,200. Only students enrolled in vocational-technical or career option programs at the community colleges of this state are eligible for the grant.

**HOUSE FILE 2151 - Confidential Public Records — School Security or Emergency Preparedness**

BY COMMITTEE ON EDUCATION. This Act requires that information concerning security procedures or emergency preparedness information regarding a school corporation be kept confidential if disclosure could reasonably be expected to jeopardize student, staff or visitor safety. This provision is repealed effective June 30, 2007.

**HOUSE FILE 2183 - School District Boards of Directors — Size and Method of Election**

BY COMMITTEE ON EDUCATION. This Act authorizes the board of directors of a school district, following a federal decennial census, to change the number of directors to either five or seven, or to change the method of election, by resolution after the board conducts a public hearing on the resolution.

If the board proposes to reduce the number of directors from seven to five, the resolution must include a plan for reducing the number of directors. If the board proposes to change the number of directors from five to seven, the two new directors will be added at the first regular election following adoption of the resolution.



If the board receives a petition within 28 days asking that an election be called to approve or disapprove the action of the board, the board must either rescind its action or submit the question to the voters at the next regular election.

The Act takes effect March 21, 2002.

#### **HOUSE FILE 2394 - Community College Faculty**

BY COMMITTEE ON EDUCATION. This Act eliminates, effective July 1, 2003, licensure of community college faculty from the responsibilities of the Board of Educational Examiners.

The Act requires each community college administration to appoint a committee to develop a quality faculty plan, which must be submitted to and approved by the board of directors of the community college, then submitted to the Department of Education and implemented by July 1, 2003. The plan must include an implementation schedule, orientation procedures, continuing professional development, recordkeeping procedures and documentation, consortium arrangements, and activities that ensure instructional competencies and subject knowledge.

The Act also requires the department to conduct on-site visits at community colleges between July 1, 2003, and June 30, 2006, to ensure that each community college is making progress in implementing its plan. The Act specifies the minimum standards for community college instructors and directs the State Board of Education to adopt the standards.

By July 1, 2006, the department must submit a report summarizing its findings to each community college and to the state team responsible for the accreditation of community colleges; the state accreditation teams must monitor the plans and incorporate standards developed with regard to the plan in the accreditation standards for community college programs; and the standards for faculty and professional development shall be the accreditation standards of the North Central Association of Colleges and Schools and those required under specific programs offered by the community college.

The Act also makes Code changes related to the elimination of community college practitioner licensure requirements. For example, community college instructors remain mandatory child abuse reporters and supplementary weighting for district-to-community-college sharing continues, though the Code language is amended to substitute the term "community college-employed instructors" for "community college-employed teachers." Community colleges may approve educational leave policies for instructors and may exchange personnel with other community colleges.

Provisions made inapplicable to community colleges under the Act include those relating to the conditions under which a school district can require an employee to accept an extracurricular contract for an additional school year, the good-faith efforts school districts make to fill coaching positions, and coaching authorizations and endorsements.

Any license issued to a community college instructor that is due to expire between July 1, 2002, and July 1, 2003, shall remain valid until July 1, 2003. This provision takes effect March 29, 2002.

The provision concerning the quality faculty plan takes effect July 1, 2002. Except as otherwise noted, the remaining provisions of the Act take effect July 1, 2003.

#### **HOUSE FILE 2404 - School Finance — Weighting for Limited English Proficient Students**

BY COMMITTEE ON EDUCATION. This Act provides for an additional weighting of twenty-two hundredths for students identified as limited English proficient. The Act also deletes outdated provisions previously applicable to the calculation of the additional weighting.

#### **HOUSE FILE 2454 - Character Education Programs**

BY COMMITTEE ON EDUCATION. This Act strikes language establishing a character education pilot program, but maintains much of the language encouraging schools to make every effort to stress character education qualities, such as caring, civic virtue and citizenship, and respect.

The Act directs the Department of Education to develop partnerships with schools, nonprofit organizations, an institution of higher education, or with a consortium of two or more of those entities, whenever possible, to design and implement character education programs that may be integrated into classroom instruction and may be carried out with other educational reforms.

The Act requires the department to report to the State Board of Education and to the General Assembly regarding the success of any character education initiative.

#### **HOUSE FILE 2467 - Student Financial Aid Programs — Sanctions Against Licenses of Defaulters**

BY COMMITTEE ON EDUCATION. This Act provides for the imposition of sanctions by licensing boards against licensees who default on loan and scholarship program obligations. The Act provides that each licensing board subject to Code Chapter 272C, or

any other licensing board or authority regulating a license authorized by the state, shall establish procedures for the suspension, denial or revocation of a license, or for the imposition of disciplinary action, with regard to a licensee who has defaulted on a repayment or service obligation under any federal or state educational loan or service-conditional scholarship program. The Act provides that each board shall defer to the federal or state program's determination of default upon certification to the board by the program of a licensee's default, and that the board shall remove a suspension, grant a license, or stay a revocation or other disciplinary action if the federal or state program certifies that the defaulting licensee has agreed to serve the licensee's obligation, or is complying with an approved repayment plan. The Act also provides that the licensure sanctions shall be reinstated upon certification that a defaulting licensee has failed to comply with the repayment or service requirements.

#### **HOUSE FILE 2475 - Security Interests in Education Loans**

BY COMMITTEE ON EDUCATION. This Act authorizes a tax-exempt organization that provides or acquires education loans to establish and perfect a security interest in the loans, thereby obtaining priority over other security interests. Priority will be established in a manner corresponding to federal provisions which provide for perfection of a security interest by the filing of notice of the security interest. The requirement of possession of the security interest, which would otherwise be applicable pursuant to the Uniform Commercial Code, shall not apply.

#### **HOUSE FILE 2482 - Board of Educational Examiners — Licensee Disciplinary Investigations and Proceedings**

BY COMMITTEE ON EDUCATION. This Act provides the Board of Educational Examiners with the same authority to designate who may or shall initiate a licensee disciplinary investigation or proceeding, and who shall prosecute a licensee disciplinary proceeding and under what conditions, as the Code currently provides to all other licensing boards. However, the Act provides that in a case alleging failure of a practitioner to fulfill contractual obligations, the complainant, or the complainant's designee, must represent the complainant in a disciplinary hearing.

#### **HOUSE FILE 2515 - Education — Administration, Funding, Programming, and Services**

BY COMMITTEE ON EDUCATION. This Act amends Code sections relating to the duties and operation of the Department of Education, as follows:

Code Sections 256.3, 256.4 and 256.5A: Add a nonvoting, student member to the State Board of Education, appointed by the Governor to a one-year renewable term.

Code Section 256.7, subsection 21, paragraph "c": Requires school districts and accredited nonpublic schools to report as part of the comprehensive school improvement plan the number of students who enter ninth grade but do not graduate, and the number and percentage of students tested to determine student achievement levels. The state board is also required to develop and adopt uniform definitions consistent with the federal No Child Left Behind Act of 2001 and any related federal regulations.

Code Section 256.9, new subsection 51: Requires the Director of the Department of Education to utilize, whenever possible, electronic transfer of funds when disbursing, transferring or receiving funds.

Code Section 256.10: Permits the director to employ professional staff for less than 12 months, but requires the director to employ such staff for at least nine months and to pay salaries comparable to other professional staff, adjusted for the time worked. The director must also provide comparable health and dental insurance benefits for these staffers for 12 months each year.

Code Section 256.11, subsection 10, unnumbered paragraph 3: Replaces a requirement that the department visit all accredited schools and school districts at least once every five years with a requirement that the department visit the schools and school districts as needed.

Code Section 256.34, Code Section 455A.19, subsection 1, unnumbered paragraph 1, and new Code Section 455A.21: Repeal and transfer language creating a conservation education program board from a Code chapter administered by the Department of Education to a Code chapter administered by the Department of Natural Resources.

Code Section 257.11, subsection 2, paragraph "c," subparagraph (2): Doubles the amount of time during which a school district that was not participating in a whole grade sharing arrangement during the 2000-2001 budget year may begin receiving a whole grade sharing incentive, by providing that a school district which executes a whole grade sharing agreement beginning July 1, 2002, and adopts a resolution jointly with the other affected boards to study the question of undergoing a reorganization or dissolution to take effect on or before July 1, 2006, shall receive a weighting of 1/10 of the percentage of the pupil's school day during which the pupil attends classes in another district, attends classes taught by a teacher jointly employed with another district, or attends classes taught by a teacher who is employed by another school district.

Code Section 257.14, subsection 2, and Code Section 257.14, subsection 3, unnumbered paragraph 3: Extend the time a school board has to adopt a resolution to receive a budget adjustment the district is eligible to receive if the Department of Management

determines that the regular program district cost of the school district is less than the total of the regular program district cost plus any adjustment added for the base year for that school district. Currently, the school board must adopt the resolution and notify the department of its adoption, and of the amount of the budget adjustment to be received, by April 1. Under the Act, the school board has only to adopt the resolution by April 15. The Code language requiring notification by the same date is eliminated. These provisions take effect April 30, 2002, and apply retroactively for budget adjustment notification for the school budget year beginning July 1, 2002.

Code Section 257.16, new subsection 4: Requires that any across-the-board budget reductions to state foundation aid and supplementary aid made by the Governor must be distributed on a per pupil basis calculated with the weighted enrollment.

New Code Section 257.50: Requires the director, upon receiving federal grant moneys under the federal 21<sup>st</sup> Century Community Learning Center Grant, to designate that a school district be the fiscal agent for an eligible local grant. However, if federal rules or regulations adopted relating to the grant are inconsistent with the Act, the department is directed to comply with the requirements of the federal rules or regulations.

Code Section 260C.5, subsection 6, and Code Section 260C.38, unnumbered paragraphs 1 and 3: Eliminate requirements that the director approve or disapprove sites and buildings to be acquired, erected or remodeled for use by community colleges, and approve lease agreements for community college buildings.

Code Section 260C.14, subsection 1, and Code Section 260C.47, subsection 1, unnumbered paragraph 1: Make the director, rather than the state board, responsible for the approval of curriculum to be offered in a community college and for ensuring that all of the courses and programs are needed and that the curriculum, courses and programs do not duplicate programs provided by existing public or private facilities in the area.

Code Section 260C.70: Repeals this Code section requiring the board of directors of each community college to prepare and submit to the General Assembly, the Governor, and the department a proposed 10-year building program, including an estimate of the maximum amount of bonds the board expects to issue.

Code Section 275.23A: Extends until May 15 the latest date by which a school board must adopt a resolution, in the second year immediately following the year in which the federal decennial census is taken, describing the director district's boundaries. The date under prior law was April 30. This provision takes effect April 30, 2002.

Code Section 282.18, subsections 2 through 6, 14, 16, and 18: Eliminate from the open enrollment law numerous provisions related to the authority granted by prior law to appeal the denial of a request to open enroll to the state board. However, the Act provides that a decision to deny an application involving repeated acts of harassment or serious health condition of the student that the resident district cannot adequately address is subject to appeal to the state board. The Act requires parents and guardians to notify, by January 1 of the preceding school year, both the district of residence and the receiving district of their intent to enroll a child in a district other than the district of residence. Under prior law, notification was only required for the district of residence. Language permitting a superintendent to approve an application is eliminated, as are certain notification requirements related to the sending and receiving districts. The Act exempts a pupil whose sibling is already participating in open enrollment from a provision that allows a district to deny a request if approval of the request would adversely affect the district's implementation of a desegregation order or plan. If a district denies a request because of its affect on a desegregation order or plan, the Act permits appeal of the decision to the district court. Under the definition of "good cause," the Act adds "custody proceedings," and eliminates language that expanded the definition. An application for open enrollment may be granted at any time with the approval of both the resident and receiving districts.

Code Section 283A.2, subsection 2, paragraphs "a" through "c": Eliminate language that requires school districts to provide a school breakfast program and related language requiring a school district that wishes to provide school breakfasts at an alternative site to notify parents of the intent to develop an alternative site plan and to certify the plan to the department.

Code Section 285.3: Provides for a specific reimbursement rate of 13 percent to school districts for transportation of accredited nonpublic school students by their parents or guardians when transportation by school bus is impracticable or unavailable. Parents and guardians must submit a notice of nonpublic school attendance to the school district not later than December 1 for the first semester claim and May 1 for the second semester claim each year. The Act specifies the information the notice must contain.

Code Section 285.8: Establishes a fee for conducting school bus inspections and issuing school bus driver authorizations that must not exceed the budgeted cost for conducting inspections and administering authorizations.

Code Section 290.1: Amends current Code to permit only an affected pupil, or the pupil's parent or guardian if the pupil is a minor, to appeal the decision or order of the board of directors of a school corporation to the state board. Under prior law, any person

aggrieved by a decision or order of the board of directors of a school corporation could appeal the decision or order to the state board.

Code Section 297.7, subsection 1: Eliminates a provision requiring a school board to send a copy of school building construction plans to the building consultant in the department for review.

Code Sections 301.1, 301.29 and 301.30: Establish a formula for the distribution of any moneys appropriated by the General Assembly for textbooks for accredited nonpublic school pupils. The department must determine the amount available to a school district for the purchase of the textbooks based upon the proportion that the basic enrollment of a participating accredited nonpublic school bears to the sum of the basic enrollments of all participating accredited nonpublic schools in the state for the budget year. The Act directs accredited nonpublic schools to submit a written request on behalf of the school's students and to certify their enrollments to the department by October 1 annually. The department must notify each school district of the amount available for use to purchase nonsectarian, nonreligious textbooks for the participating accredited nonpublic schools by October 15 annually. School districts must keep on file textbook expenditures made for accredited nonpublic schools. The Act repeals provisions that defined "nonpublic school" and established a procedure by which the department paid claims submitted by school districts for the costs of providing textbook services.

Code Section 321.178, subsection 1: Transfers the responsibilities for programming an approved driver education course from the Department of Education to the Department of Transportation. The Act also removes from the definition of "student" language relating to a requirement that the student reside in the school district, which is already required elsewhere in the Code section.

Code Section 321.375, subsection 1, paragraph "d": Replaces a requirement that a school bus driver have an annual physical examination and meet established physical fitness requirements with a requirement that the school bus driver possess a current certificate of qualification for operation of a commercial motor vehicle issued by a person authorized under federal and state law to perform physical examinations. This provision takes effect July 1, 2003.

Code Section 321.375, subsection 2, paragraph "c," and Code Section 321.376: Replace language relating to a school bus driver's permit with language relating to an authorization to operate a school bus. The Act eliminates language authorizing the Department of Education to charge a fee for a permit, but places similar language in Code Chapter 285. The Act eliminates language requiring the department to submit an annual budget request in the amount of the fees collected for the issuance of permits, with the funds designated for establishing and conducting school bus driver instruction programs.

Code Section 321J.22, subsection 2, paragraph "d": Permits the Department of Education to establish reasonable fees for administrative expenses incurred in collecting, maintaining and forwarding to the court drinking driver course-related data.

Code Sections 714.18 and 714.22: Transfer, from the director of the department to the Secretary of State, duties relating to examining and monitoring the financial stability of every person, firm, association, or corporation maintaining or conducting in Iowa any course of classroom or correspondence instruction, or soliciting in Iowa the sale of such a course, including maintaining on file a continuous corporate surety bond to the State of Iowa in the sum of \$50,000 conditioned for the faithful performance of all contracts and agreements with students made by such person, firm, association, or corporation, or their salespersons.

*WHOLE GRADE SHARING AGREEMENT DEADLINE WAIVER.* The Act permits the Department of Education to waive, until July 1, 2002, the deadline requirements of Code Sections 282.10 and 282.11, relating to the signing of a whole grade sharing agreement by the boards of two or more school districts involved in the agreement, and the public notice and hearing requirements, if one of the districts involved in the agreement has an enrollment of less than 200. This provision takes effect April 30, 2002.

#### **HOUSE FILE 2549 - Primary and Secondary Education — Employee Standards, Career Development, Assessment, and Remuneration**

BY COMMITTEE ON EDUCATION. This Act makes a number of changes related to the Student Achievement and Teacher Quality Program established in 2001 under Code Chapter 284.

*PROGRAM PARTICIPATION.* The Act requires school districts to participate in the program by July 1, 2002, one year earlier than required under prior law.

*DEPARTMENT OF EDUCATION.* The Act directs the State Board of Education to adopt rules establishing standards for school district and area education agency (AEA) career development programs and for individual teacher career development plans, and the model skill criteria for career development developed by the department. The Act requires the Director of the Department of Education to develop, in consultation with the Board of Educational Examiners, a transition plan for the implementation of new career development standards with regard to licensure renewal requirements. The plan must require that practitioners be allowed credit for career development completed prior to implementation of the career development standards.

*NATIONAL BOARD CERTIFICATION.* The Act extends the time period during which teachers can be reimbursed by the state for registering for National Board for Professional Teaching Standards certification from June 30, 2002, to June 30, 2005. The Act also extends from the year 2002, to the year 2005, the deadline for teachers to qualify for an annual award for achieving certification.

*RETIREMENT INCENTIVES.* Currently, the board of directors of a school district may offer an early retirement program to employees between the ages of 55 and 65, and may include in the district management levy an amount to pay a school district's costs for the program. Under the Act, the school board may offer an early retirement program to any employee, regardless of age. However, the Act maintains the restriction that allows the district to include the costs of the program in the district management levy only if the program is limited to employees between the ages of 55 and 65. The Act eliminates language requiring employees participating in the program to apply for a retirement allowance under the Iowa Public Employees' Retirement System or the school district's pension and annuity retirement system, and replaces it with language that permits an employee to apply for a retirement allowance.

*PRE-SCHOOL TEACHERS.* The Act adds preschool teachers to the definition of "beginning teacher," the effect of which is to require that school districts and AEAs include preschool teachers in beginning teacher mentoring and induction programs and to permit school districts and AEAs to receive state assistance under the program for including preschool teachers in the two-year sequence of mentoring and induction activities. By July 1, 2002, each school district and AEA must report to the department the number of preschool employees employed by the district or AEA on the third Friday of September 2001.

*BEGINNING TEACHER PROVISIONS.* Currently, a beginning teacher's licensure as a career teacher and the ability of a probationary beginning teacher to appeal a decision to an adjudicator or to the district court are both tied to the teacher's successful completion of, or failure to successfully complete, a beginning teacher mentoring and induction program. Under the Act, these provisions are tied to the beginning and probationary beginning teacher's ability to, or failure to, demonstrate competence in the Iowa teaching standards.

The Act makes AEAs eligible for state assistance for implementing beginning teacher mentoring and induction programs. A school district or AEA that employs a teacher from another state is eligible to receive state assistance for up to two years for the teacher's participation in the program. A teacher who is participating in a program in one school district and leaves the district for another shall receive credit for participation from the school district that next employs the teacher.

*DEFINITIONS.* The Act amends and adds to the definitions in Code Chapter 284. The Act provides that a "comprehensive evaluation" means a summative evaluation of a beginning teacher for purposes of determining that teacher's competency relative to the Iowa teaching standards. Currently, the term is applied to the summative evaluation of any teacher. The Act also strikes a provision requiring mentors to be employed as classroom teachers. New terms defined under the Act include "intensive assistance," which means the provision of organizational support and assistance to teachers for the remediation of identified teaching and classroom management concerns, and "performance review," which means a summative evaluation of a teacher other than a beginning teacher, used to determine whether the teacher's practice meets school district expectations and the Iowa teaching standards, and whether the teacher's practice meets district expectations for career advancement. Under the Act, performance reviews must take place at least once every three years.

*SCHOOL DISTRICT STANDARDS REQUIREMENTS.* By July 1, 2002, a school district's standards and criteria must be, for purposes of comprehensively evaluating beginning teachers, the Iowa teaching standards and the model criteria developed by the department and set forth in an instrument provided by the department. By July 1, 2004, the Iowa teaching standards and the department's model criteria will become the school district's minimum standards and criteria for purposes of performance reviews for teachers other than beginning teachers.

*COLLECTIVE BARGAINING — GRIEVANCE PROCEDURES — ADJUDICATION.* The comprehensive evaluation and the standards and criteria set forth in the instrument provided to school districts by the department are not subject to negotiations or grievance procedures. However, evaluation and grievance procedures not in conflict with Code Chapter 284 may be negotiated. The intensive assistance program and its implementation are not subject to negotiation or grievance procedures. An adjudicator selected to hear an appeal by a beginning teacher must have successfully completed training related to the Iowa teaching standards, the model criteria, and any additional training required by the Public Employment Relations Board in cooperation with the department.

*CONTRACT DAYS.* The Act modifies the requirement that participating school districts provide the equivalent of two or more additional contract days by the second year of participation in the program, to a requirement that the additional contract days be added by the fourth year of participation. However, the Act limits to two the additional days needed. School districts are encouraged to evaluate their current professional development alignment with their student achievement goals and research-based instructional strategies, and implement district career development plans.

*CAREER DEVELOPMENT PLAN.* A teacher's evaluator, rather than the teacher's supervisor as required under prior law, is responsible for working with the teacher to develop the teacher's individual teacher career development plan, the purpose of

which, under the Act, is to promote individual and group professional development. The evaluator must consult with the teacher's supervisor in developing the plan and meet with the teacher annually to review the teacher's progress. The supervisor must review, modify or accept modifications made to the plan.

*INTENSIVE ASSISTANCE PROGRAM.* If a supervisor or evaluator determines that a teacher is not meeting district expectations under the Iowa teaching standards and model skill criteria, or any other standards or criteria established in a collective bargaining agreement, the teacher may be recommended for participation in an intensive assistance program, which the Act requires each school district to be prepared to offer by July 1, 2004.

*CAREER PATH LEVELS.* The Act maintains the General Assembly's intent to establish and require the implementation of the career II and advanced career path levels, but eliminates the July 1, 2003, deadline.

*PERFORMANCE REVIEW — EVALUATION REQUIREMENTS.* The Act eliminates language in a Code section relating to evaluation requirements for career, career II, and advanced teachers and replaces it with language that provides performance review requirements for teachers. The review is to be conducted to assist teachers in making continuous improvement, document continued competence in the Iowa teaching standards, identify teachers in need of improvement, or for career advancement purposes. A teacher denied advancement to career II or advanced teacher level based upon a performance review may appeal the decision to an adjudicator, whose decision is final.

*EVALUATOR TRAINING DEADLINES.* The Act extends from July 1, 2002, to July 1, 2003, the date by which approved administrator preparation programs must incorporate the evaluator training program into their programs and the date by which the Board of Educational Examiners must require evaluator certification as a condition of issuing or renewing an administrator's license. The Act extends from July 1, 2004, to July 1, 2005, the date by which the department's director must develop and implement an evaluator training certification renewal program for administrators and other practitioners. The Act also extends the date for the repeal of Code Section 272.33, which relates to the current evaluator license administered by the Board of Educational Examiners, to July 1, 2003. The provision extending the date for the repeal of Code Section 272.33 takes effect May 6, 2002.

*APPROPRIATIONS.* The Act provides for the distribution of any moneys appropriated to the Department of Education for FY 2002-2003 for national board certification awards, the Beginning Teacher Mentoring and Induction Program, evaluator training programs, career development program and review panel purposes, and minimum teacher salary requirements. The Act makes an exception to current law regarding minimum teacher salaries to provide that the minimum salary amount a school district or AEA must pay to a first-year beginning teacher is the amount the district or AEA paid, or would have paid, a first-year beginning teacher in the 2001-2002 school year. The minimum career teacher salary paid to a career teacher who was a beginning teacher in the 2001-2002 school year must be \$1,000 greater than the minimum amount paid to a first-year beginning teacher in FY 2001-2002, unless the minimum career salary paid by the district or AEA exceeds \$30,000. The minimum career teacher salary paid for FY 2002-2003 must be the minimum career salary paid to a career teacher in FY 2001-2002. Senate File 2326 (see Appropriations) appropriated \$7.75 million to the department for distribution to school districts and AEAs for purposes of meeting minimum teacher salary requirements. However, H.F. 2623 (see Appropriations) amends S.F. 2326 to increase the General Fund of the State appropriation to \$16.1 million, and transfers to the department for purposes of the program, \$8.9 million from the Underground Storage Tank Fund, \$10 million from insurance tax revenues (contingent on the enactment of S.F. 2318 — see Taxation), and \$5 million from the Rebuild Iowa Infrastructure Fund, for a total of \$40 million.

*STUDENT ACHIEVEMENT AND TEACHER QUALITY — INCLUSION STUDY.* The Act requires the department to conduct a study regarding the feasibility of expanding the program to include other individuals employed under a contract issued by school districts or AEAs. The department must submit its findings and recommendations in a report to the chairpersons and ranking members of the Senate and House standing committees on Education and the Joint Appropriations Subcommittee on Education by December 15, 2003.

*TEACHER CAREER PATH PILOT PROGRAM.* The Act establishes legislative intent to create a statewide career path pilot program to be implemented in approved school districts during the 2003-2004 school year. The department is directed to submit its recommendations regarding the program to the Senate and House standing committees on Education and the Joint Appropriations Subcommittee on Education by December 15, 2002.

#### **HOUSE FILE 2571 - Iowa Cultural Trust**

BY COMMITTEE ON EDUCATION. This Act creates an Iowa Cultural Trust, an Iowa Cultural Trust Fund, and an Iowa Cultural Trust Grant Account.

The Act states the General Assembly's intent to establish a public trust, the income from which may be used to supplement the operating budgets of nonprofit cultural organizations that demonstrate a commitment to strategies to attain long-term financial

stability and sustainability. However, no state moneys were appropriated for FY 2002-2003 by the General Assembly for this purpose.

In the first two years of the trust's existence, the Act permits interest from any moneys in the trust fund to be used for a statewide educational program to promote participation in, and support of, local endowment building for Iowa nonprofit arts, history, and sciences and humanities organizations. In succeeding years, the interest must be used to issue grant moneys to qualified organizations. The Act defines a "qualified organization" as a tax-exempt, nonprofit organization whose primary mission is to promote the arts, history, or the sciences and humanities in Iowa.

The Act establishes the Iowa Cultural Trust as a public body corporate and creates an Iowa Cultural Trust Fund in the Office of the Treasurer of State. However, any moneys received for purposes of the trust fund may not be deposited into the trust fund until the Director of the Department of Cultural Affairs determines that qualified cultural organizations have demonstrated the required increase in local endowment and resource efforts and notifies the Treasurer of State of that fact. The sum of moneys deposited correlates to the increase in local effort demonstrated. The Act directs the Treasurer of State to transfer the interest accrued on moneys in the trust fund to the Iowa Cultural Trust Grant Account, which is also created in the Office of the Treasurer of State.

The Act creates the Board of Trustees of the Iowa Cultural Trust, locates the board within the Department of Cultural Affairs for administrative purposes, and gives the board general responsibility for the proper operation of the trust.

The director of the department is required to develop and implement a grant application process, develop and adopt by rule criteria for grant approval, and monitor the allocation and use of grant moneys by qualified organizations. The director must also compile a grantee list in consultation with the Iowa Arts Council and the State Historical Society of Iowa. The Act directs the board to approve or disapprove the grantee list recommended by the director, but prohibits the board from adding to the list.

The board consists of nine public voting and four ex officio, nonvoting members. Five of the voting members are public members appointed by the Governor, subject to confirmation by the Senate. The remaining four voting members are to be appointed by Senate and House of Representatives leaders.

## ELECTIONS, ETHICS AND CAMPAIGN FINANCE

- HOUSE FILE 2009** - City and County Assessors — Candidacy for Elective Public Office
- HOUSE FILE 2409** - Election Misconduct
- HOUSE FILE 2472** - Elections and Voter Registration
- HOUSE FILE 2538** - Campaign Finance Regulation

### RELATED LEGISLATION

- SENATE FILE 2275** - Substantive Code Corrections  
*SEE STATE GOVERNMENT.* This Act contains statutory corrections that 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. Changes made in the area of elections, ethics, and campaign finance include correcting a reference to the Bureau of Vital Records in a provision relating to the transmission of a list of all reported deaths of persons age 17 1/2 years and older to the State Registrar of Voters; eliminating a portion of the definition of the term “express advocacy” and a prohibition relating to the placement of political yard signs in the Campaign Finance chapter; changing the phrase “county or city auditor” to “county auditor or city clerk” in provisions relating to local elections held on the question of withdrawal from a county library district; clarifying language relating to petitions regarding the issuance of bonds for storm water drainage and bonds secured by revenues derived from the local hotel and motel tax; and a technical change in language relating to notice of the results of the election on the question of imposition of a local option tax.
  
- HOUSE FILE 2183** - School District Boards of Directors — Size and Method of Election  
*SEE EDUCATION.* This Act authorizes the board of directors of a school district, following a federal decennial census, to change the number of directors to either five or seven, or to change the method of election, by resolution after the board conducts a public hearing on the resolution. The Act provides for a reverse referendum. The Act takes effect March 21, 2002.





## ELECTIONS, ETHICS AND CAMPAIGN FINANCE

### **HOUSE FILE 2009 - City and County Assessors — Candidacy for Elective Public Office**

BY GRUNDBERG. This Act allows a city or county assessor to run for elective office during the assessor's term of appointment as assessor, and provides that if the assessor is elected to a city or county office, a statewide elective office, or the General Assembly, the assessor must resign as assessor before taking office.

The Act takes effect April 8, 2002.

### **HOUSE FILE 2409 - Election Misconduct**

BY JACOBS. This Act corrects internal inconsistencies in the Code relating to election misconduct and creates new Code Chapter 39A to contain the criminal provisions relating to violations of election laws and the penalties applicable to those violations.

The Act establishes four levels of criminal election misconduct, with penalties ranging from simple misdemeanor to class "D" felony penalties. Specific references to criminal provisions and penalties in the current Code are restated in the new Code chapter and eliminated from existing Code.

The Act changes the penalties for some violations. The Act makes the violation of communicating the vote count prior to the closing of the polls a simple misdemeanor, where previously no specific penalty was provided for such a violation. The Act makes it a serious misdemeanor for a candidate to use influence on behalf of another in obtaining a position in exchange for support during the election. Previously, violation of this section was subject to the general penalty provisions in Code Chapter 49 ("Methods of Conducting Elections"), which made it a simple misdemeanor.

The Act upgrades various prohibited acts on election day from simple to serious misdemeanors. The penalty for willfully failing to perform duties or falsifying documents relating to precinct caucuses is also changed from a simple misdemeanor to a serious misdemeanor.

The Act changes the penalty for certain misconduct by election officials from a serious misdemeanor to an aggravated misdemeanor. This specifically includes misconduct by an election official causing a voter to vote contrary to the voter's wishes or changing a ballot or causing a vote to be recorded contrary to the voter's intention.

The Act makes fraudulently registering to vote, giving false information when registering to vote, or coercing someone to register or to not register to vote a class "D" felony. The current Code makes such misconduct an aggravated misdemeanor. Bribery of voters or of election officials, or bribery during the election process in general, is changed from serious or aggravated misdemeanors to class "D" felonies. The Act also changes to a class "D" felony from a serious misdemeanor the charges of voting more than once in an election or voting when knowing oneself not to be qualified.

### **HOUSE FILE 2472 - Elections and Voter Registration**

BY COMMITTEE ON STATE GOVERNMENT. This Act makes a number of changes to the election laws of Iowa.

Code Chapter 39 is amended to do the following:

- ? Prohibit holding other elections at the same time as a city primary or runoff election.
- ? Define the terms "written" and "in writing" for purposes of election law.
- ? Require all candidates for public office to be eligible electors at the time of election.
- ? Require all elected officials, except members of the General Assembly, U.S. Senators, and U.S. Representatives, to be eligible electors and residents of the jurisdiction they are elected to represent.

Code Chapter 43 is amended to do the following:

- ? Remove from the Code archaic and repetitive language currently required to appear on nomination petitions and provide that the State Commissioner of Elections (Secretary of State) shall prescribe the form for the petition, listing the information that must be included. Standards for evaluating nomination papers are also expanded to incorporate current practices in the state commissioner's office.
- ? Change an incorrect reference from the municipal election to the city primary election as it relates to the deadline for filing objections to nomination petitions or certificates of nomination.
- ? Permit the county commissioner of elections to code ballots by color for the primary election.
- ? Provide canvass procedures for each type of voting system in use in the state.

- ? Voting system printouts to the information required to be available to the public during the time period between the primary election and the county canvass of votes.

Code Sections 43.114, 43.118, 394.2, 400.1, and 400.3 are amended to change “municipal election,” “regular municipal election,” or “municipal primary election” to “regular city election” or “city primary election.”

Code Section 44.4 is amended to conform this section to other filing deadlines for the same election.

Code Sections 45.5 and 45.6 are amended to provide specific requirements for the form of nomination petitions and standards for their review and rejection. Redundant language is removed from Code Section 45.3. These are similar to the requirements of Code Chapter 43 for primary elections.

Code Sections 48A.2, 48A.9, 48A.10, 48A.14, 48A.30, 602.8102, and 633.556 are amended to remove from the definition of “mentally incompetent to vote” persons with mental illness who are under guardianship.

Code Chapter 48A is also amended to do the following:

- ? Provide that if registration for the next following regularly scheduled election closes on the day after Thanksgiving, the deadline for registering to vote for that election shall be the following Monday.
- ? Provide that a person who has power of attorney does not have authority to sign a voter registration form for a registrant unless the registrant is disabled and the form is signed at the request of the registrant and in the presence of the registrant.
- ? Provide that, in elections on annexations, if a city is divided into wards, the detailed map required must show the ward designations for the annexed territory.
- ? Require that voters show a form of identification to prove identity, rather than to prove residence, before being allowed to vote.
- ? Specify that the form and language of a voter registration confirmation notice shall be prescribed by rule.
- ? Correspond with a prior change in the law that made county recorders responsible for maintaining records of deaths in the county for purposes of canceling voter registration.
- ? Require the county commissioner of registration and the state registrar to remove a voter’s social security number from voter registration lists requested by the public or by political parties.

Code Chapter 49 is amended to do the following:

- ? Require the county commissioner to post a sign at the entrance to the polling place indicating the precinct number or name and displaying a street map showing the boundaries of the precinct.
- ? Allow separate ballots for township offices in precincts using electronic voting systems.
- ? Require that the position of names of candidates for nonpartisan offices on the general election ballot be drawn by lot.
- ? Require that a published sample ballot cannot reduce upper case letters in candidates’ names or in summaries of public measures to less than 90 percent of the size of such letters on the actual ballot (49.53).
- ? Remove the size specifications for the voting target on paper ballots (49.51).
- ? Require that, for general elections, the county commissioner shall deliver to each precinct at least 55 ballots for every 50 ballots cast in the same general election held four years previous (49.64).
- ? Change the title of the instructions posted in the polling places from “Card of Instructions” to “Instructions for Voters” (49.70).
- ? Permit the county commissioner to shorten voting hours for cities under 3,500 population and for the unincorporated areas voting on local option sales tax elections (49.73), and provide that all polling places voting on a local option sales tax shall have the same hours.
- ? Specify that a registered voter, rather than an elector, may challenge a voter as unqualified (49.79).
- ? Changes the form of the notice issued to a challenged voter to provide for the fact that not all meetings of the special precinct board will convene at the same time (49.81).
- ? Provide that the requirement that the voter enter the voting booth alone does not prohibit the voter from taking minor children into the voting booth (49.84 and 49.88).
- ? Provide that if a voter marks a straight party or organization ticket and also marks the voting targets next to the names of one or more candidates for any office, only the votes cast separately for individual candidates for that office shall be counted (49.96).
- ? Allow the county commissioner of elections to determine how long to conduct training courses for precinct officials and other persons who will be employed around polling places on election day (49.124). Under prior law, the county commissioner was limited to providing no more than two hours of training.

Code Chapter 50 is amended to do the following:

- ? Permit electronic transmission of election results from the precinct to the courthouse, require the state commissioner to adopt rules, and require the board of examiners to approve the transmission devices.
- ? Explicitly state that sealed ballot packages may not be opened except for a recount, election contest, or to destroy the ballots (50.12).
- ? Provide that if a recount is requested for an office to which more than one person was elected, the question of whether a bond is required to be filed shall be calculated based on the difference between the number of votes cast for the person requesting the recount and the number of votes cast for the apparent winner receiving the fewest votes (50.48).
- ? Provide a formula for recount bond calculations for public measure elections requiring 60 percent approval (50.49).
- ? Add counting errors reported by the precinct election officials to the reasons for calling for an administrative recount (50.50).

Code Chapter 52 is amended to do the following:

- ? Remove references to punch card voting (52.1, 52.25, 52.26, 52.27, 52.28, 52.29, 52.33, and 52.35). Code Section 52.30 is repealed for the same reason.
- ? Provide that a punch card voting system shall not be approved for use in Iowa (52.26).
- ? Allow two couriers to pick up ballots for central county precincts (52.37). The two couriers must be of two different political parties if the ballot contains partisan offices. The section is also amended to provide that, in nonpartisan elections, precinct election officials are not required to be members of any political party or of different political parties.
- ? Provide that all devices for the electronic transmission of election results submitted for examination after July 1, 2003, be approved by the state commissioner with the advice of the Board of Examiners for Voting Machines and Electronic Voting Systems (new Code Section 52.41).

Code Chapter 53 is amended to do the following:

- ? Require the inclusion of secrecy envelopes with absentee ballots delivered to voters unless the ballot can be folded to conceal all of the voter's marks (53.8).
- ? Make a complete reference to the absentee and special voters precinct board (53.18).
- ? Remove the requirement that a voter who requested, but did not receive, an absentee ballot sign an affidavit to that effect before being allowed to cast a special ballot (53.19).
- ? Provide that the absentee and special voters precinct board must seal the ballots after counting, and specify that all envelopes and other documents must be preserved (53.30).
- ? Permit the federal postcard registration and absentee ballot request form to be used as a voter registration form in Iowa (53.38). Under prior law, members of the military and Iowa citizens who are overseas register to vote when they cast absentee ballots. This amendment permits the commissioner to add these voters to the registration rolls before the election if sufficient information was supplied on the federal postcard registration and absentee ballot request form. Military and overseas voters may request ballots for all elections held in a calendar year.
- ? Require the commissioner of the overseas voter's county of residence to forward a copy of a voter's request for an absentee ballot to any other commissioner who may conduct an election in which the person is qualified to vote (53.40).

New Code Section 53.10 is enacted to separate those Code provisions providing for absentee voting in the county commissioner's office from the provisions for satellite absentee voting in Code Section 53.11. The new section prohibits electioneering within 30 feet of the courthouse during absentee voting. This prohibition currently applies only to satellite absentee voting stations. The Act makes corresponding amendments to Code Section 53.11.

Code Section 57.1 is amended to add to the list of grounds for contesting an election that the question or office was not authorized or required by law to be voted upon at the election in question.

Code Chapter 60 is amended to do the following:

- ? Shorten from 10 days after the state canvass to two days after the state canvass the time in which a contestant has to file a statement of contest and serve notice of the contest on the apparent winner (60.4).
- ? Reduce from three to two days the time in which the clerk of court must fix a date for organization of the contest court (60.5). Prior law required that the contest court render a judgment before notice of the contest is made and before the contest court is required to organize.

Code Sections 62.5 and 62.8, relating to the requirements for filing a statement to contest an election, are repealed and replaced with new Code Section 62.5A. The new section also provides that the deadline for contesting an election if a recount changes the result is 20 days after the winner of the recount is declared.

Code Section 63.8 is amended to provide that persons elected or appointed to fill vacancies, or who are holding over to fill vacancies, must qualify for the vacant office within 10 days of the county board's canvass of the election or within 10 days of appointment.

Code Chapter 69 is amended to do the following:

- ? Provide a method for determining and declaring a vacancy in a local appointive or elective office (69.2).
- ? Prohibit vacancies in office being filled at the primary election (69.12). Other provisions of the Code specify that partisan offices are filled at the general election or at special elections. The section is also amended to correct an internal reference in the Code relating to the candidate filing deadlines for city offices in cities with a primary election.
- ? Prohibit filling a vacancy in a county office at a special election held between the primary and the general election if a nomination to fill that office was made at the primary election (69.14A).

Code Chapter 275 is amended to do the following:

- ? Require that the director district boundaries, if districts are drawn, of a newly formed or reorganized school district be drawn after the election making the changes and be submitted to the state commissioner for approval (275.12). Prior law provided that citizen petitioners draw the director district boundaries.
- ? Make the candidate nomination petition requirement of new school districts the same as for established school districts (275.25).
- ? Remove the question of approval of director district boundaries from the election or the question of whether a school district should change its method of electing directors (275.35 and 275.36). Director or district boundaries must be drawn or redrawn after the election approving the change in boundaries. The sections are also amended to require approval of the new boundaries by the state commissioner.
- ? Provide a process for the transition from five school board members to seven and from seven school board members to five (275.37 and new Code Section 275.37A).
- ? Allow the county commissioner to include with the summary of the question on the ballot a map showing the new school district boundaries of school districts to which portions of a dissolved district are to be attached if approved at the election (275.55).
- ? Provide a process for attachment of territory received by a school district when an adjacent school district dissolves (new Code Section 275.57).

Code Sections 277.23 and 278.1 are amended to make the provisions of Code Section 275.37 relating to implementation of a change to increase the number of director districts applicable to all changes increasing the membership of school boards. Code Section 277.23 is also amended to require that a school district with all of a city with a population of 15,000 or more located in the district must have seven directors on the school board. Prior law required seven directors if only a part of a city with a population of 15,000 or more is located in the district.

Code Section 279.6 is amended to provide that the deadline for submission of a resignation if the office is to appear on the ballot at the next regular school election is not later than 45 days before the election.

Code Section 296.3 is amended to require that, within 10 days after receiving a petition for a bond election, the president of the school board call a meeting of the board to set an election date. The meeting must be held within 30 days of receipt of the petition. If more than one petition is received, the board must consider them in the order they were received.

Code Section 331.207 is amended to revise the schedule for special elections to change the method of electing members of the county board of supervisors. The amendment requires that the petition be filed by June 1, that the election be held within 60 days after filing of the petition, and that a plan be drawn by September 15. Prior law required that all of these requirements be fulfilled between January and February.

Code Section 331.651 is amended to provide that, in the case of a vacancy in the office of county sheriff, the first deputy sheriff shall hold the office of sheriff until a successor is appointed or elected. Prior law provided only that the deputy serve until another sheriff is appointed.

Code Sections 336.2, 336.16 and 336.18 are amended to move the filing deadline for petitions to establish or terminate a county library district from 40 days before the general election to 82 days before the general election. The sections are also amended to strike the provision permitting the question to establish or terminate a county library district to be placed on the primary election ballot.

Code Section 346.27 is amended to strike the provision permitting the question of issuance of county bonds and conveyance of title to property to be placed on the primary election ballot.

Code Section 359.17 is amended to require that townships with a taxable valuation of \$250 million or more be represented by five township trustees rather than three trustees.

Code Section 372.9 is amended to provide that the full text of a proposed home rule charter or alternative form of government proposal and the date of the election on the charter or alternative form must be included in the published notice of the election.

Code Section 372.13 is amended to require the city council of a city with a primary election to notify the county commissioner of elections of the date of a special election to fill a vacancy in a city office at least 85 days before the date chosen.

Code Section 376.2 is amended to require that a special election to change the length of the terms of elected city officers be held more than 90 days before the regular city election if the changed terms are to be effective for offices filled at that election.

Code Section 376.6 is amended to change the deadline for city clerks to notify the county auditor of the type of nomination process to be used for city elections. The amendment changes the deadline from 77 days before the election to 90 days before the election.

Code Section 422A.1 is amended to refer to the regular city election, rather than the city general election.

Code Section 422E.2 is amended to provide that election costs for a school infrastructure sales tax shall be apportioned among the school districts in the county in the ratio of the number of registered voters in each school district residing in the county to the total number of registered voters in the county.

The Act takes effect January 1, 2003, and applies to elections held on or after that date.

#### **HOUSE FILE 2538 - Campaign Finance Regulation**

BY COMMITTEE ON STATE GOVERNMENT. This Act raises the candidate fund-raising reporting threshold of \$500 to \$750. The Code provides that unless a candidate or political committee has already formally organized, the committee is deemed to have organized once it passes this financial threshold. Every committee must file a statement of organization within 10 days of organization.

The Act also provides for a five-year document retention period for reports filed with the Ethics and Campaign Disclosure Board, provides that the board is the primary filing point for all campaign reports, and requires the board to send copies of reports for political subdivisions to the appropriate county auditor who serves as the local commissioner of elections. In relation to this change, the Act amends several Code sections to remove references to filing documents with these commissioners. These changes take effect January 1, 2003. The remainder of the Act takes effect April 4, 2002.

Finally, the Act removes the signature requirement from the Code for committees not organized in Iowa that make a contribution to a committee organized in Iowa.



## ENERGY AND PUBLIC UTILITIES

- SENATE FILE 429** - Local Exchange Carrier Regulation — Rate Changes
- SENATE FILE 2086** - Electric Transmission Line Franchises
- HOUSE FILE 2310** - Statewide Underground Facilities Notification Center — Vendor Contracts
- HOUSE FILE 2341** - Electric Transmission Lines — Extensions of Franchises
- HOUSE FILE 2587** - Energy and Environmental Research and Development — Iowa Energy Center — Alternative Energy Revolving Loan Program

### RELATED LEGISLATION

- SENATE FILE 2051** - State Interagency Missouri River Authority  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act creates a State Interagency Missouri River Authority to represent the State of Iowa as a member of the Missouri River Basin Association. The Chairperson of the Utilities Board is a member of the authority.
- SENATE FILE 2140** - Appropriations — Energy Conservation Programs Funding  
*SEE APPROPRIATIONS.* This Act appropriates moneys for FY 2002-2003 from the Energy Conservation Trust to the Division of Community Action Agencies of the Department of Human Rights for energy conservation programs for low-income persons and to the Department of Natural Resources for the State Energy Program and for administration of petroleum overcharge programs.
- SENATE FILE 2275** - Substantive Code Corrections  
*SEE STATE GOVERNMENT.* This Act contains statutory corrections that 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. Changes made in the area of energy and public utilities include qualifying a reference to a \$10 fee in a provision relating to reports to the State Fire Marshal on aboveground petroleum storage tanks; citing Pub. L. No. 95-87 in a chapter on coal mining; correcting several references to the federal Low-Income Home Energy Assistance Program; striking obsolete language relating to bringing existing utilities into compliance with the Customer Contribution Fund requirements; clarifying language relating to petitions regarding the issuance of bonds for storm water drainage; clarifying language describing acquisitions constituting a “major addition” for purposes of taxation of electricity and natural gas providers; correcting several references to the certifying of water treatment operators by the Director of the Department of Natural Resources; modifying a provision relating to prohibitions against depositing a regulated substance in an underground storage tank under certain circumstances; correcting the name of a fund relating to land quality and waste management; striking provisions involving completed one-time activities related to hazardous waste references to the Well Contractors’ Council; correcting a Code section reference in provisions establishing the Groundwater Protection Fund; and, retroactively to July 1, 2000, correcting a clerical error in language relating to misrepresentation of a business name by a supplier of a service or product in a local telephone directory or directory assistance database.
- HOUSE FILE 2418** - State Building Code — Minimum Energy Standards  
*SEE LOCAL GOVERNMENT.* This Act relates to the minimum energy efficiency standards in the State Building Code.
- HOUSE FILE 2582** - Federal Block Grant Appropriations  
*SEE APPROPRIATIONS.* This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2002, and ending September 30, 2003. The Act includes funding for the Low-Income Home Energy Assistance Program, known as LIHEAP.
- HOUSE FILE 2623** - Compensation for Public Employees and Additional Provisions  
*SEE APPROPRIATIONS.* This Act relates to compensation and benefits for public officials and employees, county mental health allowed growth, regulatory and other related matters of the state, and makes and reduces appropriations. The Act also permits the Utilities Board 180 days to consider certain rate changes, with one 60-day extension possible.





## ENERGY AND PUBLIC UTILITIES

### **SENATE FILE 429 - Local Exchange Carrier Regulation — Rate Changes**

BY COMMITTEE ON COMMERCE. This Act amends Code Section 476.97, by providing that a price-regulated local exchange carrier with fewer than 500,000 access lines in this state may increase rates for basic communications services following the initial 12-month period after electing to become price-regulated. The rate of the change in its aggregate revenue weighted prices cannot exceed the most recent annual change in the Gross Domestic Product Price Index published by the federal government. The Act also provides for adoption of alternative formulas and measures to account for the rate of inflation under certain circumstances.

The Act limits the time the Utilities Board has to review and approve or reject a proposed rate change by a local carrier with fewer than 500,000 access lines.

Code Section 476.97 provides that as the result of a review of carrier operations by the Utilities Board, a local exchange carrier with fewer than 500,000 access lines in this state, the Consumer Advocate, or any other person may propose, and the Utilities Board may approve, any reasonable modifications to the price-regulation requirements, subject to certain limitations. The Code section requires, and this Act continues, the limitation that such modifications shall not require a reduction in the rates for any basic communications service or a return to rate-base, rate-of-return regulation. The Act limits such proposals for modification made as part of a review of carrier operations to no more than one every three years. The Utilities Board is limited in the time it has to review and approve or reject the proposed rate change, and the Act also provides issues for the Utilities Board to consider in reviewing a carrier's proposal. (See Appropriations for H.F. 2623, section 36, which amends the time limitations under this Act that are applicable to the Utilities Board.)

The Act also provides that the carrier may request temporary authority to place in effect 75 percent or less of the requested increase in rates or charges by filing with the board a bond conditioned upon refund, subject to interest, in a manner prescribed by the board, of any amounts collected from any customer class in excess of amounts which would have been collected under rates or charges finally approved by the board. The Utilities Board shall decide upon the request within 30 days, and the decision is effective immediately.

The Act requires the board to determine the rate of interest to be paid by a public utility to persons receiving refunds, within parameters established in the Act.

The Act also authorizes the Utilities Board and the Consumer Advocate to employ additional temporary staff or services to respond to proposals for modifications or rate changes or to review a carrier's operations. Such costs are assessed to the local exchange carrier pursuant to existing Code provisions.

The Act takes effect April 4, 2002.

### **SENATE FILE 2086 - Electric Transmission Line Franchises**

BY FREEMAN. This Act increases the transmission line franchise requirement threshold from 34.5 kilovolts to 69 kilovolts.

The Act takes effect April 1, 2002.

### **HOUSE FILE 2310 - Statewide Underground Facilities Notification Center — Vendor Contracts**

BY COMMITTEE ON COMMERCE AND REGULATION. This Act amends Code Section 480.3, relating to the establishment of a single statewide underground facility notification center, more commonly known as "one-call." The center is organized as a nonprofit corporation governed by a board of directors. The Act eliminates an obligation requiring the board to review vendor contracts at least every three years, and gives the board the option to extend a contract for up to three years.

The contract may still be modified by the parties, and is subject to competitive bid at the conclusion of the contract.

### **HOUSE FILE 2341 - Electric Transmission Lines — Extensions of Franchises**

BY COMMITTEE ON COMMERCE AND REGULATION. This Act provides for adoption of rules by the Utilities Board related to extension of utilities franchises, includes roadways as one of the preferred routes for new electric lines, provides that the franchise for an electric transmission line may only be considered forfeited two years after the final unappealable disposition of any judicial review of a franchise order or of any condemnation proceedings, and allows multiple extensions to be granted during the construction of a franchised electric line if the franchisee can justify the extension.

### **HOUSE FILE 2587 - Energy and Environmental Research and Development — Iowa Energy Center — Alternative Energy Revolving Loan Program**

BY COMMITTEE ON APPROPRIATIONS. This Act provides that the limit on salary expenditures for the Iowa Energy Center shall be adjusted annually according to the salary adjustment approved by the State Board of Regents for professional and scientific employees at Iowa State University of Science and Technology.

The Act also provides that up to 50 percent of the interest earned on the Alternative Energy Revolving Fund shall be used for promotion and administration of the fund.

## ENVIRONMENTAL PROTECTION

- SENATE FILE 2145** - Water Pollution Control and Drinking Water Facilities Financing
- HOUSE FILE 583** - Certification of Well Contractors and Pump Services Providers
- HOUSE FILE 2417** - Groundwater and Soil Contaminant Standards — Land Recycling and Remediation
- HOUSE FILE 2554** - Tire and Waste Tire Initiatives — Management, Regulation, and Use of Funds

### RELATED LEGISLATION

- SENATE FILE 437** - Snowmobiles and All-Terrain Vehicles — Titling, Registration, and Use  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act amends various sections of the Code Chapter 321G relating to the operation, registration and titling of all-terrain vehicles and snowmobiles.
- SENATE FILE 503** - Open Feedlots  
*SEE AGRICULTURE.* This Act regulates open feedlots by providing for standards of construction for pollution control structures, and specifically for construction design standards for settled open feedlot effluent basins. The Act provides that if the Department of Natural Resources requires that a settled open feedlot effluent basin be constructed according to design standards, any design standards for the basin must account for special design characteristics of open feedlots and related basins.
- SENATE FILE 2051** - State Interagency Missouri River Authority  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act creates a State Interagency Missouri River Authority to represent the State of Iowa as a member of the Missouri River Basin Association. The Director of the Department of Natural Resources is a member of the authority.
- SENATE FILE 2207** - Conservation Easements  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act relates to the acquisition, enforceability and purpose of conservation easements.
- SENATE FILE 2275** - Substantive Code Corrections  
*SEE STATE GOVERNMENT.* This Act contains statutory corrections that 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. Changes made in the area of environmental protection include qualifying a reference to a \$10 fee in a provision relating to reports to the State Fire Marshal on aboveground petroleum storage tanks; clarifying the applicability of the definitions section for the Cleanup of Clandestine Laboratory Sites chapter; making a variety of changes in the chapter relating to agricultural remediation; clarifying language relating to petitions regarding the issuance of bonds for storm water drainage; correcting several references to water treatment operator certification by the Director of the Department of Natural Resources; modifying language relating to prohibitions against depositing a regulated substance in an underground storage tank under certain circumstances; correcting the name of a fund relating to land quality and waste management; striking provisions involving completed one-time activities related to hazardous waste and to the Well Contractors' Council; and correcting a Code reference in provisions establishing the Groundwater Protection Fund.
- SENATE FILE 2293** - Animal Feeding Operations and Environmental Regulation  
*SEE AGRICULTURE.* This Act amends provisions in several Code chapters, principally Code Chapter 455B, regulating animal feeding operations regulated by the Department of Natural Resources, including confinement feeding operations. The Act provides for fees and appropriations to the department for purposes of administering and enforcing regulations affecting animal feeding operations. The Act also amends provisions in the Manure Storage Indemnity Fund, and transfers moneys from the Manure Storage Indemnity Fund to the Animal Agriculture Compliance Fund. The Act establishes clean air regulations and separation distance requirements, and provides for air quality monitoring. The Act decreases the threshold required for the issuance of a construction permit and provides new conditions for the approval of a construction permit. The Act establishes construction design standards for formed manure storage structures; prohibits or restricts the construction of

manure storage structures on karst terrain, an area that drains into a known sinkhole, or a 100-year floodplain; authorizes the department to require the installation of monitoring wells; requires owners of confinement feeding operations to submit updated manure management plans on an annual basis; requires the department to develop a phosphorus index for use in manure management plans; establishes new separation distances between the construction of confinement feeding operation structures or the application of manure and water sources; and provides for restitution by persons liable for polluting state waters. The Act contains a number of effective dates and provides for the Act's retroactive applicability.

**SENATE FILE 2325**

- State Agency Regulatory Functions — Miscellaneous Reorganizations, Transfers, and Revisions **SEE STATE GOVERNMENT.** This Act relates to certain regulatory functions. The Act reorganizes duties of the Department of Inspections and Appeals (DIA), transfers the Court Appointed Special Advocate Program from the judicial branch to the DIA, reorganizes the structure of the Department of Natural Resources, provides for legislative review of agencies, and addresses regulation of birth centers. The Act includes authority for allowing certain cities to conduct a controlled burn of a demolished building.

**HOUSE FILE 2625**

- Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — Fiscal Year 2001-2002 — SECOND EXTRAORDINARY SESSION **SEE APPROPRIATIONS.** This Act addresses public funding provisions and related matters by making, transferring and reducing appropriations in order to balance the State General Fund budget for FY 2001-2002. The Act includes transfers and reductions that affect environmental protection funding.

## ENVIRONMENTAL PROTECTION

### **SENATE FILE 2145 - Water Pollution Control and Drinking Water Facilities Financing**

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act relates to terminology and eligibility under the Sewage Treatment and Drinking Water Facilities Financing Program.

The Act changes the name of the Drinking Water Treatment Revolving Loan Fund to the Drinking Water Facilities Revolving Loan Fund, the name of the Sewage Treatment Works Administration Fund to the Water Pollution Control Works Administration Fund, and the name of the Sewage Treatment Works Revolving Loan Fund to the Water Pollution Control Works Revolving Loan Fund. The Act makes conforming amendments related to these terminology changes.

The Act defines an eligible entity as a person eligible under the provisions of the Clean Water Act, the Safe Drinking Water Act, and the Environmental Protection Commission rules to receive loans for projects from either of the revolving loan funds. Currently, the Code provides that municipalities and water systems are eligible for loans. The Act defines a loan recipient as an eligible entity that has received a loan from either of the revolving loan funds. The Act further defines the term “project” by stating that the development and implementation of management programs under the Clean Water Act include construction and undertaking of nonpoint source water pollution control projects and related development activities authorized under the Clean Water Act.

### **HOUSE FILE 583 - Certification of Well Contractors and Pump Services Providers**

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act amends Code Section 455B.190A, which relates to a well contractor certification program, by including a certification program for persons providing pump services.

The Act provides that “pump services” means the installation, repair and maintenance of water systems. The Act provides that “water systems” means any part of the mechanical portion of a water well that delivers water from the well to a valve that separates the well from the plumbing system.

The Act provides that a “certified well contractor” is a well contractor who has successfully passed an examination prescribed by the Department of Natural Resources (DNR) to determine the applicant’s qualifications to perform well drilling or pump services or both. The Act amends the definition of “well services” to include pump services and makes conforming amendments.

The Act provides that an examination shall be developed to determine the applicant’s qualifications to perform well drilling or pump services or both. The Act provides that the examination shall be administered by the DNR or by a person designated by the DNR.

The Act eliminates language in the Code relating to a well contractors’ council, which had been previously dissolved, and replaces it with a new well contractors’ council. The Act requires the council to assist and advise the DNR in developing, reviewing and revising the DNR’s rules to implement the certification program; developing, updating and revising the certification examination; establishing, reviewing and revising the continuing education requirements; and producing and publishing a consumer information pamphlet. The Act requires the council to meet as often as necessary and directs the DNR to provide staff assistance to the council.

The Act provides that a well contractor who is engaged in performing pump services on or prior to June 30, 2004, and who registers as a pump installer with the DNR by June 30, 2004, shall be deemed to have met the certification requirements of this Act without examination. The Act provides that, beginning July 1, 2004, a pump installer seeking an initial well contractor certification shall meet the requirements for certification established in the Act. The Act requires the DNR to make reasonable efforts to provide notice of these provisions.

### **HOUSE FILE 2417 - Groundwater and Soil Contaminant Standards — Land Recycling and Remediation**

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act amends the Iowa Land Recycling and Environmental Remediation Standards Act in Code Chapter 455H by amending the considerations for establishing the statewide standards, amending the considerations for establishing site-specific cleanup standards, and adding a public participation component for all sites in the program.

The Act amends the criteria that must be considered when establishing statewide standards. The Act provides that, in groundwater that is a protected groundwater source, the standards shall be the maximum contaminant levels established pursuant to the Department of Natural Resources’ drinking water standards or, for contaminants that do not have established drinking water standards, the standards shall be derived in a manner comparable to that used for establishment of drinking water standards. In groundwater that is not a protected groundwater source, the standards shall be no more protective than a standard reflecting an

increased cancer risk of one in 10,000 from exposure to contaminants that are known or probable human carcinogens; a standard reflecting a noncancer health risk of one-tenth from exposure to contaminants that are possible human carcinogens; or a standard reflecting a noncancer health risk of one from exposure to contaminants that are not known, probable or possible human carcinogens. In soil, the standards shall be no more protective than a standard reflecting an increased cancer risk of five in 1 million from exposure to contaminants that are known or probable human carcinogens; a standard reflecting a noncancer health risk of one-tenth from exposure to contaminants that are possible human carcinogens; or a standard reflecting a noncancer health risk of one from exposure to contaminants that are not known, probable or possible human carcinogens.

The amended statewide standards assume exposure to individual contaminants in groundwater or soil. If one or more contaminants exist in a medium, or exposure to contaminants can occur from more than one medium, the standards shall be adjusted to reflect a cumulative increased cancer risk that is no less protective than one in 10,000 and a cumulative noncancer health risk to the same target human organ that is no less protective than one. The risks associated with background levels of contaminants shall not be included in the cumulative risk determination.

The Act amends the criteria that must be considered in establishing site-specific standards and appropriate response actions. Cleanup shall not be required in an affected area that does not present an increased cancer risk from a single contaminant at the point of exposure of five in 1 million for residential areas or one in 10,000 for nonresidential areas, an increased cancer risk from multiple contaminants or multiple routes of exposure greater than one in 10,000, an increased noncancer health risk from a single contaminant at the point of exposure of greater than one, or greater than one-tenth for possible carcinogens, or an increased noncancer risk to the same target human organ from multiple contaminants or multiple routes of exposure greater than one.

The Act adds a required public participation component for participants for all sites enrolled in the Land Recycling Program. The level of participation shall vary depending on the conditions existing at the site and shall range from notification provisions to public notice in local newspapers. The department shall consider reasonable comments from potentially affected parties in determining whether to approve or disapprove a proposed response action or site closure.

**HOUSE FILE 2554 - Tire and Waste Tire Initiatives — Management, Regulation, and Use of Funds**

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act relates to the use of moneys appropriated to the Department of Natural Resources (DNR) for purposes of tire-related initiatives, disposal fees charged by retail dealers, and the registration of waste tire haulers.

The Act amends the distribution of the \$5 surcharge on a certificate of title for motor vehicles. The Act also provides that for the fiscal year beginning July 1, 2002, through the fiscal year beginning July 1, 2006, 20 percent of the moneys collected shall be deposited in the Waste Tire Management Fund, with the remainder deposited in the Road Use Tax Fund. For the fiscal year beginning July 1, 2007, and each subsequent fiscal year, the entire amount collected shall be deposited in the Road Use Tax Fund.

The Act eliminates a July 1, 2002, repeal of Code Section 455D.11G relating to disposal fees charged by retail tire dealers. The Act delays the repeal date of the remaining waste tire program sections from July 1, 2002, to July 1, 2007. These provisions of the Act take effect April 22, 2002.

The Act repeals Code Section 9B.1 relating to the registration of waste tire haulers and moves the provisions to Code Section 455D.11I. Currently, the Secretary of State administers the registration program. The Act moves the program to the DNR.

The Act provides that, if moneys are appropriated during the 2002 Regular Session of the Seventy-ninth General Assembly to the DNR for purposes of tire initiatives, the moneys shall be used for the following purposes and in the following amounts:

1. Thirty-two percent of the moneys appropriated shall be used for full-time equivalent positions related to the administration of permits and registrations for tire processing, storage and hauling activities; tire program initiatives; and for compliance checks and inspections from field offices in the state.
2. Eighteen percent of the moneys appropriated shall be used for a public education and awareness initiative related to proper tire disposal options and environmental and health hazards posed by improper tire storage.
3. Thirty percent of the moneys appropriated shall be used for market development initiatives for waste tires.
4. Fifteen percent of the moneys appropriated shall be used for a waste tire stockpile abatement initiative that would require a cost-share agreement with the landowner.
5. Five percent of the moneys appropriated shall be used over a period of three fiscal years for a study of the West Nile virus.

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## GAMING

**HOUSE FILE 2109** - Games of Skill or Chance and Raffles

### RELATED LEGISLATION

- SENATE FILE 2325** - State Agency Regulatory Functions — Miscellaneous Reorganizations, Transfers, and Revisions  
*SEE STATE GOVERNMENT.* This Act relates to certain regulatory functions. The Act reorganizes duties of the Department of Inspections and Appeals (DIA), and includes a transfer of the responsibility for social and charitable gaming within the DIA.
- HOUSE FILE 2249** - Private Investigation, Private Security, and Lottery Licensing and Regulation  
*SEE STATE GOVERNMENT.* This Act relates to criminal history checks of applicants for certain licenses and amends the Iowa lottery laws relating to background investigations for lottery employees and contract vendors and their employees, the content of marketing materials, and the imprint of a licensee's name and address on instant lottery tickets.
- HOUSE FILE 2627** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — 2002-2003 and Prior Fiscal Years — **SECOND EXTRAORDINARY SESSION**  
*SEE APPROPRIATIONS.* This Act provides FY 2002-2003 appropriations from the General Fund of the State to the executive and judicial branches of state government, reduces or limits standing appropriations, and transfers appropriations. The Act is organized into divisions corresponding to the General Assembly's joint appropriations subcommittees and includes authority for the lottery to implement a video lottery.





## GAMING

### **HOUSE FILE 2109 - Games of Skill or Chance and Raffles**

BY JENKINS, DOTZLER, LARKIN, MERTZ, O'BRIEN, MAY, SCHERRMAN, METCALF, BRADLEY, BRAUNS, HANSEN, AND ELGIN. This Act amends Code Chapter 99B, relating to the regulation of games of skill or chance, and raffles.

Code Section 99B.5 is amended to increase the maximum value of a prize for a raffle conducted at a fair from \$200 to \$1,000.

Code Section 99B.7 is amended to combine the procedures and requirements governing small and large raffles. A qualified organization may hold more than one raffle of \$10,000 or less during a calendar year and one raffle annually with a prize of more than \$10,000. If a qualified organization holds a statewide raffle license, the qualified organization may hold not more than eight raffles annually as long as each raffle is held in a separate county. If the annual raffle prize is real property, a special audit of the raffle is required.

Code Section 99B.7 is also amended to remove the restriction on the ticket price of a raffle ticket sold by a qualified organization. The ticket price, including any discounts of a raffle ticket, may be set by the licensee and shall be the same price for all participants.

Code Section 99B.7 is amended to provide that a ticket, coupon or card shall not be awarded as a gift or a door prize if the ticket, coupon or card would change the odds of winning for participants of the raffle, game of bingo, or game of chance. The prohibition against a free prize or other gift is eliminated. Also, the definition of a qualified organization is amended to include an agency or instrumentality of the United States government, this state, or a political subdivision of this state.

Code Section 99B.7 is amended to remove a restriction so that more than one limited 14-day, 90-day, or 180-day raffle or gaming license may be issued to an organization during a calendar year. An annual statewide raffle license may be issued for a fee of \$150.

Code Section 99B.7 is also amended to remove restrictions on the employment of persons to conduct bingo games for qualified organizations.

Code Section 99B.8 is amended to remove raffles as lawful games for game nights. Game nights may be held twice during a calendar year. Also, a participant may expend up to \$250 on fees or wagers during a game night.

Code Sections 99B.11 and 99B.12 are amended to include both pool and darts as games between individuals.

Code Section 99B.18 is amended to remove raffles as lawful games that can be conducted by bona fide social, employment, professional, or trade associations, companies, or organizations for their members at no cost.



## HEALTH AND SAFETY

- SENATE FILE 374** - Therapeutically Certified Optometrists
- SENATE FILE 2118** - Human Cloning Prohibition
- SENATE FILE 2155** - Life-Sustaining Procedures — Out-of-Hospital Do-Not-Resuscitate Orders
- SENATE FILE 2195** - Anatomical Gifts
- SENATE FILE 2231** - Single Contact Repository — Hospital Access to Current and Prospective Employee Records
- HOUSE FILE 2192** - Interstate Prescription Drug Purchasing Cooperative
- HOUSE FILE 2264** - Informed Consent Prior to Abortion — VETOED BY THE GOVERNOR
- HOUSE FILE 2453** - Procedures and Records Pertaining to Deaths — Medical Examiners
- HOUSE FILE 2547** - Public Health Regulation — Miscellaneous Provisions

### RELATED LEGISLATION

- SENATE FILE 2145** - Water Pollution Control and Drinking Water Facilities Financing  
*SEE ENVIRONMENTAL PROTECTION.* This Act relates to terminology and eligibility under the Sewage Treatment and Drinking Water Facilities Financing Program.
- SENATE FILE 2205** - Regulation of Child Care and Child Care Providers  
*SEE CHILDREN & YOUTH.* This Act relates to regulation of child care and child development homes and child care centers. The three major types of registered child care homes are combined into a new “child development home” classification with three categories. Licensing and registration periods are lengthened. The Department of Human Services is directed to consult with the Iowa Department of Public Health in developing standards for child development homes.
- SENATE FILE 2275** - Substantive Code Corrections  
*SEE STATE GOVERNMENT.* This Act contains statutory corrections that 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. Changes made include corrections in language relating to the adjutants general and the appointment of aides in the military staff of the Governor; a clarification in language describing powers and duties of the Governor, the Adjutant General, and the deputy adjutants general with respect to the National Guard and the Iowa State Guard; qualification of a reference to a \$10 fee in a provision relating to reports to the State Fire Marshal on aboveground petroleum storage tanks; clarification of the applicability of the definitions section for the Cleanup of Clandestine Laboratory Sites chapter; clarifying language relating to the investigation of occupational diseases and obtaining special variances from occupational safety and health standards; clarification of the definition of the term “department” in a provision relating to the collection of samples of blood in slaughter facilities; and a number of corrections and clarifications pertaining to remediation of agrichemical contamination. In provisions relating to infectious and contagious diseases among animals, clarifications are made in language regarding the compensation of owners for property inadvertently destroyed as a result of regulation of activities in a quarantined area, in language relating to separating cattle infected with paratuberculosis, and in language relating to pseudorabies in swine herds. A requirement for examination of milk tester’s license applicants is repealed. A reference to the entity responsible for vital records in Child Death Review Team membership language, and a provision relating to the confidentiality of records and information produced for the team are corrected. Obsolete language is deleted from the following: provisions relating to the initial collection of hospital and health care facility financial and utilization data, institutional health service certificate of need requirements, and a reference to a proceeding before a magistrate in language relating to compensation of officers who forcibly remove and isolate or quarantine persons infected with communicable and infectious diseases. Clarifications are made in language relating to the confidentiality of reports that include the identity of persons infected with communicable and infectious diseases; language relating to submission of information pertaining to continuing education program attendance by optometrists; and language related to hearing aid dispensers. In other provisions, language regarding the filing of physician’s information regarding psychiatric hospital patients is clarified; various corrections are made in language reporting on persons hospitalized for treatment of mental illness; technical changes are made in

the newborn infant custody release procedures; and a clarification is made in language describing combined requirements for reporters of child and dependent adult abuse. Changes are made in provisions relating to domestic abuse. Language is stricken from a provision that prohibits unauthorized minors from being permitted to drive; the description of peace officer warning signals in the offense of eluding a law enforcement vehicle is updated; language describing when a person declared to be a habitual offender of the motor vehicle laws may be issued a temporary restricted permit is clarified; and licensed substance abuse treatment providers are added to language describing authorized providers of drinking driver courses. In provisions relating to property tax relief for mental health and developmental disabilities services, references to certain obsolete property tax limitations are deleted from provisions relating to tax levies for the county mental health, mental retardation, and developmental disabilities services fund. A change is made in language relating to prohibitions against depositing a regulated substance in an underground storage tank under certain circumstances and provisions involving completed one-time activities related to hazardous waste are stricken. In several provisions in the Individual Health Insurance Market Reform chapter, references to the former Individual Health Benefit Reinsurance Board are updated to the new board; language relating to attachment of the Commissioner of Insurance's approval to articles of incorporation and any amendments is clarified and obsolete references to certain subsections are stricken from a provision relating to accident and sickness health insurance policy requirements; and a variety of changes are made in provisions relating to external review of health care coverage decisions. In the Probate Code chapter, corrections are made in language in two notices regarding the time limits for the filing of medical assistance claims against an estate. Reference to the prohibitions against child pornography are changed within the definition of the term "criminal offense against a minor" in the Sex Offender Registry chapter and language relating to the consequences for violations of certain Sex Offender Registry requirements by persons on probation, parole, or other form of release is also corrected. Clarifications are made in language regarding persons who may be charged with neglect or abandonment of a dependent person or with child endangerment and in language regarding the procedures applicable to violations of parole or work release.

- SENATE FILE 2304** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions  
**SEE APPROPRIATIONS.** This Act makes, reduces and transfers appropriations for FY 2001-2002 and includes transfers to the General Fund of the State from appropriations made from the Endowment for Iowa's Health Account of the Tobacco Settlement Trust Fund and the Healthy Iowans Tobacco Trust. The Act takes effect March 1, 2002.
- SENATE FILE 2323** - Registered Nurse Recruitment  
**SEE EDUCATION.** This Act creates a Registered Nurse Recruitment Program administered by the College Student Aid Commission and comprised of a forgivable loan program, a tuition scholarship program, and a registered nurse loan repayment program. The Act also creates a Registered Nurse Recruitment Revolving Fund administered by the commission for the deposit of payments made by program recipients and the proceeds from the sale of loans. The program is not funded.
- HOUSE FILE 2112** - Traffic Safety Regulation—Stationary Authorized Emergency, Towing, Recovery, and Highway Maintenance Vehicles  
**SEE TRANSPORTATION.** This Act requires the operator of a motor vehicle approaching a stationary emergency, towing or recovery vehicle displaying the appropriate flashing lights, absent another direction from a peace officer, to change lanes to a lane that is adjacent to the stationary vehicle or, if a lane change is prohibited by law, not possible, or would be unsafe, to reduce the speed of the motor vehicle to a reasonable speed that is less than the posted speed limit, and be prepared to stop. Violation of the new requirement is a simple misdemeanor.
- HOUSE FILE 2190** - Foreign and International Adoption Procedures  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act relates to recognition of foreign and international adoptions.
- HOUSE FILE 2245** - Medical Assistance — Appropriations and Related Provisions  
**SEE APPROPRIATIONS.** This Act relates to the Medical Assistance (Medicaid) Program and makes appropriations and transfers from the Senior Living Trust Fund, the Tobacco Settlement Trust Fund, and the Hospital Trust Fund for FY 2001-2002 to the medical assistance appropriations made for that fiscal year. The Act takes effect February 8, 2002.

- HOUSE FILE 2289** - Abatement of Nuisances by Cities — Assessment Schedule  
*SEE LOCAL GOVERNMENT.* This Act allows a city clerk or the engineer retained by a city council to prepare, sign and file the assessment schedule and other related documents for abatement of a nuisance by a city. Currently, such duties are assigned to the engineer only.
- HOUSE FILE 2340** - Family Investment Program Limited Benefit Plans — Well-Being Visits  
*SEE HUMAN SERVICES.* This Act allows a well-being visit to be conducted on an optional basis under a Family Investment Program Limited Benefit Plan. Effective April 1, 2002, the Department of Human Services is directed to terminate the contract with the Iowa Department of Public Health to conduct the well-being visits.
- HOUSE FILE 2416** - Mental Health and Developmental Disability Services  
*SEE HUMAN SERVICES.* This Act relates to mental health and developmental disability services requirements involving Medical Assistance (Medicaid) Program waiver services, intermediate care facilities for persons with mental retardation, and community mental health centers.
- HOUSE FILE 2417** - Groundwater and Soil Contaminant Standards — Land Recycling and Remediation  
*SEE ENVIRONMENTAL PROTECTION.* This Act amends the Iowa Land Recycling and Environmental Remediation Standards Act in Code Chapter 455H by amending the considerations for establishing the statewide standards, amending the considerations for establishing site-specific cleanup standards, and adding a public participation component for all sites in the program.
- HOUSE FILE 2430** - Administration of Mental Health and Developmental Disabilities Services  
*SEE HUMAN SERVICES.* This Act provides for the Mental Health and Developmental Disabilities (MH/DD) Commission to assume the duties of the State-County Management Committee, incorporates membership positions from the committee into the commission, and transfers certain rules adoption authority from the Council on Human Services to the commission.
- HOUSE FILE 2447** - Watercraft Regulation — Operation and Safety  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act provides for the operation and regulation of personal watercraft and other motorboats and requires a watercraft safety course for certain operators. Violations relating to watercraft safety certification, safe watercraft operation, hours of operation, and harassment of animals are punishable by a scheduled fine of \$25.
- HOUSE FILE 2448** - Fire Protection or Emergency Medical Services — Disbursement of Township Taxes for Municipal Services  
*SEE LOCAL GOVERNMENT.* This Act allows a township to indicate on its budget that it requests a portion of its taxes be paid directly to a municipality providing fire protection service or emergency medical service to the township.
- HOUSE FILE 2495** - Sexual Abuse — Issuance of No-Contact Order Upon Defendant's Arrest  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act allows for the issuance of a no-contact order to protect victims of first, second and third degree sexual abuse, their immediate family members, and other persons who may reside with victims of sexual abuse upon the arrest of a defendant accused of first, second or third degree sexual abuse.
- HOUSE FILE 2506** - Sex Offenders — Issuance of No-Contact Order Upon Defendant's Release From Confinement  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act relates to the issuance of a no-contact order against a defendant convicted of a sexual offense upon the defendant's release from jail or prison.
- HOUSE FILE 2507** - Possession and Distribution of Anthrax  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act creates a criminal offense for knowingly possessing or distributing anthrax unless the possession or distribution of anthrax is authorized pursuant to federal law.
- HOUSE FILE 2518** - Child Foster Care and Adoption  
*SEE CHILDREN & YOUTH.* This Act relates to child foster care and adoption requirements involving provision of health information, licensure periods, foster parent training, and annual reports.

- HOUSE FILE 2539** - Trusts and Estates — Medical Assistance Benefits — Interest Disclaimers — Total Return Unitrusts **SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act relates to a number of Code provisions involving trusts and estates, including provisions related to medical assistance benefits. The Act provides that if a medical assistance debt is waived for a surviving spouse of a deceased Medicaid recipient, or for those dependents of the deceased Medicaid recipient who are under the age of 21, blind, or disabled, or a person who is the recipient of a hardship waiver, the debt shall be due from the estate of the recipient's surviving spouse, dependent child who is blind or who has a disability, or a person who is the recipient of a hardship waiver, upon the death of the spouse, child, or said person, or due from the surviving child who was under the age of 21 at the time of the recipient's death upon the child attaining the age of 21. The Act also limits estate recovery of medical assistance debts to life estates that were created by the Medicaid recipient or spouse. The Act takes effect April 5, 2002.
- HOUSE FILE 2582** - Federal Block Grant Appropriations  
**SEE APPROPRIATIONS.** This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2002, and ending September 30, 2003. The Act includes funding for maternal and child health, preventive health and health services, substance abuse, and other health-related programs.
- HOUSE FILE 2613** - Senior Living and Hospital Trust Funds Appropriations  
**SEE APPROPRIATIONS.** This Act makes appropriations from the Senior Living Trust Fund to the Department of Elder Affairs and the Department of Human Services (DHS) and the Hospital Trust Fund to DHS for Senior Living Programs and health care costs.
- HOUSE FILE 2615** - Healthy Iowans Tobacco Trust and Tobacco Settlement Trust Fund — Appropriations  
**SEE APPROPRIATIONS.** This Act relates to and makes appropriations from the Healthy Iowans Tobacco Trust addressing the Medicaid Program, federal Health Insurance and Portability Act implementation, the Tobacco Use Prevention and Control Program, the hawk-i Program, substance abuse treatment, and Healthy Iowans 2010 planning, and revises previous designations of funding among the trust's accounts.
- HOUSE FILE 2623** - Compensation for Public Employees and Additional Provisions  
**SEE APPROPRIATIONS.** This Act relates to compensation and benefits for public officials and employees, county mental health allowed growth, regulatory and other related matters of the state, and makes and reduces appropriations. The Act also provides that the members of the hawk-i Board, who are appointed by the Governor, are to serve two-year staggered terms as designated by the Governor; allows the Iowa Veterans Home to retain certain moneys which exceed the amount budgeted in FY 2001-2002 and remain unencumbered or unobligated at the close of that fiscal year; provides that in addition to other adult dental services covered under the Medicaid Program, root canal treatments and general anesthesia and intravenous sedation may also be provided; makes an appropriation and establishes the allowed growth factor for MH/MR/DD for FY 2003-2004 and distributes the appropriation in a similar manner to FY 2002-2003; and increases the appropriation to the hawk-i Program.
- HOUSE FILE 2627** - Miscellaneous appropriations, reductions, transfers, and other provisions — 2002-2003 and prior fiscal years — **SECONDEXTRAORDINARY SESSION**  
**SEE APPROPRIATIONS.** This Act provides FY 2002-2003 appropriations from the General Fund of the State to the executive and judicial branches of state government, reduces or limits standing appropriations, and transfers appropriations. The Act is organized into divisions corresponding to the General Assembly's joint appropriations subcommittees and includes appropriations for the departments of Education, Human Rights, Human Services, Inspections and Appeals, and Public Health, as well as specific programs addressing health and safety.

## HEALTH AND SAFETY

### **SENATE FILE 374 - Therapeutically Certified Optometrists**

BY COMMITTEE ON STATE GOVERNMENT. This Act expands the diagnostic and therapeutic pharmaceutical agents that therapeutically certified optometrists may employ in the practice of optometry. The Act provides that therapeutically certified optometrists can utilize diagnostic and therapeutic pharmaceutical agents for diagnosis and treatment, but places restrictions on injections, specifies time limits for oral steroid prescriptions, and prohibits the prescription of oral Imuran or oral Metho-trexate. The Act also authorizes therapeutically certified optometrists, where reasonable and appropriate and pursuant to administrative rule, to use new diagnostic and therapeutic pharmaceutical agents approved by the U.S. Food and Drug Administration on or after July 1, 2002. The Act exempts from the rulemaking requirement topical pharmaceutical agents, oral antimicrobial agents, oral antihistamines, oral antiglaucoma agents, and oral analgesic agents.

Provisions of the Act providing emergency rulemaking authority take effect March 28, 2002.

### **SENATE FILE 2118 - Human Cloning Prohibition**

BY COMMITTEE ON HUMAN RESOURCES. This Act creates new Code Chapter 707B, the "Human Cloning Prohibition Act." The stated purpose of the Act is to prohibit human cloning for any purpose, whether for reproductive cloning or therapeutic cloning. The Act includes definitions for "fetus," "human cloning," "human embryo," "human somatic cell," and "oocyte."

The Act prohibits a person from intentionally or knowingly doing any of the following: performing or attempting to perform human cloning; participating in performing or in an attempt to perform human cloning; transferring or receiving a cloned human embryo for any purpose; and transferring or receiving, in whole or in part, any oocyte, human embryo, fetus, or human somatic cell for the purpose of human cloning.

The Act does not restrict areas of scientific research not specifically prohibited, including in vitro fertilization; the administration of fertility-enhancing drugs; or research in the use of nuclear transfer or other cloning techniques to produce molecules, deoxyribonucleic acid (DNA), tissues, organs, plants, animals other than humans, or cells other than human embryos.

The Act provides that a person who intentionally or knowingly performs or attempts to perform human cloning or who participates in performing or in an attempt to perform human cloning is guilty of a class "C" felony, and a person who intentionally or knowingly transfers or receives a cloned human embryo for any purpose or who transfers or receives, in whole or in part, any oocyte, human embryo, fetus, or human somatic cell for the purpose of human cloning is guilty of an aggravated misdemeanor.

The Act also provides that if a person violates the Act and the violation results in a pecuniary gain, the person is subject to a civil penalty in an amount that is twice the amount of the gross gain. A person who violates the Act who is licensed to practice medicine and surgery, osteopathy, or osteopathic medicine and surgery is subject to revocation of the person's license. A violation of the Act is grounds for denial of an application for, denial of renewal of, or revocation of any license, permit, certification, or any other form of permission required to practice or engage in any trade, occupation or profession regulated by the state.

### **SENATE FILE 2155 - Life-Sustaining Procedures — Out-of-Hospital Do-Not-Resuscitate Orders**

BY COMMITTEE ON HUMAN RESOURCES. This Act provides for the development and use of out-of-hospital do-not-resuscitate orders. The Act provides definitions, including definitions of "emergency medical care provider," "out-of-hospital do-not-resuscitate order," and "resuscitation." The Act also provides the process for issuing an out-of-hospital do-not-resuscitate order, directs the Iowa Department of Public Health to develop a uniform form and personal identifier for the orders, specifies the contents of the form, and establishes the scope and limitations of the order.

The Act specifies provisions for the revocation of an order, provides immunity for persons acting in compliance in entering, executing, or otherwise participating in an order, and provides for the application of penalties and general provisions relating to the orders. With regard to penalties, the Act provides that any person who willfully conceals, withholds, cancels, destroys, alters, defaces, or obliterates an out-of-hospital do-not-resuscitate order, or out-of-hospital do-not-resuscitate identifier of a patient without the patient's consent, or who falsifies or forges a revocation of an out-of-hospital do-not-resuscitate order of another, is guilty of a serious misdemeanor. Additionally, any person who falsifies or forges an out-of-hospital do-not-resuscitate order of another, or willfully conceals or withholds personal knowledge of or delivery of a revocation with the intent to cause a withholding or withdrawal of life-sustaining procedures, is guilty of a serious misdemeanor.

The Act also provides that existing orders or similar orders existing prior to July 1, 2002, are valid and are to be honored in accordance with the laws that were applicable at the time of execution of the order.



**SENATE FILE 2195 - Anatomical Gifts**

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to the Uniform Anatomical Gift Act. The Act defines “document of gift” to include a written statement attached to or imprinted or noted on a driver’s license or nonoperator’s identification card and an entry in a donor registry, in addition to the existing forms, which include a card signed by the individual donor, a donor’s will, or any other written document used by a donor to make an anatomical gift. The Act provides that valid documents of gift include a driver’s license, a nonoperator’s identification card, and an entry in a donor registry if the document or entry is certified as being executed in the prescribed manner. The Act also defines “donor registry” to mean the Statewide Organ and Tissue Donor Registry established pursuant to Code Section 142C.18 or a similar registry.

The Act provides that in the provisions relating to a donation of an anatomical gift by an individual other than the donor, such gift is not to be made by a person authorized to make the gift if a person in a prior class is available to make the gift, whether in person or by telephone contact at the time of the death of the decedent.

The Act provides that a document of gift that is not revoked by the donor prior to the donor’s death does not require the consent or concurrence of any other person after the donor’s death and is sufficient legal authority, following the donor’s death, for the removal of any part donated under the document of gift, without the consent or concurrence of any other person. The Act also provides that a person, including but not limited to a family member, a guardian, an attorney in fact named under a durable power of attorney for health care, or an executor of the donor’s estate, is not authorized to and shall not revoke or in any way supersede a document of gift that is not revoked by the donor prior to the donor’s death.

The Act provides that if an anatomical gift is made to a designated donee, the document of gift, or a copy, may be deposited in any hospital, organ procurement organization, bank or storage organization, or donor registry office that accepts the document of gift for safekeeping or for the facilitation of procedures after the death of the donor and includes a donor registry as one of these entities that may forward the document to an organ procurement organization, which will retain the document for facilitating procedures following the death of the donor.

With regard to confidential information, the Act permits a hospital, licensed or certified health care professional, pursuant to Code Chapter 148, 148C, 150A, or 152, or medical examiner to release patient information to a donor registry, and additionally authorizes a medical examiner or a medical examiner’s designee, peace officer, fire fighter, or emergency medical care provider to release an individual’s identifying information to an organ procurement organization, donor registry, or bank or storage organization for the purposes of determining if the individual is a donor. The Act provides immunity from civil or criminal liability to additional individuals if they comply in good faith with the anatomical gift law of this or another state.

**SENATE FILE 2231 - Single Contact Repository — Hospital Access to Current and Prospective Employee Records**

BY COMMITTEE ON HUMAN RESOURCES. This Act allows hospitals licensed under Code Chapter 135B to have access to abuse registries for purposes of checking persons employed or being considered for employment. The authorization is provided in Code Section 235A.15, relating to access to the child abuse registry, and Code Section 235B.6, relating to the dependent adult abuse registry.

The Act also allows licensed hospitals to access the single contact repository established by the Department of Inspections and Appeals. The access is for the hospital to perform record checks of persons employed by or being considered for employment by the hospital. The repository was established by the department in conjunction with other state agencies involved with criminal history and child and dependent adult abuse registry information for nursing facilities and other providers to have electronic access to data to perform employment background checks.

**HOUSE FILE 2192 - Highways and Motor Vehicles — Miscellaneous Provisions**

BY COMMITTEE ON HUMAN RESOURCES. This Act directs the Iowa Department of Public Health to convene a task force to determine the feasibility of establishing an interstate prescription drug purchasing cooperative with other midwestern states.

The voting members of the task force include four members of the General Assembly and the following state agency directors or their designees: the Director of Public Health, the Director of Human Services, the Director of the Department of Elder Affairs, the Director of the Department of Management, and the Director of the Department of Personnel. The Act specifies other individuals who are to act as advisors to the task force, including: the Chairperson of the Board of Pharmacy Examiners, or the chairperson’s designee; the Chairperson of the Board of Medical Examiners, or the chairperson’s designee; one person selected by the Pharmaceutical Research and Manufacturers of America; one person selected by the Iowa Pharmacy Association; and one person selected by the Iowa Medical Society.

The task force is to pursue the development of an interstate prescription drug purchasing cooperative through utilizing regional and national entities, contacting the governors and legislative leaders of other states with existing interstate cooperatives, and

contacting industry trade associations whose members are involved in the delivery and reimbursement of state-funded pharmaceutical care.

The task force is to submit bimonthly progress reports of its findings and recommendations regarding the establishment of an interstate prescription drug purchasing cooperative to the Oversight Committee of the Legislative Council and is to submit a final report of its findings and recommendations to the Governor and the General Assembly no later than December 15, 2002.

**HOUSE FILE 2264 - Informed Consent Prior to Abortion — VETOED BY THE GOVERNOR**

BY BODDICKER, HOVERSTEN, TYRRELL, JOHNSON, GARMAN, ROBERTS, REKOW, KLEMME, TYMESON, EICHHORN, MERTZ, MANTERNACH, QUIRK, ELGIN, BOAL, WILDERDYKE, HORBACH, BRUNKHORST, SUKUP, LARSON, MIL-LAGE, DE BOEF, GIPP, CORMACK, HUSEMAN, ALONS, BOGGESS, DIX, RANTS, BROERS, DRAKE, JONES, FINCH, BRADLEY, HAHN, DOLECHECK, VAN ENGELENHOVEN, WEIDMAN, BAUDLER, SIEVERS, CARROLL, RAYHONS, KETTERING, HOFFMAN, EDDIE, HEATON, TREMMEL, SENG, AND CHIODO. This bill would have established a new Code Chapter 146A, relating to informed consent prior to an abortion. The Code chapter would have been known and cited as the “Woman’s Right to Know Act.”

The bill specified the required informed consent provisions, including provision of certain information to a woman by the physician or an agent of the physician, required certification by the woman of provision to the woman of the required information, and receipt of the certification by the physician prior to the performance of an abortion. The bill would have required the Iowa Department of Public Health to publish information by October 1, 2002, relating to options for managing a pregnancy. The bill authorized the department to establish and maintain an Internet site to provide the information.

The bill also provided for alternatives to providing informed consent in the case of a medical emergency.

The bill would have established a criminal penalty of a simple misdemeanor for a person who knowingly or recklessly performs or attempts to perform an abortion in violation of the chapter. The bill would have prohibited the assessment of a criminal penalty against a woman upon whom an abortion is performed or attempted to be performed, and would have prohibited the assessment of a criminal penalty against a woman for failure to comply with certification requirements if the department had not made the printed materials available as required. The bill also would have provided for protection of confidentiality of a woman relative to court proceedings relating to an action under the chapter.

The bill would have taken effect October 1, 2002.

**HOUSE FILE 2453 - Procedures and Records Pertaining to Deaths — Medical Examiners**

BY COMMITTEE ON HUMAN RESOURCES. This Act includes provisions relating to the offices of the state and county medical examiners.

The Act provides that medical examiner records and reports are confidential, but may be released to a law enforcement agency that is investigating a death, upon request of the law enforcement agency, and autopsy reports shall be released to the decedent’s immediate next of kin unless disclosure would jeopardize an investigation or pose a clear and present danger to the public safety or safety of an individual. Information relating to the cause and manner of death is not confidential information, unless disclosure would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual. Prior law provided that preliminary findings and reports of the findings and investigative reports of the state medical examiner resulting from an autopsy were confidential. Prior law also provided that specifics such as the date, time, specific location, and immediate facts and circumstances of a crime or incident related to a death that affects the public interest were not confidential unless disclosure would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual.

The Act provides that medical certification of death is to be completed within 72 hours after receipt of the death certificate from the funeral director or individual who initially assumes custody of the body by the physician in charge of the patient’s care, except when inquiry is required by the county medical examiner. If inquiry is required by the county medical examiner, the medical certification is to be completed and signed by the county medical examiner within 72 hours after determination of the cause of death. Prior law required medical certification of death within 24 hours after death or if the county medical examiner required an inquiry, within 24 hours of the medical examiner taking charge of the case.

The Act provides that a death affecting the public interest includes the death of a person who was prediagnosed as a terminal or bedfast case who did not have a physician in attendance within the preceding 30 days; and death of a person who was admitted to and had received services from a hospital program, if a physician or registered nurse employed by the program was not in attendance within 30 days preceding death. Prior law provided that a death in the public interest included death of a person if a physician was not in attendance within 36 hours preceding death, death of a person who was a prediagnosed terminal or bedfast

case if a physician was not in attendance within 30 days of the death, and death of a person who was admitted to and received services from a hospice program if a physician or registered nurse was not in attendance within 30 days preceding death.

The Act provides that in the disposition of a body following an investigation by the county medical examiner, the body is to be prepared for transportation and transported by a funeral director, if one is chosen by a relative or friend of the deceased person, for burial or disposition. If a person other than a funeral director assumes custody of the body, the person must secure a burial-transit permit.

The Act eliminates the exemption from the obtaining of a cremation permit for any deceased person who was a member of an established religion whose tenets are opposed to the inspection or examination of a body of a deceased person, and increases the fee for a cremation permit from \$35 to \$75. A person who violates the provision requiring a cremation permit is guilty of a serious misdemeanor.

#### **HOUSE FILE 2547 - Public Health Regulation — Miscellaneous Provisions**

BY COMMITTEE ON HUMAN RESOURCES. This Act makes a number of changes relating to certain programs and public health issues under the purview of the Iowa Department of Public Health.

The Act classifies designated substances as controlled or precursor substances, changes the licensure period for substance abuse treatment programs from two to three years, provides for participation by dental hygienists and dental assistants in the Voluntary Health Care Provider Program, changes the blood lead screening interval from five to six years, and changes the penalty associated with a violation of radiological health provisions.

The Act also provides a process to establish presumptive death certificates and makes changes in the professional licensure renewal notification requirements and application process requirements to facilitate electronic renewal and alternative notification processes. The Act additionally clarifies physician presence requirements relating to utilization of automated prescription drug dispensing devices by a pharmacist or practitioner, provides for a modification to national accreditation standards for physical therapists, and provides for the elimination of the ability of the Board of Physical and Occupational Therapy Examiners to waive educational requirements relating to occupational therapists with five years of practice.

The Act provides updated definitions and educational requirements for audiologists and speech pathologists and permits these practitioners to provide services without a referral from a physician, and provides the Board of Dental Examiners with greater discretion in the granting of temporary practice privileges. The Act provides for the addition of dental assisting and the registration of dental assistants to applicable licensure and disciplinary sections, modifies the period of time for dental faculty permits from one year to a period of time determined by the Board of Dental Examiners, and changes the period of time for dental assistant registration for individuals employed as a dental assistant after July 1, 2001, from 60 days to six months.

The Act provides the professional licensure boards with the authority to determine when further investigation may be considered unwarranted, provides for professional licensing board recovery of actual costs associated with compliance with a settlement agreement or disciplinary order, and provides for the repeal of provisions relating to board actions issuing notice of intent not to renew a dental license and license reinstatement.

## HUMAN SERVICES

- SENATE FILE 466** - Child Care and Child Care Providers — Obtaining Public Funding by Fraudulent Means
- SENATE FILE 2280** - Rehabilitative Treatment Services Provider Regulation
- HOUSE FILE 2340** - Family Investment Program Limited Benefit Plans — Well-Being Visits
- HOUSE FILE 2395** - Support of Dependents — Calculation and Withholding — Medical and Educational Support
- HOUSE FILE 2416** - Mental Health and Developmental Disability Services
- HOUSE FILE 2430** - Administration of Mental Health and Developmental Disabilities Services

### RELATED LEGISLATION

- SENATE FILE 2124** - Public Defense, Emergency Management, and Iowa Technology Center  
*SEE STATE GOVERNMENT.* This Act relates to the Department of Public Defense by amending provisions of the State Military Code and Iowa Code of Military Justice, creates a statewide mutual aid compact, creates an Iowa National Guard Civil Relief Act, and provides for confidentiality of certain records relating to public assets and defense capabilities.
- SENATE FILE 2205** - Regulation of Child Care and Child Care Providers  
*SEE CHILDREN & YOUTH.* This Act relates to regulation of child care and child development homes and child care centers. The three major types of registered child care homes are combined into a new “child development home” classification with three categories. Licensing and registration periods are lengthened. The Department of Human Services is directed to consult with the Iowa Department of Public Health in developing standards for child development homes.
- SENATE FILE 2231** - Single Contact Repository — Hospital Access to Current and Prospective Employee Records  
*SEE HEALTH & SAFETY.* This Act allows hospitals licensed under Code Chapter 135B to have access to abuse registries for purposes of checking persons employed or being considered for employment.
- SENATE FILE 2275** - Substantive Code Corrections  
*SEE STATE GOVERNMENT.* This Act contains statutory corrections that 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. Changes made in the area of human services include deleting obsolete language regarding the initial request and receipt of grants and other activities related to the establishment of the prevention coordination system; technical changes in the newborn infant custody release procedures; a clarification in language describing combined requirements for reporters of child and dependent adult abuse; a change in language relating to the investigations of the relationships between decedent victims and the perpetrators in domestic abuse death cases; a correction made retroactively to May 17, 2000, in a reference to the Prevention of Disabilities Policy Council; a repeal of obsolete appropriation language for the 1996 fiscal year that provided property tax relief for mental health and developmental disabilities services; corrections in two notices relating to the filing of Medicaid claims against an estate; and clarifications in language regarding persons who may be charged with neglect or abandonment of a dependent person or with child endangerment.
- SENATE FILE 2286** - Sexually Violent Predators — Civil Commitment  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act makes numerous changes to the Sexually Violent Predator Act in Code Chapter 229A.
- SENATE FILE 2304** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions  
*SEE APPROPRIATIONS.* This Act makes, reduces and transfers appropriations for FY 2001-2002 and includes exemptions from an across-the-board reduction for various human services-related purposes and a transfer to the General Fund of the State of an appropriation from the Mental Health and Developmental Disabilities Services Risk Pool. The Act takes effect March 1, 2002.
- HOUSE FILE 2075** - Economic Emergency Funds — Transfer to Tobacco Settlement and Senior Living Trust Funds  
*SEE STATE GOVERNMENT.* This Act directs the repayment from excess moneys in the Iowa Economic Emergency Fund of moneys transferred or appropriated from the Endowment for Iowa’s

Health Account of the Tobacco Settlement Trust Fund and the Senior Living Trust Fund that were used for purposes of the General Fund of the State.

- HOUSE FILE 2245** - Medical Assistance — Appropriations and Related Provisions  
**SEE APPROPRIATIONS.** This Act relates to the Medical Assistance (Medicaid) Program and makes appropriations and transfers from the Senior Living Trust Fund, the Tobacco Settlement Trust Fund, and the Hospital Trust Fund for FY 2001-2002 to the Medicaid appropriations made for that fiscal year. The Act takes effect February 8, 2002.
- HOUSE FILE 2399** - Case Permanency Plans — Foster Children Aged Sixteen or Older  
**SEE CHILDREN & YOUTH.** This Act relates to the requirements of a case permanency plan for a child who is age 16 or older in a court-ordered out-of-home placement.
- HOUSE FILE 2487** - Medical Assistance Program — Disproportionate Share Hospital Payments for Inpatient Children’s Hospital Services  
**SEE BUSINESS, BANKING & INSURANCE.** This Act directs the Department of Human Services to designate a children’s hospital that meets the criteria for a voting member of the National Association of Children’s Hospitals and Related Institutions and which operates as part of a licensed hospital, as a qualifying hospital for the purpose of receipt of disproportionate share hospital payments for inpatient services under the Medical Assistance (Medicaid) Program.
- HOUSE FILE 2488** - Older American Community Service Employment and Senior Internship Programs  
**SEE STATE GOVERNMENT.** This Act includes provisions relating to the Elder Iowans Act (Code Chapter 231). The Act renames the Senior Community Service Employment Program as the Older American Community Service Employment Program, renames the Retired Iowans Community Employment Program as the Senior Internship Program, and changes the reference to the Job Training Partnership Act to the Workforce Investment Act to reflect the changes in the federal Older Americans Act.
- HOUSE FILE 2518** - Child Foster Care and Adoption  
**SEE CHILDREN & YOUTH.** This Act relates to child foster care and adoption requirements involving provision of health information, licensure periods, foster parent training, and annual reports.
- HOUSE FILE 2582** - Federal Block Grant Appropriations  
**SEE APPROPRIATIONS.** This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2002, and ending September 30, 2003. The Act includes funding for maternal and child health, preventive health and health services, substance abuse program, low-income energy assistance, mental health, child care, social services, and other health and human services-related programs.
- HOUSE FILE 2613** - Senior Living and Hospital Trust Funds Appropriations  
**SEE APPROPRIATIONS.** This Act makes appropriations from the Senior Living Trust Fund to the Department of Elder Affairs and the Department of Human Services (DHS) and the Hospital Trust Fund to DHS for Senior Living Program and Medicaid Program costs.
- HOUSE FILE 2615** - Healthy Iowans Tobacco Trust and Tobacco Settlement Trust Fund — Appropriations  
**SEE APPROPRIATIONS.** This Act relates to and makes appropriations from the Healthy Iowans Tobacco Trust addressing the Medical Assistance (Medicaid) Program, including coverage of breast or cervical cancer treatment, implementation of the federal Health Insurance and Portability Act, the hawk-i Program, county mental health and developmental disabilities reimbursement, and community empowerment funding.
- HOUSE FILE 2622** - Tax Administration — Additional Related Matters  
**SEE TAXATION.** This Act provides an exemption from state sales and use taxes of the sales and rentals of tangible property and furnishing of services to community action agencies for use by the agencies.
- HOUSE FILE 2623** - Compensation for Public Employees and Additional Provisions  
**SEE APPROPRIATIONS.** This Act relates to compensation and benefits for public officials and employees, county mental health allowed growth, regulatory and other related matters of the state, and makes and reduces appropriations. The Act does the following:

- ? Makes a conditional resident alien who was battered or subject to extreme cruelty or whose child was battered or subject to extreme cruelty by a person who is a U. S. citizen or lawful permanent resident eligible for the Family Investment Program.
- ? Amends an optional category covered under the Medicaid Program for persons with disabilities who have earned income.
- ? Amends the requirements for an individual development account operating organization.
- ? Permits a Department of Human Services region in which group foster care services are provided to exceed its budget target for those services by up to 20 percent so long as the total overall funding for all child welfare services in the region is not exceeded.
- ? Permits, in addition to other adult dental services covered under the Medicaid Program, root canal treatments and general anesthesia and intravenous sedation to be provided.
- ? Makes an appropriation and establishes the allowed growth factor for MH/MR/DD for FY 2003-2004, and provides for distribution of the appropriation in a similar manner to FY 2002-2003.
- ? Increases the appropriation to the hawk-i Program.

**HOUSE FILE 2625** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — Fiscal Year 2001-2002 — SECOND EXTRAORDINARY SESSION

**SEE APPROPRIATIONS.** This Act addresses public funding provisions and related matters by making, transferring and reducing appropriations in order to balance the State General Fund budget for FY 2001-2002. The Act includes transfers and reductions that affect human services programs, such as the Medicaid Program, tobacco settlement funding, and the Senior Living Trust Fund.

**HOUSE FILE 2627** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — 2002-2003 and Prior Fiscal Years — SECOND EXTRAORDINARY SESSION

**SEE APPROPRIATIONS.** This Act provides FY 2002-2003 appropriations from the General Fund of the State to the executive and judicial branches of state government, reduces or limits standing appropriations, and transfers appropriations. The Act is organized into divisions corresponding to the General Assembly's joint appropriations subcommittees and includes appropriations for the departments of Education, Human Rights, Human Services, Inspections and Appeals, and Public Health, as well as specific programs addressing human services and health care needs.



## HUMAN SERVICES

### **SENATE FILE 466 - Child Care and Child Care Providers — Obtaining Public Funding by Fraudulent Means**

BY COMMITTEE ON HUMAN RESOURCES. This Act provides that a child care provider who has been found, in an administrative or judicial proceeding, to have used fraudulent means to obtain public funding for child care is subject to administrative sanctions from the Department of Human Services (DHS).

The Act defines “fraudulent means” as knowingly making a false statement or misrepresenting a material fact, knowingly failing to disclose a material fact, or committing a fraudulent practice. If a child care provider is found to have used fraudulent means to obtain public funding for provision of child care in an amount equal to or in excess of the minimum amount for a fraudulent practice in the second degree (\$1,000 under current law), the provider is subject to sanction.

Under the Act, a sanctioned child care provider is subject to a period during which receipt of public funding is conditioned upon no further violations. Other sanctions DHS may impose are listed along with factors that are to be considered in imposing a sanction. The sanctions range from special review of claims to suspension or ineligibility for receiving public funding.

The department is required to provide information to the parents of the children receiving care from the provider regarding the provider’s actions leading to sanction and the sanction imposed. If the provider does not provide the names and addresses of the children receiving care, DHS must suspend the provider’s registration or license or seek an injunction enjoining the provider from providing child care, or do both.

The department may request the Attorney General to file a petition for the injunction with the district court. If the sanction involves a provider’s suspension or ineligibility to receive public funding from provision of child care, DHS is required to give advance notice to the parents of the affected children and, upon request, assist those parents in locating replacement child care.

### **SENATE FILE 2280 - Rehabilitative Treatment Services Provider Regulation**

BY COMMITTEE ON HUMAN RESOURCES. This Act directs the Department of Human Services to revise the requirements for certain child welfare services providers reimbursed for rehabilitative treatment services under the Medical Assistance (Medicaid) Program.

The department is directed to adopt rules implementing the recommendations of the department’s rehabilitative treatment services provider regulation and continuous quality improvement work group concerning the treatment services providers. The changes include permitting deemed status for those providers that are certified or accredited by certain national bodies, expanding the set of qualifications accepted for staff positions, and accepting a change in a treatment plan rather than requiring the plan to be rewritten.

If federal approval for a change is required, the department must apply for and receive the approval prior to implementation. Also, the department must determine that a change can be implemented without additional cost to the state. The changes are divided into two groups, with the first group to be implemented by April 1, 2003, and the second group by December 31, 2003, or within 60 days of receiving federal approval, whichever is later. The department may utilize emergency rule procedures that waive the requirements for public comment and hearings but retain review by the Legislature’s Administrative Rules Review Committee.

The Act takes effect April 23, 2002.

### **HOUSE FILE 2340 - Family Investment Program Limited Benefit Plans — Well-Being Visits**

BY COMMITTEE ON HUMAN RESOURCES. This Act allows a well-being visit to be conducted on an optional basis under a Family Investment Program (FIP) Limited Benefit Plan.

Under current law, the first time a FIP participant chooses a limited benefit plan, the period of ineligibility for cash assistance continues until the participant completes significant contact with or action in regard to the Promoting of Independence and Self-Sufficiency Through Employment Job Opportunities and Basic Skills (PROMISE JOBS) Program. A second or subsequent limited benefit plan provides for a six-month period of ineligibility, with the ineligibility continuing indefinitely after that period until the participant completes such significant contact or action. Prior law required a well-being visit to be performed with the participant’s family when a participant chose a second or subsequent benefit plan.

The Act makes the previously required well-being visit optional for the Department of Human Services, allows the department to either conduct the visit or, subject to the availability of funding, contract for it. Effective April 1, 2002, the department is directed to terminate its contract with the Iowa Department of Public Health for conducting the visits.

The Act takes effect March 14, 2002.



**HOUSE FILE 2395 - Support of Dependents — Calculation and Withholding — Medical and Educational Support**

BY COMMITTEE ON HUMAN RESOURCES. This Act makes changes in the law relating to child support, including those relating to medical support and the calculation of the child support amount relative to receipt by a parent of federal social security disability benefits, postsecondary education subsidy provisions, and adoption of a child receiving child support.

The Act amends Code Chapter 252E, relating to medical support, to reflect federal requirements for use of a national medical support notice. The Act provides definitions, directives to employers and to health benefit plan administrators in complying with the medical support notice, and criteria and a procedure to be used in the selection of a health benefit plan in order to comply with the medical support notice.

The Act also makes conforming changes in Code Chapter 252D, relating to income withholding, to reflect the changes relating to the medical support notice.

The Act amends Code Chapter 252H, relating to the adjustment and modification of support orders, and Code Chapter 598, relating to dissolution of marriage and domestic relations, to reflect the decision of the Iowa Supreme Court in *In re Marriage of Hilmo*, 623 N.W.2d 809 (Iowa 2001), relating to the effect of receipt of social security disability (SSD) payments on the calculation of the child support amount owed and payment of the obligation. In *Hilmo*, the court held that if a child receives SSD benefits as the result of a parent's disability, the payment amount is to be included as income to the parent when calculating the amount of child support. After calculating the amount of child support, if the disabled parent is the obligor, the obligor's support obligation is then to be credited, dollar for dollar, in the amount of the SSD payment made to the dependent, with any remaining obligation amount to be paid by the obligor. Currently, if a child receives SSD benefits as the result of the obligor's disability, notwithstanding the amount of the child support obligation calculated under the child support guidelines, the SSD payment to the dependent is considered payment in full of the obligation.

The Act also amends Code Chapter 252H to allow for a determination of the amount of delinquent support due as part of an administrative adjustment or modification of a support order if the order involves receipt of SSD payments. The Act provides that unless the court otherwise provides, dependent benefits paid to a child support obligee as a result of SSD benefits awarded to an obligor are to fully satisfy and substitute for the support obligation for the same period of time for which benefits are awarded. The Act also provides that the SSD dependent benefit payment amount is to be included as income to the disabled parent when calculating the child support obligation amount.

Under the Act, an order or judgment for support for a child for whom SSD dependent benefit payments are paid to the child support obligee is to include all of the following: a statement of the dollar amount of the child support obligation as calculated under the child support guidelines and that the SSD dependent benefit payment amount was included as income to the obligor in calculation of the child support obligation amount; the dollar amount of the SSD dependent benefit payment made to the obligee which is to satisfy the obligation amount on a dollar-for-dollar basis; and the dollar amount, if any, that the obligor is to pay following application of the SSD dependent benefit payment amount to the obligation amount. The Act also provides that the amount of the child support obligation satisfied by the application of the SSD dependent benefit payment to the obligation amount is not to be considered delinquent.

The Act provides that notice of an adoption hearing is to be provided to a person who is ordered to pay support or a postsecondary education subsidy for a person 18 years of age or older who is being adopted by a stepparent, and the support order requires payment of support or a postsecondary education subsidy for any period of time after the child reaches 18 years of age.

The Act provides that a support order, decree, or judgment entered or pending before July 1, 1997, that provides for support of a child for college, university, or community college expenses, may be modified in accordance with the postsecondary education subsidy provisions that became effective July 1, 1997. The requirements of 1997 Iowa Acts, Chapter 175, section 190, included a provision that established a formula for determining the contribution of the parents and the child for payment of postsecondary education expenses of that child. Under the provision, Code Section 598.21, subsection 5A, the court may grant the subsidy for good cause shown. In *In re Marriage of Williams*, 595 N.W.2d 126 (Iowa 1999), the Iowa Supreme Court held, in part, that since no express provision was included in the statute to make the postsecondary education subsidy provision effective retroactively, the provision took effect July 1, 1997, and could not be applied retroactively to support orders entered or pending before that date. This Act would allow for modification of those support orders, decrees, or judgments entered or pending prior to July 1, 1997, that provided support for college, university, or community college expenses, through retroactive application of the postsecondary education subsidy provisions.

This provision takes effect March 15, 2002, and is retroactively applicable to support orders, decrees, or judgments entered or pending before July 1, 1997.

**HOUSE FILE 2416 - Mental Health and Developmental Disability Services**

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to mental health and developmental disability services requirements involving Medical Assistance (Medicaid) Program waiver services, intermediate care facilities for persons with mental retardation, and community mental health centers.

An exception involving the home and community-based waiver services under the Medicaid Program is revised in Code Section 135C.6, relating to an exemption from required licensing of a certain type of residential program as a health care facility. Under current law, a residential program providing care to not more than four individuals and receiving moneys under such a waiver for persons with mental retardation or other Medicaid program is not required to have a health care facility license. The Act deletes a related provision that allows up to 40 residential care facilities for persons with mental retardation serving not more than five persons to convert to a waiver program facility serving not more than five persons.

Code Section 249A.20, relating to Medicaid Program reimbursement of noninstitutional providers, is amended to clarify that providers of case management services for persons with a developmental disability or chronic mental illness and providers of services to persons with chronic mental illness under the Medicaid Program's adult rehabilitation option are not to be considered a noninstitutional health provider. New Code Section 249A.26 provides for county and state responsibility for the nonfederal share of the costs of services provided under the adult rehabilitation option, depending upon the consumer's legal settlement status. New Code Section 249A.31 requires that such providers will receive cost-based reimbursement. These provisions take effect April 22, 2002.

New Code Section 249A.30 establishes new reimbursement requirements for home and community-based services providers to persons with mental retardation under the Medicaid Program. Code Section 249A.29 is amended to utilize existing definitions for waiver providers in the new section. Such a waiver services provider's base reimbursement rate is required to be recalculated at least every three years. The annual inflation factor used to adjust these waiver services providers' reimbursement rate for a fiscal year is limited to the percentage increase in the employment cost index for private industry compensation issued for the most recently completed calendar year by the federal Department of Labor, Bureau of Labor Statistics.

The Department of Human Services (DHS) and the Mental Health and Developmental Disabilities Commission are directed to adopt new rules or amend existing rules so that residential services for a person with a developmental disability under the waiver program and other funding or programs for such persons allow residential programs to serve at least four individuals or the number allowed under a departmental exception to policy. In addition, the Act lists existing rules that are to be revised involving supported community living services in order to eliminate a requirement that the majority of living units must be occupied by individuals who do not have a disability. The Act also requires a change in waiver rules for persons with mental retardation so that children who are age 16 or older may utilize supported community living services for community vocational training and support during the school year and in the summer.

Certificate of need requirements for intermediate care facilities for persons with mental retardation (ICFMR) are addressed. Code Section 135.63, subsection 4, which under prior law was only applicable to the period beginning July 1, 1995, and ending June 30, 1998, is amended to make the requirements permanent. In addition, requirements that an ICFMR applicant must have a letter of support from the Director of Human Services and must meet standards for family scale and size, location, and community inclusion in rules adopted by DHS are eliminated.

For fiscal year 2002-2003, the Health Facilities Council cannot approve an application that would result in more than 10 new or changed ICFMR beds. Medicaid provider requirements involving community mental health centers in DHS's policy manuals are addressed. Effective July 1, 2002, the department must revise the provision that requires a patient to have an interview with a psychiatrist in order for a mental health professional's services to be reimbursable. Instead, the initial evaluation interview must be performed by a mental health professional and if that evaluation indicates a need for referral for an interview with a psychiatrist, that referral is required. Requirements for a patient staffing meeting to be held within four weeks of the initial interview and for subsequent staffing meetings every four months are eliminated, providing that these purposes are to be achieved through the peer review process in effect for community mental health centers.

Rules adopted, amended or repealed pursuant to the Act are to be processed through the emergency provisions of Code Chapter 17A so that notice and comment periods are not required. However, the rules cannot take effect before the rules are reviewed by the Administrative Rules Review Committee. Unless the committee delays the effective date or the rules include a later effective date, the rules take effect immediately upon adoption.

**HOUSE FILE 2430 - Administration of Mental Health and Developmental Disabilities Services**

BY CARROLL. This Act provides for the Mental Health and Developmental Disabilities (MH/DD) Commission to assume the duties of the State-County Management Committee, incorporates membership positions from the committee into the commission, and transfers certain rules adoption authority from the Council on Human Services to the commission. The State-County

Management Committee was created in the mid-1990s to facilitate communication between the Department of Human Services and counties regarding their respective roles with the MH/DD service system.

Code Section 225C.5, relating to the membership of the commission, is amended to expand the number of voting members from 15 to 16 and to make the following revisions in the membership appointed by the Governor and confirmed by the Senate: the existing positions for county supervisors are reduced from four to three and must be appointed from nominees submitted by the county supervisors affiliate of the Iowa State Association of Counties, two positions are designated for administrators of the county single entry point process for MH/DD services (known as the central point of coordination administrator or "CPC"), one member is to be nominated by the state council for the American Association of Federal, State, County, and Municipal Employees, one member is to be nominated by service consumers, two members are to be nominated by service advocates with one of these an active member of a statewide organization for persons with brain injury, two members are to be selected from nominees of the Director of Human Services, one member is to be a service consumer, one member is to be a parent of a child service consumer, and one member is to be a parent or other family member living and receiving services at a state resource center. In addition, four members of the General Assembly are to be designated by legislative leaders to serve in an ex officio, nonvoting capacity.

The commission is charged with the new duties of performing analyses and other functions for a redesign of the MH/DD services systems for adults and children and receiving and considering any executive branch task force reports relating to MH/DD services.

Under prior law, the primary responsibilities and membership appointment provisions for the State-County Management Committee were in Code Section 331.438 as part of the County Home Rule Implementation Code chapter. The Act replaces references to the committee in Code Section 331.438 with references to the commission, thereby allowing the commission to assume the duties of the committee, and repeals the committee's membership requirements in Code Section 331.438.

The Act transfers rules adoption authority for various county-administered MH/DD services from the Council on Human Services to the commission. The rules adopted by the council prior to July 1, 2001, will remain in effect until amended or repealed by the commission or pursuant to legislative or executive action. The changes in the membership of the commission are to be implemented effective November 1, 2002, by terminating the membership and providing for the Governor to make new appointments.

The commission is directed to consult with the state Long-Term Care Resident's Advocate and the Governor's Developmental Disabilities Council in submitting a report to the General Assembly regarding the continuation of resident advocate committees for residential care facilities licensed to serve persons with mental illness or mental retardation. The report is to be submitted by January 1, 2003.

The membership of the Risk Pool Board, responsible for deciding requests by counties to address unanticipated MH/DD costs, is revised to add a service provider slot.

## LABOR AND EMPLOYMENT

- SENATE FILE 2121** - Child Labor — Motor Vehicle Cleaning — VETOED BY THE GOVERNOR
- SENATE FILE 2190** - Workers' Compensation — Miscellaneous Changes — VETOED BY THE GOVERNOR
- HOUSE FILE 2344** - Unemployment Benefits Contested Case Hearing Records — Retention

### RELATED LEGISLATION

- SENATE FILE 2048** - Project Labor Agreements Prohibited — VETOED BY THE GOVERNOR  
*SEE ECONOMIC DEVELOPMENT.* This bill would have prohibited the disbursement of moneys from the Vision Iowa Fund to any public contracting entity that requires certain labor-related agreements for a public works project.
- SENATE FILE 2231** - Single Contact Repository — Hospital Access to Current and Prospective Employee Records  
*SEE HEALTH & SAFETY.* This Act allows hospitals licensed under Code Chapter 135B to have access to abuse registries for purposes of checking persons employed or being considered for employment.
- SENATE FILE 2275** - Substantive Code Corrections  
*SEE STATE GOVERNMENT.* This Act contains statutory corrections that 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. Changes made include clarifying language relating to meetings of members of a regional workforce development advisory board; clarifying language relating to the investigation of occupational diseases and language relating to obtaining special variances from occupational safety and health standards; correcting language relating to the determination of eligibility of special service members for disability benefits under the Iowa Public Employees' Retirement System chapter; elimination of a milk tester's license application examination requirement; correcting language relating to the confidentiality of reports which include the identity of infected persons; clarifying language regarding submission of information pertaining to continuing education program attendance by optometrists; clarifying language relating to hearing aid dispensers; clarifying the description of the combined requirements for reporters of child and dependent adult abuse; correcting several references to the certification of water treatment operators by the Director of the Department of Natural Resources; clarifying provisions relating to the regulation of accounting practitioners; clarifying language relating to the appointment and removal of local public defenders and local public defender office staff; and technical changes in language describing the compensation of court-appointed attorneys in juvenile matters, court-appointed attorney fees, and the expenses of a public defender.
- HOUSE FILE 2152** - Volunteer Emergency Services Provider Death Benefits  
*SEE LOCAL GOVERNMENT.* This Act eliminates the prospective repeal of the volunteer emergency services provider death benefit and adds reserve peace officers to those individuals covered by the benefit. The Act takes effect April 5, 2002.
- HOUSE FILE 2532** - Public Retirement Systems  
*SEE STATE GOVERNMENT.* This Act makes numerous changes pertaining to public retirement systems, including the Public Safety Peace Officers' Retirement, Accident, and Disability System (PORS, Code Chapter 97A), the Iowa Public Employees' Retirement System (IPERS, Code Chapter 97B), the Statewide Fire and Police Retirement System (Code Chapter 411), and the Judicial Retirement System.
- HOUSE FILE 2549** - Primary and Secondary Education — Employee Standards, Career Development, Assessment, and Remuneration  
*SEE EDUCATION.* This Act makes a number of changes related to the Student Achievement and Teacher Quality Program established in 2001 under Code Chapter 284. The Act also permits a board of directors of a school district to offer an early retirement program to employees, but only allows the board to include in the district management levy the costs of offering the program to employees between the ages of 55 and 65. The Act strikes language mandating that the employees participating in the program apply for a retirement allowance under the Iowa Public Employees' Retirement System or the school district's pension and annuity retirement system, and replaces it with language that permits the employee to apply for a retirement allowance.

- HOUSE FILE 2625** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — Fiscal Year 2001-2002 — SECOND EXTRAORDINARY SESSION  
*SEE APPROPRIATIONS.* This Act addresses public funding provisions and related matters by making, transferring and reducing appropriations in order to balance the State General Fund budget for FY 2001-2002. The Act affects state employee furlough requirements, state employee workers' compensation funding, and state employee health insurance reserves and extends the incentive program for state employees who separate from employment.
- HOUSE FILE 2627** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — 2002-2003 and Prior Fiscal Years — SECOND EXTRAORDINARY SESSION  
*SEE APPROPRIATIONS.* This Act provides FY 2002-2003 appropriations from the General Fund of the State to the executive and judicial branches of state government, reduces or limits standing appropriations, and transfers appropriations. The Act is organized into divisions corresponding to the General Assembly's joint appropriations subcommittees and includes appropriations for the departments of Economic Development and Workforce Development, as well as addressing specific programs and funds directed to labor and employment.

## LABOR AND EMPLOYMENT

### **SENATE FILE 2121 - Child Labor — Motor Vehicle Cleaning — VETOED BY THE GOVERNOR**

BY COMMITTEE ON BUSINESS AND LABOR RELATIONS. This bill would have amended the child labor laws to permit a child under the age of 18 to use detergents, cleaners and protectants in employment involving motor vehicle cleaning, washing and polishing if the child was provided with and used personal protective equipment as needed and if the child was not employed or permitted to combine the chemicals used other than to dilute them with water. The bill would have taken effect upon enactment.

### **SENATE FILE 2190 - Workers' Compensation — Miscellaneous Changes — VETOED BY THE GOVERNOR**

BY COMMITTEE ON BUSINESS AND LABOR RELATIONS. This bill would have made the following changes to the state's Workers' Compensation Law:

- ? Provided that an overpayment to an employee would not be created when a subsequent injury to an employee results in compensation based on a finding of functional loss or industrial disability that is less than the compensation the employee had previously received for an earlier injury.
- ? Provided that an employer's liability for workers' compensation benefits for a permanent partial disability would be reduced to the extent that a portion of the resulting disability preexisted the work-related injury with the same employer, or had already been compensated for under workers' compensation.
- ? Provided that a "day of incapacity to work" meant eight work hours, which could be accumulated over more than one day toward meeting the three-day incapacity to work threshold.
- ? Eliminated the requirement that a party who wished to enforce a workers' compensation award initially made by the Workers' Compensation Division must present a certified copy of the order or decision to the district court.
- ? Provided that confidential information filed with the Workers' Compensation Commissioner that would allow the ascertainment of the identity of an injured employee or an injured employee's dependent must be kept confidential and not disclosed except under limited circumstances.

### **HOUSE FILE 2344 - Unemployment Benefits Contested Case Hearing Records — Retention**

BY COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS. This Act requires the Department of Workforce Development to retain unemployment insurance contested case hearing tape recordings for two years from the date of decision of the administrative law judge rather than five years from the date of decision as required by Code Chapter 17A.



## LOCAL GOVERNMENT

- SENATE FILE 2278** - Jails and Local or Regional Confinement Facilities — Space and Needs Inventory
- HOUSE FILE 582** - Division, Annexation, and Development of Land
- HOUSE FILE 2135** - City Planning and Zoning Commissions — Extended Zoning Jurisdiction — Membership
- HOUSE FILE 2152** - Volunteer Emergency Services Provider Death Benefits
- HOUSE FILE 2246** - Property Tax and Vehicle Registration Procedures
- HOUSE FILE 2289** - Abatement of Nuisances by Cities — Assessment Schedule
- HOUSE FILE 2291** - City Real Estate — Attachment of Judgment Liens
- HOUSE FILE 2365** - Documents and Records Filed With County Recorder — Snowmobile and All-Terrain Vehicle Titles — Registration of Vessels
- HOUSE FILE 2418** - State Building Code — Minimum Energy Standards
- HOUSE FILE 2448** - Fire Protection or Emergency Medical Services — Disbursement of Township Taxes for Municipal Services

### RELATED LEGISLATION

- SENATE FILE 165** - Iowa English Language Reaffirmation Act  
*SEE STATE GOVERNMENT.* This Act adds a new section to the Code to declare that English is the official language of the state and requires all state and local official government business to be conducted in English with some exceptions.
- SENATE FILE 437** - Snowmobiles and All-Terrain Vehicles — Titling, Registration, and Use  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act amends various sections of Code Chapter 321G relating to the operation, registration and titling of all-terrain vehicles and snowmobiles.
- SENATE FILE 2124** - Public Defense, Emergency Management, and Iowa Technology Center  
*SEE STATE GOVERNMENT.* This Act relates to the Department of Public Defense by amending provisions of the State Military Code and Iowa Code of Military Justice, creates a statewide mutual aid compact, creates an Iowa National Guard Civil Relief Act, provides for confidentiality of certain records relating to public assets and defense capabilities, exempts the department from certain service contract requirements and state competitive bidding requirements, exempts the Iowa Technology Center from anticompetition provisions, and increases a standing appropriation for senior commander allowances from \$450 annually for each general officer to \$750 annually.
- SENATE FILE 2141** - Servers of Civil Process — Appointment by Sheriff  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act authorizes sheriffs to appoint civil process servers to execute and return writs and other legal process issued to the sheriff by legal authority.
- SENATE FILE 2145** - Water Pollution Control and Drinking Water Facilities Financing  
*SEE ENVIRONMENTAL PROTECTION.* This Act relates to terminology and eligibility under the Sewage Treatment and Drinking Water Facilities Financing Program.
- SENATE FILE 2156** - County Issuance of Driver’s Licenses, Nonoperator Identification Cards, and Persons With Disabilities Identification Devices  
*SEE TRANSPORTATION.* This Act authorizes all counties not served by a permanent Iowa Department of Transportation facility to issue driver’s licenses, nonoperator identification cards, and persons with disabilities identification devices on a permanent basis if the county meets the department’s standards for issuance.
- SENATE FILE 2160** - Dry Fire Hydrant and Rural Water Supply Education and Demonstration Project  
*SEE ECONOMIC DEVELOPMENT.* This Act defines the term “dry fire hydrant” for purposes of the Dry Fire Hydrant and Rural Water Supply Education and Demonstration Project created in 1998 Iowa Acts, Chapter 1219, and administered by the Department of Economic Development.



- SENATE FILE 2192** - Highways and Motor Vehicles — Miscellaneous Provisions  
*SEE TRANSPORTATION.* This Act makes several Code changes relating to highways and motor vehicles, including condemnation procedures, restoration of government or other established corners and land monuments, the quadrennial need study of public roads in the state, issuance of driver's licenses and nonoperator's identification cards, and motor vehicle registration provisions.
- SENATE FILE 2207** - Conservation Easements  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act relates to the acquisition, enforceability and purpose of conservation easements.
- SENATE FILE 2273** - Juneteenth National Freedom Day  
*SEE STATE GOVERNMENT.* This Act authorizes and requests the Governor to issue an annual proclamation designating the third Saturday in June as Juneteenth National Freedom Day and encourages all governmental entities, civic organizations, schools, and institutions of higher education in the state to observe this day commemorating the Emancipation Proclamation, which ended slavery in the United States.
- SENATE FILE 2275** - Substantive Code Corrections  
*SEE STATE GOVERNMENT.* This Act contains statutory corrections that 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. Changes made include the following: a clarification in language relating to meetings of regional workforce development advisory boards; a clarification in provisions related to the determination of eligibility of special service members for disability benefits under the Iowa Public Employees' Retirement System chapter; a correction in provisions relating to local elections held on the question of withdrawal from a county library district; and correction of two references to municipalities in the Urban Renewal chapter. A series of corrections are also made to a 2000 Acts chapter that added a definition of the term "county system" in numerous Code chapters. In provisions relating to taxation, clarifications are made in language relating to petitions regarding the issuance of bonds for storm water drainage and bonds secured by revenues derived from the local hotel and motel tax and language relating to a list compiled by the county auditor of all tracts of agricultural land entitled to tax credit. In the Local Option Taxes chapter, a technical change is made in language relating to notice of the results of the election on the question of imposition of a tax. In the chapter relating to which property is exempt or taxable, an internal reference to the Indian Housing Authority property tax exemption is added to language regarding filing a claim for exemption and a reference to the Iowa Administrative Procedure Act is clarified in a provision regarding revocation of exemptions. Language describing acquisitions that constitute a "major addition" for purposes of taxation of electricity and natural gas providers is clarified and certain obsolete property tax limitations, as well as references to those provisions, are eliminated. A clarification is made in provisions relating to responses by local recorders offices to requests for information under the Uniform Commercial Code to permit county boards of supervisors to adopt ordinances or resolutions setting fees for those responses. In provisions pertaining to indigent defense, language relating to the appointment and removal of local public defenders and local public defender office staff is clarified.
- SENATE FILE 2277** - Open Meeting and Public Records — Confidential Public Airport, Municipal Corporation, Utility, and Rural Water District Information  
*SEE STATE GOVERNMENT.* This Act creates a new category of confidential records in the Open Records Law for certain records in the custody of a public airport, municipal corporation, municipal utility, jointly owned municipal utility, or rural water district, where disclosure could reasonably be expected to jeopardize the security or the public health and safety of the citizens served by that public entity. The Act also permits a governmental body to hold a closed session to discuss such confidential records. The provisions of the Act are repealed effective June 30, 2007.
- SENATE FILE 2288** - Temporary or Acting County Attorneys  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act relates to the appointment of an acting or temporary county attorney.
- SENATE FILE 2293** - Animal Feeding Operations and Environmental Regulation  
*SEE AGRICULTURE.* This Act amends provisions in several Code chapters, and principally Code Chapter 455B, regulating animal feeding operations regulated by the Department of Natural Resources,

including confinement feeding operations. The Act provides for fees and appropriations to the department for purposes of administering and enforcing regulations affecting animal feeding operations. The Act decreases the threshold required for the issuance of a construction permit and provides new conditions for the approval of a construction permit, including the use of a comprehensive assessment mechanism, referred to as a master matrix, by county boards of supervisors and the department.

- SENATE FILE 2304** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions  
*SEE APPROPRIATIONS.* This Act makes, reduces and transfers appropriations for FY 2001-2002 and includes exemptions from an across-the-board reduction for various property tax relief appropriations and a transfer to the General Fund of the State of an appropriation from the Mental Health and Developmental Disabilities Services Risk Pool. The Act takes effect March 1, 2002.
- SENATE FILE 2325** - State Agency Regulatory Functions — Miscellaneous Reorganizations, Transfers, and Revisions  
*SEE STATE GOVERNMENT.* This Act relates to certain regulatory functions. The Act reorganizes duties of the Department of Inspections and Appeals (DIA), transfers the Court Appointed Special Advocate Program from the judicial branch to the DIA, reorganizes the structure of the Department of Natural Resources, provides for legislative review of agencies, and addresses regulation of birth centers. The Act includes authority for allowing certain cities to conduct a controlled burn of a demolished building.
- SENATE FILE 2326** - Appropriations — Miscellaneous Provisions, Reductions, Transfers, and Other Matters  
*SEE APPROPRIATIONS.* This Act provides FY 2002-2003 appropriations from the General Fund of the State to the executive and judicial branches of state government, reduces or limits standing appropriations, and transfers appropriations. The Act is organized into divisions corresponding to the General Assembly's joint appropriations subcommittees and, although a large portion of the Act was vetoed by the Governor, a number of provisions affecting local government were approved. These include an appropriation for community empowerment areas and limitations on standing appropriations for the homestead property tax credit and other property tax replacement measures.
- HOUSE FILE 2009** - City and County Assessors — Candidacy for Elective Public Office  
*SEE ELECTIONS, ETHICS & CAMPAIGN FINANCE.* This Act allows a city or county assessor to run for elective office during the assessor's term of appointment as assessor. The Act takes effect April 8, 2002.
- HOUSE FILE 2082** - Registration of Watercraft  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act amends provisions in Code Chapter 462A relating to the time period within which a newly purchased or transferred watercraft must be registered by the new owner.
- HOUSE FILE 2150** - Military Honor Guard Services on Public Property  
*SEE STATE GOVERNMENT.* This Act provides that members of the Iowa National Guard, the Reserve Forces of the United States, or a Reserve Officers Training Corps shall be allowed to perform any honor guard services on public property.
- HOUSE FILE 2151** - Confidential Public Records — School Security or Emergency Preparedness  
*SEE EDUCATION.* This Act requires that school corporation information concerning security procedures or emergency preparedness be kept confidential if disclosure could reasonably be expected to jeopardize student, staff or visitor safety.
- HOUSE FILE 2193** - Transportation Services and Aircraft Regulation  
*SEE TRANSPORTATION.* This Act makes several changes relating to public transportation programs, including requiring public, private, and private nonprofit organizations applying for or receiving federal, state or local aid for providing transit services to annually report to the Iowa Department of Transportation the costs of their transportation programs rather than requiring such organizations to annually provide copies of their fiscal year operating budgets.
- HOUSE FILE 2201** - DNA Profiling of Criminal Defendants  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act requires a county to take a physical specimen from persons convicted of a third offense of operating while intoxicated or an aggravated misdemeanor pursuant to Code Section 709.11 (Assault with Intent to Commit Sexual

Abuse) for the purpose of DNA profiling if the person has been sentenced to confinement in the county jail. The county must then submit the physical specimen to the Department of Public Safety for DNA profiling, a procedure for determining a person's genetic identity.

- HOUSE FILE 2317** - Regulation of Outdoor Advertising Devices  
**SEE TRANSPORTATION.** This Act relates to prohibitions on placement of advertising devices along interstate highways in certain circumstances. The Act exempts from the prohibition advertising devices that are located in areas zoned and used for commercial or industrial purposes.
- HOUSE FILE 2378** - Enterprise Zones  
**SEE ECONOMIC DEVELOPMENT.** This Act amends the Enterprise Zone Program administered by the Department of Economic Development.
- HOUSE FILE 2416** - Mental Health and Developmental Disability Services  
**SEE HUMAN SERVICES.** This Act relates to mental health and developmental disability services requirements involving Medical Assistance (Medicaid) Program waiver services, intermediate care facilities for persons with mental retardation, and community mental health centers. Many of the services addressed are paid for or managed by counties.
- HOUSE FILE 2430** - Administration of Mental Health and Developmental Disabilities Services  
**SEE HUMAN SERVICES.** This Act provides for the Mental Health and Developmental Disabilities (MH/DD) Commission to assume the duties of the State-County Management Committee, incorporates membership positions from the committee into the commission, and transfers certain rule adoption authority from the Council on Human Services to the commission.
- HOUSE FILE 2453** - Procedures and Records Pertaining to Deaths — Medical Examiners  
**SEE HEALTH & SAFETY.** This Act includes provisions relating to the offices of the state and county medical examiners, including provisions relating to the confidentiality of medical examiner records and reports, medical certification of death, deaths affecting the public interest, disposition of a body following an investigation by the county medical examiner, and cremation permits and fees.
- HOUSE FILE 2472** - Elections and Voter Registration  
**SEE ELECTIONS, ETHICS & CAMPAIGN FINANCE.** This Act makes a number of changes to the election laws of Iowa. The Act requires all candidates for public office to be eligible electors at the time of election; requires all elected officials, except members of the General Assembly, U.S. Senators, and U.S. Representatives, to be eligible electors and residents of the jurisdiction they are elected to represent; provides that, in elections on annexations, if a city is divided into wards, the detailed map required must show the ward designations for the annexed territory; amends a provision pertaining to proof of death for purposes of canceling voter registration to correspond with a prior change in the law that made county recorders responsible for maintaining records of deaths in the county; provides that persons elected or appointed to fill vacancies, or who are holding over to fill vacancies, must qualify for the vacant office within 10 days of the county board's canvass of the election or within 10 days of appointment; provides a method for determining and declaring a vacancy in a local appointive or elective office; provides that, in the case of a vacancy in the office of county sheriff, the first deputy sheriff shall hold the office of sheriff until a successor is appointed or elected; moves the filing deadline for petitions to establish or terminate a county library district from 40 days before the general election to 82 days before the general election; strikes provisions permitting the question to establish or terminate a county library district to be placed on the primary election ballot; strikes a provision permitting the question of issuance of county bonds and conveyance of title to property to be placed on the primary election ballot; requires that townships with a taxable valuation of \$250 million or more be represented by five township trustees rather than three; provides that the full text of a proposed home rule charter or alternative form of government proposal and the date of the election on the charter or alternative form must be included in the published notice of the election; requires the city council of a city with a primary election to notify the county commissioner of elections of the date of a special election to fill a vacancy in a city office at least 85 days before the date chosen; requires a special election to change the length of the terms of elected city officers be held more than 90 days before the regular city election if the changed terms are to be effective for offices filled at that election; and changes the deadline, from 77 days before the election to 90 days before the election, for city clerks to notify the county auditor of the type of nomination process to be used for city elections. The Act takes effect January 1, 2003, and applies to elections held on or after that date.

- HOUSE FILE 2532** - Public Retirement Systems  
**SEE STATE GOVERNMENT.** This Act makes numerous changes pertaining to public retirement systems, including the Public Safety Peace Officers' Retirement, Accident, and Disability System (PORS, Code Chapter 97A), the Iowa Public Employees' Retirement System (IPERS, Code Chapter 97B), the Statewide Fire and Police Retirement System (Code Chapter 411), and the Judicial Retirement System.
- HOUSE FILE 2584** - Property Taxation — Vineyard Real Estate and Buildings  
**SEE TAXATION.** This Act provides that a vineyard and buildings used in connection with a vineyard are agricultural property for purposes of property taxation.
- HOUSE FILE 2622** - Tax Administration — Additional Related Matters  
**SEE TAXATION.** This Act amends local property taxes and other laws affecting local governments to do the following:
- ? Allow a taxpayer to file for an urban revitalization property tax exemption up to two years after the improvements are first assessed for taxation and still receive the exemption for the total number of years allowed in the exemption schedule.
  - ? Change the method of imposing and refunding the sales and use taxes on building materials, supplies, and equipment used in a construction project for exempt entities.
  - ? Provide the Director of the Department of Revenue and Finance with additional time to determine and notify cities and counties of the estimated amount of local option taxes they will be receiving in the fiscal year.
  - ? Increase the income level from \$25,000 to \$35,000 below which a disabled veteran receives a homestead credit for the entire amount of tax on the homestead purchased pursuant to federal law related to disabled veterans.
  - ? Add members of the U.S. Coast Guard as eligible veterans for purposes of receiving the military service property tax exemption.
  - ? Provide that the operation of bingo games on property of a veterans organization does not affect the property tax exemption of the property if the proceeds in excess of expenses are used for the legitimate purposes of the organization.
  - ? Extend the deadline by which a statement of objects and uses must be filed for certain organizations and institutions claiming a property tax exemption.
  - ? Provide for the abatement of property taxes on the land and buildings of a religious institution located in Linn County that are payable in FY 2001-2002.
  - ? Provide for the abatement of local sales and services taxes owed by foundries located in Lee County or Jefferson County on purchases used by the foundry in making patterns, molds or dies if the purchase was made between July 1, 1997, and May 6, 2002.
  - ? Provide for refunds if the local taxes have been paid and if claims are filed by October 1, 2002.
  - ? Create a pension task force to study the creation of a pension system for voluntary fire fighters and report to the General Assembly by January 1, 2003.
- HOUSE FILE 2623** - Compensation for Public Employees and Additional Provisions  
**SEE APPROPRIATIONS.** This Act relates to compensation and benefits for public officials and employees, county mental health allowed growth, regulatory and other related matters of the state, and makes and reduces appropriations. The Act also specifies that a city's notice of the hearing on annexation shall be served by regular mail, and that the municipal services to be provided in an annexed area must be within the legal authority of the annexing city.
- HOUSE FILE 2625** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — Fiscal Year 2001-2002 — SECOND EXTRAORDINARY SESSION  
**SEE APPROPRIATIONS.** This Act addresses public funding provisions and related matters by making, transferring and reducing appropriations in order to balance the State General Fund budget for FY 2001-2002. The Act includes transfers for funding of the renters' credits under the elderly and disabled property tax credit.



## LOCAL GOVERNMENT

### **SENATE FILE 2278 - Jails and Local or Regional Confinement Facilities — Space and Needs Inventory**

BY COMMITTEE ON JUDICIARY. This Act relates to analyzing the confinement and detention needs of jails and other local or regional confinement facilities.

The Act requires the Division of Criminal and Juvenile Justice Planning of the Department of Human Rights, in consultation with the Department of Corrections, the Iowa State Sheriff's Association, the Iowa Association of Chiefs of Police and Peace Officers, a state organization representing rural property taxpayers, the Iowa League of Cities, and the Iowa Board of Supervisors Association, to prepare a report analyzing the confinement and detention needs of jails, alternative jails, municipal holding facilities, and county detention facilities. The Act provides that the analysis for each type of jail or facility shall include, but not be limited to, daily prisoner counts, compliance with minimum jail or facility standards, and an estimate by the Department of Corrections of the amount of additional prisoner space needed in each county, geographic region, and statewide over the next two, five and 10 years. The report shall also contain an inventory of jail or facility construction projects in which voters approved the issuance of general obligation bonds, essential county purpose bonds, revenue bonds, or bonds payable with local option sales tax receipts.

The Act takes effect April 1, 2002.

### **HOUSE FILE 582 - Division, Annexation, and Development of Land**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act makes changes to the law relating to development of land by subdividing land and by annexation of territory and other boundary adjustments.

Code Sections 354.8 and 354.9 are amended to give a city council authority to review for approval divisions of land lying within their jurisdiction outside the city's boundaries for which a plat of survey has been prepared. Prior law gave them authority only to review subdivision plats.

Code Section 368.4, relating to annexing moratorium agreements, is amended to require that notice of a hearing on an agreement be served at least 30 days before the hearing. Besides notice being served on the City Development Board, the Act requires that notice also be served on the board of supervisors of the county where the area is located and on all landowners whose property is located in the area that is the subject of the agreement. House File 2623 (see Appropriations) amended H.F. 582 to provide that this notice be served by regular mail. House File 582 also amends Code Section 368.4 to provide that a voluntary or involuntary annexation shall be dismissed by the City Development Board if it violates the terms of an annexing moratorium agreement.

Code Section 368.7, relating to an application for voluntary annexation of territory adjoining a city that does not have the consent of all the landowners in the territory, is amended. The Act increases from 10 days to 14 business days the time period that must expire between the time a copy of an application is mailed to each landowner and public utility and the time at which the council may take action on the application. The Act provides that the city must hold a public hearing on the application and provide notice of the hearing by regular mail to the county board of supervisors, each landowner, and each public utility in the territory to be annexed. The city may assess the costs of providing notice to the applicants.

Code Section 368.7 is also amended, relating to annexation applications involving territory within the urbanized area of the annexing city and not within any other city's urbanized area. The Code section is amended to provide that a copy of the application for such annexations must be sent by certified mail to the board of supervisors of the county at least 14 business days prior to any action. The council is also required to publish notice of the application at least 14 days prior to any action taken by the council.

The Act amends the provision relating to voluntary annexations not within the annexing city's urbanized area to increase from 10 days to 14 business days the time period that must expire between mailed notice to certain entities and persons and action taken by the city council.

Code Section 368.11 is amended to increase from 10 days to 14 business days the time period in which a petitioner for involuntary annexation must provide a letter of intent to interested parties before the petition may be filed. Code Section 368.26 is enacted to require the City Development Board to initiate an action for severance of territory that had been involuntarily annexed to a city if the city fails to provide municipal services to the territory within three years after city taxes are imposed in the annexed territory. "Municipal services" is defined in the Act. House File 2623 amends this Act to further define "municipal service" to mean those services a city is authorized by law to provide. However, H.F. 582 also provides that a city may appeal to the City Development Board for an additional three years if good cause is shown. A petition for severance filed by the board under these circumstances is to be acted upon in the same manner as an involuntary petition, i.e., it is subject to approval by the committee of local representatives and is subject to approval at an election.

The Act applies to applications, petitions or plans for annexation of territory filed on or after July 1, 2002.

**HOUSE FILE 2135 - City Planning and Zoning Commissions — Extended Zoning Jurisdiction — Membership**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act provides that the planning and zoning commission of a city exercising its zoning jurisdiction in the unincorporated area within two miles beyond the boundaries of the city shall be expanded to include one member of the board of supervisors and one public member residing in the unincorporated area subject to the city zoning jurisdiction. Currently, two public members residing in the unincorporated area subject to the city zoning jurisdiction are appointed to the commission. If the extended zoning jurisdiction of a city extends into an adjacent county without a county zoning ordinance, the boards of supervisors of the affected counties, jointly, shall appoint one of their members to the planning and zoning commission.

**HOUSE FILE 2152 - Volunteer Emergency Services Provider Death Benefits**

BY HORBACH, HUSER, MILLAGE, TYRRELL, EDDIE, RAYHONS, BROERS, BAUDLER, KETTERING, AND HOFFMAN. This Act repeals the provision that would in turn repeal, as of July 1, 2002, the volunteer emergency services provider death benefit established in Code Section 100B.11. The Act also adds reserve peace officers to those individuals covered by the volunteer emergency services provider death benefit.

The Act takes effect April 5, 2002.

**HOUSE FILE 2246 - Property Tax and Vehicle Registration Procedures**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act changes certain administrative procedures relating to the registration of vehicles by county treasurers and the Iowa Department of Transportation (IDOT) and to the assessment and collection of taxes on property.

Code Section 321.40 is amended to require IDOT to create electronic files for vehicle registration purposes to assist the county treasurers in sending statements of fees due on vehicles and collection of the fees.

The Act amends Code Section 321.134 to extend the payment deadline for vehicle registrations to include the first business day of the following month if a registration delinquency would occur on the last calendar day of a month that is a Saturday, Sunday or a holiday. However, an electronic payment must be initiated by midnight on the last day of the month preceding the delinquent date.

Code Section 331.553, subsection 3, is amended to provide that payments for taxes or assessments made within 30 days before an annual tax sale shall be made by guaranteed funds. Prior law provided that guaranteed funds must be used for payments made within 10 days of an annual tax sale.

Code Section 331.559, subsection 20, is amended to provide that the county treasurer may dispose of the tax list received pursuant to Code Chapter 443 after 10 years. Prior law required disposal of the tax list after 10 years.

Code Section 445.36, subsection 2, is amended to provide that if the first installment of taxes paid in installments is delinquent and not paid as of February 1, the county treasurer shall mail a notice of the delinquency and due date for the second installment. Under prior law, the notice was sent if payment of the first installment was not made as of February 15.

Code Section 445.37 is also amended so that when a semiannual property tax payment becomes delinquent on the last day of September or March but that last day is a Saturday or Sunday, the payment amount does not become delinquent until the second business day of October or April, as applicable. However, an electronic payment of the amount due must be initiated by midnight on the last day of the month preceding the delinquent date.

Code Section 446.9 is amended to provide that if, for good cause, a parcel is not included in the publication of the annual tax sale, notice shall be given by publication or by posting the description of the parcel and the date, time and place of the tax sale in the treasurer's office for two weeks before the tax sale and, at the time of publication or posting, the notice shall be mailed to the person in whose name the parcel is taxed at the person's last known address.

Code Section 446.9, subsections 1 and 2, are amended to provide for the imposition and collection of a service fee not to exceed \$4 for each parcel of property for which a notice of the date, time and place of the annual tax sale is served. The service fee shall be noted in the notice along with the amount of delinquent taxes, the amount of interest, and other fees due. The service fee is included in the notice in lieu of the actual cost of publication of the notice.

Code Section 446.10 is amended to provide that the service fee shall be collected as a fee for sale notice preparation and shall be deposited in the county general fund. If the taxes are paid before the date of the annual sale, the service fee shall be included as a part of the costs of collecting the taxes. The service fee is collected in lieu of compensation for the actual cost of publication of notice of the annual tax sale as provided under prior law.

**HOUSE FILE 2289 - Abatement of Nuisances by Cities — Assessment Schedule**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act allows a city clerk or the engineer retained by a city council to prepare, sign and file the assessment schedule and other related documents for abatement of a nuisance by a city. Currently, such duties are assigned to the engineer only.

**HOUSE FILE 2291 - City Real Estate — Attachment of Judgment Liens**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act allows a city to discharge a judgment lien against the real estate of the city if the city files a bond in the amount of the judgment with the clerk of the district court in which the judgment was entered.

The Act also prohibits a judgment lien from attaching to the streets, alleys or utility easements of a city or to the real estate of a city which is used by the city for transportation, health, safety, or utility purposes.

**HOUSE FILE 2365 - Documents and Records Filed With County Recorder — Snowmobile and All-Terrain Vehicle Titles — Registration of Vessels**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act relates to county recorders by amending Code provisions pertaining to the recording and indexing of certain documents recorded with the county recorder and by establishing a method for issuing certificates of title for snowmobiles and all-terrain vehicles for which ownership has not been conclusively established and for issuing registration certificates for certain watercraft for which ownership has not been conclusively established.

The Act amends Code sections relating to the recording of documents relating to liens and to documents presented for recording with regard to the platting and subdivision of land.

The Act strikes the term “index book” in reference to indexing notices of liens. Current law allows the recorder to maintain a combined index record or system in lieu of separate index books. The Act strikes redundant language relating to the recording of environmental protection charge liens. The Act also substitutes “document reference” number for references to “book and page” number.

The Act adapts a method established for issuing certificates of title for motor vehicles for which the issuing authority is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in the vehicle to issuance of certificates of title for snowmobiles and all-terrain vehicles, and to issuance of registration for watercraft, with similarly questioned ownership. The Act provides that the county recorder may issue a certificate of title for such a snowmobile or all-terrain vehicle, or registration certificate for such a watercraft, if the applicant files a bond with the Department of Natural Resources.

The Act provides that the bond shall be executed by a person authorized to conduct a surety business and shall be in an amount determined by the department by rule. The bond shall protect prior owners, secured parties, and subsequent owners of the snowmobile, all-terrain vehicle, or watercraft. The bond is to be returned at the end of three years, or before if the snowmobile, all-terrain vehicle, or watercraft is no longer registered in this state and the certificate of title or registration certificate is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond.

The Act prohibits a person from including an individual’s social security number in a document that is prepared for recording in the office of county recorder. This prohibition does not apply to a preparer of a state or federal tax lien or a military separation or discharge record. However, the Act provides that if a military separation or discharge record is recorded with the county recorder, it shall not be accessible through the Internet.

The Act also strikes Code Section 331.602, subsection 4, which provides that the county recorder shall record the registration of a person registered under the federal Social Security Act who requests recordation and keep an alphabetical index of the record.

**HOUSE FILE 2418 - State Building Code — Minimum Energy Standards**

BY COMMITTEE ON STATE GOVERNMENT. This Act relates to the minimum energy efficiency standards in the State Building Code. The Act provides that a governmental subdivision is not prohibited from adopting or enacting a minimum energy standard which is substantially in accordance and consistent with model energy codes and standards developed by a nationally recognized organization in effect on or after the effective date of the Act, July 1, 2002. The Act provides that a governmental subdivision that adopts or enacts a minimum energy standard which is substantially in accordance and consistent with model energy codes and standards developed by a nationally recognized organization shall adopt or enact any update or revision to the model energy codes and standards.



**HOUSE FILE 2448 - Fire Protection or Emergency Medical Services — Disbursement of Township Taxes for Municipal Services**

BY HUSER. This Act allows a township to indicate on its budget that it requests a portion of its taxes be paid directly to a municipality providing fire protection service or emergency medical service to the township. The Act provides that the township is required to attach a copy of the emergency services agreement to each copy of the budget transmitted to the county auditor and the county auditor is to indicate to the county treasurer the portion of the township taxes that shall be disbursed to the municipality.

## NATURAL RESOURCES AND OUTDOOR RECREATION

- SENATE FILE 437** - Snowmobiles and All-Terrain Vehicles — Titling, Registration, and Use
- SENATE FILE 2051** - State Interagency Missouri River Authority
- SENATE FILE 2207** - Conservation Easements
- HOUSE FILE 2082** - Registration of Watercraft
- HOUSE FILE 2447** - Watercraft Regulation — Operation and Safety
- HOUSE FILE 2591** - Resident Hunting License Fee — Pheasant and Quail Restoration
- HOUSE FILE 2616** - Protection of Wild Animals

### RELATED LEGISLATION

- SENATE FILE 144** - Highway Construction and Repair — Topsoil Preservation  
*SEE TRANSPORTATION.* This Act requires Iowa Department of Transportation contracts for the construction or maintenance of highways to include certain provisions for the restoration of areas in which fill dirt or other materials are to be removed.
- SENATE FILE 2079** - Operation of All-Terrain Vehicles or Snowmobiles on a Highway  
*SEE TRANSPORTATION.* This Act repeals the requirement to fly a flag or pennant on an all-terrain vehicle or snowmobile.
- SENATE FILE 2275** - Substantive Code Corrections  
*SEE STATE GOVERNMENT.* This Act contains statutory corrections that 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. Changes made in the area of natural resources and outdoor recreation include clarifying a reference to a \$10 fee in a provision relating to reports to the State Fire Marshal on aboveground petroleum storage tanks; clarifying the applicability of the definitions section for the Cleanup of Clandestine Laboratory Sites chapter; citing to Pub. L. No. 95-87 in a chapter on coal mining; clarifying language relating to petitions regarding the issuance of bonds for storm water drainage; correcting references to the certification of water treatment operators by the Director of the Department of Natural Resources; striking an obsolete reference to a drawing for nonresident hunting licenses; and clarifying language relating to the right of a nonresident landowner to apply for an Iowa deer hunting license.
- SENATE FILE 2304** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions  
*SEE APPROPRIATIONS.* This Act makes, reduces and transfers appropriations for FY 2001-2002 and includes transfers to the General Fund of the State of appropriations made from the Value-Added Agricultural Products and Processes Financial Assistance Fund, the Environment First Fund, for recreational trails, and the Resources Enhancement and Protection Fund. The Act takes effect March 1, 2002.
- SENATE FILE 2325** - State Agency Regulatory Functions — Miscellaneous Reorganizations, Transfers, and Revisions  
*SEE STATE GOVERNMENT.* This Act relates to certain regulatory functions. The Act reorganizes duties of the Department of Inspections and Appeals (DIA), transfers the Court Appointed Special Advocate Program from the judicial branch to the DIA, reorganizes the structure of the Department of Natural Resources, provides for legislative review of agencies, and addresses regulation of birth centers.
- HOUSE FILE 2365** - Documents and Records Filed With County Recorder — Snowmobile and All-Terrain Vehicle Titles — Registration of Vessels  
*SEE LOCAL GOVERNMENT.* This Act establishes a method for issuing certificates of title for snowmobiles and all-terrain vehicles for which ownership has not been conclusively established and for issuing registration certificates for certain watercraft for which ownership has not been conclusively established.

- HOUSE FILE 2515** - Education — Administration, Funding, Programming, and Services  
*SEE EDUCATION.* This Act amends Code sections relating to the duties and operation of the Department of Education, and repeals and transfers language creating a conservation education program board from a Code chapter administered by the Department of Education to a Code chapter administered by the Department of Natural Resources.
- HOUSE FILE 2625** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — Fiscal Year 2001-2002 — SECOND EXTRAORDINARY SESSION  
*SEE APPROPRIATIONS.* This Act addresses public funding provisions and related matters by making, transferring and reducing appropriations in order to balance the State General Fund budget for FY 2001-2002. The Act includes transfers and reductions that affect natural resources funding such as snowmobile and all-terrain vehicle fees.
- HOUSE FILE 2627** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — 2002-2003 and Prior Fiscal Years — SECOND EXTRAORDINARY SESSION  
*SEE APPROPRIATIONS.* This Act provides FY 2002-2003 appropriations from the General Fund of the State to the executive and judicial branches of state government, reduces or limits standing appropriations, and transfers appropriations. The Act is organized into divisions corresponding to the General Assembly's joint appropriations subcommittees and includes appropriations for the Department of Agriculture and Land Stewardship and the Department of Natural Resources and agencies and programs connected to those departments.

## NATURAL RESOURCES AND OUTDOOR RECREATION

### **SENATE FILE 437 - Snowmobiles and All-Terrain Vehicles — Titling, Registration, and Use**

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act amends various sections of Code Chapter 321G relating to the operation, registration and titling of all-terrain vehicles and snowmobiles. The operators of two-wheeled off-road motorcycles are exempt from the safety instruction and certification program that applies to other all-terrain vehicle operators.

Code Section 321G.3 is amended to allow the Natural Resource Commission to determine where the registration numbers of all-terrain vehicles and snowmobiles are to be displayed. The Code section also provides for the assignment of a registration number to an all-terrain vehicle or snowmobile that is exempt from registration but is being titled. Code Section 321G.5 provides that the owner of an all-terrain vehicle or snowmobile must display the registration identification on the vehicle in the manner prescribed by rule of the Natural Resource Commission.

Code Section 321G.8 is amended to specify that snowmobiles and all-terrain vehicles used exclusively as farm implements need not be registered.

Code Section 321G.13 is amended to allow all-terrain vehicles to operate on public land without a measurable snow cover.

Code Sections 321G.6, 321G.21 and 321G.29 are amended to provide procedures for the transfer of the titles and registrations of all-terrain vehicles and snowmobiles. If a title or registration is available for a vehicle, the owner shall complete the form on the back of the title or registration certificate as applicable and deliver it to the purchaser upon transfer. If a vehicle has no title or no registration, the owner shall deliver an affidavit for unregistered and untitled vehicles to the purchaser upon transfer. The Act allows a purchaser of a vehicle 30 days instead of five days after purchase to apply for a new registration number at the office of county recorder. A dealer is required to make application and pay all registration and title fees, if applicable, on behalf of the purchaser of the vehicle. The owner of an all-terrain vehicle or snowmobile that is not required to be titled may have the vehicle titled. If the vehicle is titled, the vehicle must also be registered and the vehicle is subject to all requirements of Code Chapter 321G. The Act permits a dealer to apply for a certificate of title in the dealer's name for a used snowmobile or all-terrain vehicle within 30 days, in lieu of the current 15 days after the date of acquisition. When issuing a title for a used vehicle for which there is no title or registration, each county recorder shall obtain and keep on file the affidavit for the untitled and unregistered vehicle.

New Code Section 321G.33 authorizes the Department of Natural Resources to assign a distinguishing number to an all-terrain vehicle or snowmobile if its serial number is destroyed or obliterated. The new Code section directs the Natural Resource Commission to adopt procedures for application and issuance of an identification number for a homebuilt vehicle or a rebuilt vehicle that has no legible identification number. The destruction or defacing of a vehicle identification number is prohibited.

### **SENATE FILE 2051 - State Interagency Missouri River Authority**

BY HOUSER, KING, ANGELO, BEHN, BOETTGER, REDWINE, FREEMAN, KIBBIE, AND FRAISE. This Act creates a State Interagency Missouri River Authority to represent the State of Iowa as a member of the Missouri River Basin Association and to promote the management of the Missouri River in a manner that does not negatively impact landowners along the river or negatively impact the state's economy.

Members of the authority include the Governor or the Governor's designee, the Secretary of Agriculture or the secretary's designee, the Chairperson of the Utilities Board or the chairperson's designee, and the directors of the Department of Natural Resources, the Iowa Department of Transportation, and the Department of Economic Development or the directors' designees. The Governor shall serve as chairperson. The Director of the Department of Natural Resources shall serve as the coordinator of the authority's activities and shall serve as chairperson of the authority in the absence of the Governor.

The authority shall not vote to approve or disapprove a substantive proposal or action being considered by the Missouri River Basin Association without agreement of all four state departments and the Chairperson of the Utilities Board who are members of the authority. If a substantive proposal or action considered by the association is not approved or disapproved by all four state departments and the Chairperson of the Utilities Board, the state shall abstain from voting. The authority shall also meet regularly with stakeholder groups in this state to receive their recommendations before proposals or actions are voted upon or to receive policy positions to submit to the association.

### **SENATE FILE 2207 - Conservation Easements**

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act relates to the acquisition, enforceability and purpose of conservation easements. The Act adds the Historical Division of the Department of Cultural Affairs and the State Archaeologist to the list of entities that may acquire a conservation easement. The Act provides that a conservation easement may be acquired to promote agriculture or open space and to conserve cultural resources. The conservation easement shall be

enforceable during the term of the easement notwithstanding sections of the Code relating to reversion or use restrictions on land and marketable record title. The Act provides that, in relation to conservation easements, the term "natural resources" includes, but is not limited to, archaeological and historical resources.

**HOUSE FILE 2082 - Registration of Watercraft**

BY TEIG. This Act amends provisions in Code Chapter 462A relating to the time period within which a newly purchased or transferred watercraft must be registered by the new owner.

The Act expands the time period from within five days of purchase or transfer to within 30 days, and makes a corresponding change to the time period within which the purchaser of a new watercraft may operate the watercraft with a "registration applied for" card, rather than an individual identification number, from 10 days after the purchase date to 35 days.

**HOUSE FILE 2447 - Watercraft Regulation — Operation and Safety**

BY COMMITTEE ON NATURAL RESOURCES. This Act provides for the operation and regulation of personal watercraft and other motorboats and requires a watercraft safety course for certain operators.

"Personal watercraft" is defined as a vessel under 16 feet in length, which is propelled by a water jet pump or similar machinery and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than being operated by a person sitting, standing or kneeling inside the vessel.

An owner or operator shall not permit any person under 12 years of age to operate a personal watercraft unless accompanied in or on the same personal watercraft by a responsible person at least 18 years of age. However, commencing January 1, 2003, a person who is 12 years of age or older but less than 18 years of age shall not operate any personal watercraft unless the person has successfully completed a watercraft safety course approved by the Department of Natural Resources. A person required to have a watercraft safety certificate shall carry and exhibit the certificate upon request of an officer of the department. A person charged with violating the water safety certificate requirements shall not be convicted if the person produces in court, within a reasonable time, a department-approved certificate. The cost of a certificate shall not exceed \$5.

A person shall not operate a personal watercraft at any time between sundown and sunup, and shall not chase or harass animals while operating a personal watercraft or motorboat. Violations of Code Section 462A.12 relating to watercraft safety certification, safe watercraft operation, hours of operation, and harassment of animals are punishable by a scheduled fine of \$25.

**HOUSE FILE 2591 - Resident Hunting License Fee — Pheasant and Quail Restoration**

BY COMMITTEE ON WAYS AND MEANS. This Act increases the resident hunting license fee by \$4.50 commencing July 1, 2002. An amount equal to the resident hunting license fee increase of \$4.50 per license for each fiscal year of the fiscal period beginning July 1, 2002, and ending June 30, 2007, is appropriated to the Department of Natural Resources and at least 60 percent of the amount appropriated pursuant to the Act shall be used to fund a Pheasant and Quail Restoration Program. The department shall report annually on the Pheasant and Quail Restoration Program to the House Committee on Natural Resources and the Senate Committee on Natural Resources and Environment, commencing not later than January 1, 2004, and each subsequent year.

**HOUSE FILE 2616 - Protection of Wild Animals**

BY COMMITTEE ON WAYS AND MEANS. This Act extends the 30-day limit during which a person having lawful possession of deer venison may hold the deer venison without a special permit. This Act authorizes the person having lawful possession of deer venison to hold the deer venison from the date of taking until the following September 1. From September 1 until the first day of the next deer open season for which the person holds a valid deer hunting license, the person shall not possess more than 25 pounds of deer venison. The Act also provides that any person may possess up to 25 pounds of deer venison if the deer was obtained from a lawful source.

A person having unlawful possession of deer venison is guilty of a simple misdemeanor, which is punishable by a scheduled fine of \$100.

The Act raises the minimum fine for illegally taking, destroying, injuring, possessing, or transporting game or taking game or fish by illegal devices or equipment in violation of Code Chapter 481A or rules adopted under Code Chapter 481A from \$10 to \$20.

## STATE GOVERNMENT

- SENATE FILE 165** - Iowa English Language Reaffirmation Act
- SENATE FILE 2018** - Legislators' Per Diem — 2002 Regular Session
- SENATE FILE 2057** - Dr. Norman E. Borlaug World Food Prize Day
- SENATE FILE 2116** - State Capitol Building and Grounds — Preservation and Enhancement
- SENATE FILE 2124** - Public Defense, Emergency Management, and Iowa Technology Center
- SENATE FILE 2133** - Real Estate Brokers
- SENATE FILE 2167** - State Health Insurance Plans — Administration Costs
- SENATE FILE 2201** - Nonsubstantive Code Corrections
- SENATE FILE 2203** - Iowa Communications Network — Access by Homeland Security or Defense Facilities
- SENATE FILE 2273** - Juneteenth National Freedom Day
- SENATE FILE 2275** - Substantive Code Corrections
- SENATE FILE 2277** - Open Meeting and Public Records — Confidential Public Airport, Municipal Corporation, Utility, and Rural Water District Information
- SENATE FILE 2325** - State Agency Regulatory Functions — Miscellaneous Reorganizations, Transfers, and Revisions
- HOUSE FILE 2075** - Economic Emergency Funds — Transfer to Tobacco Settlement and Senior Living Trust Funds
- HOUSE FILE 2150** - Military Honor Guard Services on Public Property
- HOUSE FILE 2248** - Bill of Rights Day
- HOUSE FILE 2249** - Private Investigation, Private Security, and Lottery Licensing and Regulation
- HOUSE FILE 2281** - Landscape Architect Licensure
- HOUSE FILE 2488** - Older American Community Service Employment and Senior Internship Programs
- HOUSE FILE 2532** - Public Retirement Systems
- HOUSE FILE 2536** - State Government Advertisements for Requests for Bids and Proposals — Internet Posting

### RELATED LEGISLATION

- SENATE FILE 2051** - State Interagency Missouri River Authority  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act creates a State Interagency Missouri River Authority to represent the State of Iowa as a member of the Missouri River Basin Association. The Governor is a member of the authority.
- SENATE FILE 2118** - Human Cloning Prohibition  
*SEE HEALTH & SAFETY.* This Act creates new Code Chapter 707B, the “Human Cloning Prohibition Act.” The Act prohibits a person from intentionally or knowingly doing any of the following: performing or attempting to perform human cloning; participating in performing or in an attempt to perform human cloning; transferring or receiving a cloned human embryo for any purpose; and transferring or receiving, in whole or in part, any oocyte, human embryo, fetus, or human somatic cell for the purpose of human cloning. A person who violates the Act who is licensed to practice medicine and surgery, osteopathy, or osteopathic medicine and surgery is subject to revocation of the person’s license. A violation of the Act is grounds for denial of an application for, denial of renewal of, or revocation of any license, permit, certification, or any other form of permission required to practice or engage in any trade, occupation or profession regulated by the state.
- SENATE FILE 2192** - Highways and Motor Vehicles — Miscellaneous Provisions  
*SEE TRANSPORTATION.* This Act makes several Code changes relating to highways and motor vehicles, including condemnation procedures, restoration of government or other established corners and land monuments, the quadrennial need study of public roads in the state, issuance of driver’s licenses and nonoperator’s identification cards, and motor vehicle registration provisions.

- SENATE FILE 2207** - Conservation Easements  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act adds the Historical Division of the Department of Cultural Affairs and the State Archaeologist to the list of entities that may acquire a conservation easement.
- SENATE FILE 2301** - Indigent Defense  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act relates to the representation of indigent persons and to the duties of the State Public Defender.
- SENATE FILE 2304** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions  
*SEE APPROPRIATIONS.* This Act makes, reduces and transfers appropriations for FY 2001-2002; includes reductions of the salaries paid to elected and appointed officials, justices, judges, magistrates, and legislators; and authorizes furloughs of other state employees. The Act takes effect March 1, 2002.
- HOUSE FILE 2078** - Business Growth and Development Initiatives — Seed and Venture Capital Investments — Small Business Income Allocation  
*SEE ECONOMIC DEVELOPMENT.* This Act creates a state governmental entity, the Iowa Capital Investment Board.
- HOUSE FILE 2151** - Confidential Public Records — School Security or Emergency Preparedness  
*SEE EDUCATION.* This Act requires that school corporation information concerning security procedures or emergency preparedness be kept confidential if disclosure could reasonably be expected to jeopardize student, staff or visitor safety.
- HOUSE FILE 2193** - Transportation Services and Aircraft Regulation  
*SEE TRANSPORTATION.* This Act makes several changes relating to public transportation programs, including eliminating a provision prohibiting the Department of Human Services from purchasing services from any transportation provider that has been denied a certificate of compliance with the provisions of Code Chapter 324A, regulating transportation programs.
- HOUSE FILE 2201** - DNA Profiling of Criminal Defendants  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act requires all persons convicted of a felony to submit a physical specimen for DNA profiling. Upon commitment to the Department of Corrections or upon assignment to a judicial district department of correctional services, the person shall submit a physical specimen for DNA profiling. The department must then submit the physical specimen to the Department of Public Safety for DNA profiling, a procedure for determining a person's genetic identity.
- HOUSE FILE 2310** - Statewide Underground Facilities Notification Center — Vendor Contracts  
*SEE ENERGY & PUBLIC UTILITIES.* This Act eliminates an obligation of the board of directors of the statewide underground facility notification center (one-call) to administer a process of vendor contract review at least every three years, and gives the board the option to extend the contract for up to three years. The contract may still be modified by the parties, and is subject to competitive bid at the conclusion of the contract.
- HOUSE FILE 2339** - Supersedeas Bonds — Statutory Limits— VETOED BY THE GOVERNOR  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This bill would have allowed the State of Iowa or any of its political subdivisions to request the district court, upon a showing of good cause, to stay all proceedings under the order or judgment appealed from and waive the requirement that Iowa or any of its political subdivisions file a supersedeas bond upon appeal to the Iowa Supreme Court.
- HOUSE FILE 2345** - Violence Against Women Program — Administration  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act expands the authority of the Department of Justice to administer the Violence Against Women Program and grants received under the federal Violence Against Women Act (VAWA). This program is currently administered by the Governor's Office of Drug Control Policy.
- HOUSE FILE 2394** - Community College Faculty  
*SEE EDUCATION.* This Act eliminates, effective July 1, 2003, licensure of community college faculty from the responsibilities of the Board of Educational Examiners. The Act provides for the develop-

ment and implementation of a quality faculty plan by July 1, 2003. The provision concerning the quality faculty plan takes effect July 1, 2002. Any license issued to a community college instructor that is due to expire between July 1, 2002, and July 1, 2003, shall remain valid until July 1, 2003.

- HOUSE FILE 2418** - State Building Code — Minimum Energy Standards  
*SEE LOCAL GOVERNMENT.* This Act relates to the minimum energy efficiency standards in the State Building Code.
- HOUSE FILE 2453** - Procedures and Records Pertaining to Deaths — Medical Examiners  
*SEE HEALTH & SAFETY.* This Act includes provisions relating to the offices of the state and county medical examiners, including provisions relating to the confidentiality of medical examiner records and reports, medical certification of death, deaths affecting the public interest, and cremation permits and fees.
- HOUSE FILE 2467** - Student Financial Aid Programs — Sanctions Against Licenses of Defaulters  
*SEE EDUCATION.* This Act provides for the imposition of sanctions by licensing boards against licensees who default on loan and scholarship program obligations.
- HOUSE FILE 2482** - Board of Educational Examiners — Licensee Disciplinary Investigations and Proceedings  
*SEE EDUCATION.* This Act authorizes the Board of Educational Examiners to designate who may or shall initiate a licensee disciplinary investigation or proceeding, and who shall prosecute a disciplinary proceeding and under what conditions.
- HOUSE FILE 2514** - Eradication of Animals With Contagious Diseases — Owner Indemnification  
*SEE AGRICULTURE.* This Act establishes an alternative method for indemnifying owners, other than by appraisal, for livestock infected with a contagious disease. The alternative method of indemnification is based on a formula established by the Department of Agriculture and Land Stewardship upon approval of the Executive Council.
- HOUSE FILE 2515** - Education — Administration, Funding, Programming, and Services  
*SEE EDUCATION.* This Act amends Code sections relating to the duties and operation of the Department of Education. The Act also transfers, from the department's director to the Secretary of State, duties relating to examining and monitoring the financial stability of every person, firm, association, or corporation maintaining or conducting in Iowa any course of classroom or correspondence instruction, or soliciting in Iowa the sale of such a course, including maintaining on file a continuous corporate surety bond to the State of Iowa in the sum of \$50,000 conditioned for the faithful performance of all contracts and agreements with students made by such person, firm, association, or corporation, or their salespersons.
- HOUSE FILE 2547** - Public Health Regulation — Miscellaneous Provisions  
*SEE HUMAN SERVICES.* This Act makes a number of changes relating to certain programs and public health issues under the purview of the Iowa Department of Public Health.
- HOUSE FILE 2585** - Sales and Use Taxes — Legislative Service Bureau Sales and On-Line Computer Service Access Charges  
*SEE TAXATION.* This Act exempts sales by the Legislative Service Bureau and its Legislative Information Office of mementos and other items relating to Iowa's history, the General Assembly, and State Capitol when made on state property. The Act takes effect April 22, 2002.
- HOUSE FILE 2614** - Tobacco Settlement, Infrastructure, and Environment First Funds — Appropriations and Miscellaneous Related Changes  
*SEE APPROPRIATIONS.* This Act makes appropriations to various departments and agencies for infrastructure and capital projects. The Act also modifies the duty of the Legislative Council to assign the use of areas in the State Capitol. Currently, the Legislative Council is to assign the use of areas in the State Capitol except for areas used by the Governor and the courts as of January 1, 1986. The Act modifies this duty of assignment to exclude areas used by the courts as of November 1, 2002. The courts will be vacating some areas currently occupied in the Capitol upon completion of construction of the new judicial building in the fall of 2002.



- HOUSE FILE 2620** - Farmers Markets  
**SEE AGRICULTURE.** This Act amends Code Chapter 137F, which provides for the regulation, including the licensure, of food establishments and food processing plants. The Act amends Code Chapter 137F to specifically provide for the regulation of a farmers market as a food establishment if the farmers market sells or distributes potentially hazardous food. The Act provides that a farmers market where potentially hazardous food is sold or distributed is subject to one seasonal license fee of \$100 for each vendor on a countywide basis. The Act takes effect May 2, 2002.
- HOUSE FILE 2622** - Tax Administration — Additional Related Matters  
**SEE TAXATION.** This Act provides for a new collection method for the Department of Revenue and Finance. The new method is an administrative wage assignment, which is an expedited means to collect outstanding debts owed to the State of Iowa. This collection method is to be used by the department after all administrative remedies are waived or exhausted by the obligor. An administrative wage assignment allows the department to use compensation that is owed to an obligor for payment of wages to be applied against a debt owed by the obligor to the state. The method is similar in concept to the administrative levy process already authorized.
- HOUSE FILE 2623** - Compensation for Public Employees and Additional Provisions  
**SEE APPROPRIATIONS.** This Act relates to compensation and benefits for public officials and employees, county mental health allowed growth, regulatory and other related matters of the state, and makes and reduces appropriations. The Act does the following:
- ? Directs the Legislative Service Bureau (LSB) to solicit and process orders for the distribution of state publications produced by the bureau.
  - ? Directs the Governor, Supreme Court, and Legislative Council to control the number of state publications distributed by the LSB to recipients in their respective branches.
  - ? Directs the Department of Cultural Affairs to identify an appropriate location in the State Capitol for a plaque honoring Iowa recipients of the Congressional Medal of Honor.
  - ? Repeals Code Chapter 2A, which establishes the Commission on Compensation, Expenses, and Salaries for Elected State Officials.
  - ? Transfers moneys from the Iowa Comprehensive Petroleum Underground Storage Tank Fund, certain premium tax revenues, and certain gambling revenues for purposes of the Student Achievement and Teacher Quality Program.
- HOUSE FILE 2625** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — Fiscal Year 2001-2002 — SECOND EXTRAORDINARY SESSION  
**SEE APPROPRIATIONS.** This Act addresses public funding provisions and related matters by making, transferring and reducing appropriations in order to balance the State General Fund budget for FY 2001-2002. The Act affects state reserve funds, state employee furlough requirements, state employee workers' compensation funding, and state employee health insurance reserves. In addition, the Act extends the incentive program for state employees who separate from employment.
- HOUSE FILE 2627** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — 2002-2003 and Prior Fiscal Years — SECOND EXTRAORDINARY SESSION  
**SEE APPROPRIATIONS.** This Act provides FY 2002-2003 appropriations from the General Fund of the State to the executive and judicial branches of state government, reduces or limits standing appropriations, and transfers appropriations. The Act is organized into divisions corresponding to the General Assembly's joint appropriations subcommittees. The Act also provides for potential state employee furloughs and a temporary reduction in appointed and elected officials' salaries, establishes a Program Elimination Commission, and eliminates vacant state employee positions.

## STATE GOVERNMENT

### **SENATE FILE 165 - Iowa English Language Reaffirmation Act**

BY KING, GREINER, BARTZ, SCHUERER, DRAKE, McKINLEY, ZIEMAN, JENSEN, BEHN, McKEAN, IVERSON, ANGELO, VEENSTRA, REDWINE, REHBERG, BOETTGER, FREEMAN, McLAREN, SEXTON, RITTMER, LAMBERTI, MILLER, AND JOHNSON. This Act adds a new section to the Code to declare that English is the official language of the state and requires all state and local official government business to be conducted in English with some exceptions.

The English language requirement in the Act does not apply to teaching languages; requirements under the federal Individuals With Disabilities Education Act; actions, documents or policies necessary for trade, tourism or commerce; actions or documents that protect the public health and safety; actions or documents that pertain to any census of populations; actions or documents that protect the rights of crime victims or criminal defendants; use of proper names, terms of art, or phrases in languages other than English; any language usage required by or necessary to secure rights guaranteed by the state or federal constitution; and oral or written communications, examinations or publications produced or utilized by a driver's license station if public safety is not jeopardized.

The Act also does not prohibit an individual member of the General Assembly or an officer of state government from communicating in a language other than English if the person deems that communication necessary to perform official business.

The Act specifies that the English language requirement should not be construed to limit the preservation or use of Native American languages or disparage any language other than English or discourage any person from learning or using a language other than English.

The Act also adds a new Code section that establishes a statutory presumption that English language requirements in the public sector are consistent with Iowa law and provides that any ambiguities in the Iowa English language requirements are to be resolved in accordance with the Bill of Rights of the United States Constitution, not to deny or disparage rights retained by the people, and to reserve powers to the states or to the people.

### **SENATE FILE 2018 - Legislators' Per Diem — 2002 Regular Session**

BY COMMITTEE ON RULES AND ADMINISTRATION. This Act limits the payment of per diem of state legislators for the 2002 Regular Legislative Session to a maximum of 90 rather than 100 calendar days.

The Act takes effect March 1, 2002.

### **SENATE FILE 2057 - Dr. Norman E. Borlaug World Food Prize Day**

BY IVERSON. This Act authorizes and requests the Governor to issue annually a proclamation designating October 16 as Dr. Norman E. Borlaug World Food Prize Day.

### **SENATE FILE 2116 - State Capitol Building and Grounds — Preservation and Enhancement**

BY JENSEN. This Act requires a state agency, branch of government, or any other entity responsible for a construction, remodeling, restoration, maintenance, or other project in, on, or on the grounds surrounding the Capitol to ensure that the project preserves and enhances the dignity, beauty, and architectural and historic integrity of the Capitol. Projects that vary from the architectural or historic integrity of the Capitol in order to comply with state or federal laws relating to building accessibility or occupational safety or health, to address life safety issues, or for other compelling reasons must be submitted to the Capitol Planning Commission and the Capital Projects Committee of the Legislative Council for review.

### **SENATE FILE 2124 - Public Defense, Emergency Management, and Iowa Technology Center**

BY COMMITTEE ON STATE GOVERNMENT. This Act relates to the Department of Public Defense by amending provisions of the State Military Code and Iowa Code of Military Justice, creates a statewide mutual aid compact, creates an Iowa National Guard Civil Relief Act, provides for confidentiality of certain records relating to public assets and defense capabilities, exempts the department from certain service contract requirements and state competitive bidding requirements, exempts the Iowa Technology Center from anticompetition provisions, and increases a standing appropriation for senior commander allowances from \$450 annually for each general officer to \$750 annually.

#### Division I — Military Division

Division I of the Act amends the State Military Code, Code Chapter 29A. In addition to several nonsubstantive changes to modernize certain statutory provisions relating to the National Guard and some reorganization of several sections in Code Chapter 29A, Division I does the following:

1. Amends Code Section 8.47 to exempt the Department of Public Defense from the requirement that the department follow general services rules for service contracts or other agreements for services, where federal funds make up 75 percent or more of the funding for the contract or agreement.
2. Amends Code Section 29A.7, relating to the exercise of the Governor's powers as commander in chief of the state military forces, to combine several existing provisions under the term of assistance to civil authorities.
3. Reorganizes Code Section 29A.8, regarding state active duty, and conforms certain language in the section to the provisions of Code Section 29A.7. The definition of "state active duty" is amended by adding language regarding training, recruiting, escort duty, and duty at schools currently found in Code Section 29A.9.
4. Amends Code Section 29A.25 to provide that discharge from the National Guard shall be in accordance with federal law and regulations.
5. Amends Code Section 29A.26, regarding the state headquarters, by striking the requirements that all officers in the state headquarters have prior military experience and that they be retained in the state headquarters until retirement.
6. Amends Code Section 29A.40, which restricts the use or wearing of a National Guard uniform except while on duty.
7. Strikes provisions regarding discharge from the National Guard currently found in Code Section 29A.41.
8. Amends Code Section 29A.43 to specify that temporary duty includes temporary duty in active state service, federal service, or state active duty.
9. Amends Code Section 29A.50 to provide that members of the National Guard providing assistance to civil authorities or performing homeland defense or security duties have the same immunity as peace officers. Currently, this immunity is limited to circumstances where the National Guard is involved in suppression of an insurrection or the dispersal of a mob.
10. Amends Code Section 29A.51 to provide that a judge advocate may represent a member of the National Guard in a suit or proceeding brought against the member for an official act. Currently, only the State Judge Advocate is authorized to defend a member of the National Guard.
11. Increases the senior commander allowances from \$450 per general officer to \$750 per general officer, a total of \$1,800.

#### Division II — Iowa National Guard Civil Relief

Division II creates the Iowa National Guard Civil Relief Act. The civil relief Act replaces temporary language adopted during the second special session in 2001 Iowa Acts, H. F. 762, which sunsets on January 31, 2002. The civil relief Act applies to members of the Iowa National Guard, and their dependents in certain cases, serving on active state service or state active duty for a period of 90 or more consecutive days beginning on or after the effective date of the Act.

The civil relief Act provides that default judgments against service members may be set aside in certain circumstances. It provides that a service member may obtain a stay of any action or proceeding where the military service of the service member materially affects the member's ability to conduct the action or proceeding.

The civil relief Act prohibits fines or penalties for nonperformance of a contract that is the subject of a judicial stay and allows for fines or penalties to be set aside by a court where the service member's ability to pay or perform was materially affected by military service. The exercise of rights under the civil relief Act shall not be used by a lender or other person as the basis for an adverse action against a service member.

The civil relief Act also provides that the execution of a judgment against a service member may be stayed by a court where the ability of the member to comply with the judgment is materially affected by military service. The stay may be for the duration of military service plus 30 days. The period of military service is not included in calculating any statute of limitations regarding an action or proceeding by or against a service member or the member's heirs, executors, administrators, and assignees.

The civil relief Act sets the maximum rate of interest for preservice obligations at 6 percent, unless a court finds that the ability of the service member to pay the obligation is not materially impaired by the military service.

The civil relief Act prohibits the termination of a lease or rental agreement of a service member or the member's dependents during the period of military service where the rent does not exceed \$1,200 per month, except pursuant to a court order. The court may also enter a stay of a recovery or forcible entry and detainer proceeding for up to three months. The owner of the rental premises may also obtain similar relief to that which may be granted to service members in the event a stay of termination or other order is granted by the court. A person violating this section commits a simple misdemeanor. The Governor may direct that an allotment of the service member's pay be set up in favor of the landlord.

The civil relief Act also prohibits the termination of installment contracts or mortgages for real or personal property for nonpayment or breach during the period of military service, except by court order. A person who violates either of these provisions commits a simple misdemeanor.

A service member may apply for relief under the civil relief Act anytime during military service or within 30 days thereafter for an obligation arising prior to military service. The court will stay the enforcement of the obligation unless the court finds that military service has not materially affected the service member's ability to meet the obligation.

### Division III — Military Justice

Division III amends Code Chapter 29B, the Iowa Code of Military Justice (ICMJ), as follows:

1. The definition of persons subject to the ICMJ is amended to conform to Code Chapter 29A.
2. The requirements for serving as a judge advocate in the Iowa National Guard are amended to require that a judge advocate be admitted to practice law in Iowa. A current judge advocate who is not a member of the bar does not have to become a member of the bar to maintain military membership. Also, the Adjutant General shall appoint a staff judge advocate for the Air National Guard and the Army National Guard. The Adjutant General may also appoint additional judge advocates in the state military forces as necessary to supplement or replace National Guard judge advocates in times of emergency. The position of State Judge Advocate is eliminated in favor of the army and air staff judge advocates. Conforming changes are made as appropriate in the ICMJ to implement this change.
3. Military judges must be certified as qualified for duty by the appropriate staff judge advocate for the air or army National Guard. Military judges may be drawn from the National Guard, the active military forces, or from retirees possessing the requisite qualifications.
4. Trial and defense counsel must be admitted before the highest court in the state. The alternative requirement that they be members of the federal bar is eliminated.
5. In Code Section 29B.116, the general punitive article is amended to strike sodomy from the list of crimes that may not be tried by court-martial. The inclusion of sodomy in the list is duplicative, since sexual abuse is already included.

### Division IV — Emergency Management Division

Division IV relates to the Emergency Management Division of the Department of Public Defense.

Code Section 29C.8, regarding the powers and duties of the Emergency Management Division Administrator, is amended to require the development of a critical asset protection plan that includes an inventory of critical assets, an assessment of the criticality and vulnerability of these assets, and an assessment of the level of threat related to these identified assets.

Code Section 22.7 is amended to require the administrator to keep confidential any information received from public and private agencies used in the development of the plan to include, but not be limited to, surveys, lists, maps, or photographs. However, upon written request, a person may view a list of assets, but the list shall not be copied. The list of assets may be viewed during normal working hours at the division's offices.

Information regarding policies, procedures, tactics, or other measures developed by the division or by any other governmental body for purposes of implementing the plan shall be kept confidential. The administrator may release to governmental agencies information in the plan when the administrator is satisfied that the need to know and intended use of the information are reasonable. Agencies receiving the information are prohibited from further dissemination without the approval of the administrator.

Division IV also authorizes an intrastate compact for mutual aid between participating governments, allowing participating political subdivisions to request and share resources during times of emergency or disaster. This language is not unlike the language contained in Code Section 29C.21 that provides for an interstate compact for mutual aid between the participating states and territories. Iowa political subdivisions would participate in the compact by adopting the uniform language by resolution or ordinance. The language of the compact would be uniform in nature, eliminating some of the need for party-to-party negotiations. Participation in the compact is voluntary. Any party adopting the compact would be agreeing with any other party adopting the compact. Adoption of the compact does not preclude or void the adoption and negotiation of separate or supplementary mutual aid agreements as authorized in Code Chapter 28E or in other code.

### Division V — Iowa Technology Center

Division V does the following:

1. Amends Code Section 18.6, regarding competitive bidding, to exempt Iowa Technology Center contracts made in support of activities performed for another governmental entity, either state or federal.
2. Amends Code Section 23A.2 to exempt the Iowa Technology Center from the provisions in Code Chapter 23A, regarding competition by state agencies.

The Iowa Technology Center is an entity created by a Code Chapter 28E agreement between the Department of Public Defense and Interactive Simulation and Training Systems, L.L.C.

Divisions I through IV take effect April 22, 2002.

**SENATE FILE 2133 - Real Estate Brokers**

BY COMMITTEE ON COMMERCE. This Act provides for several changes relating to real estate brokers. The Act adds a new provision defining authorized activities of a real estate broker, and removes a provision that permitted the Real Estate Commission to waive a work experience requirement for real estate brokers. The Act also replaces a provision that had required real estate brokers to submit to the commission annual proof of continued errors and omissions insurance coverage with a new provision which requires this submission not on an annual basis but only upon notification by the commission. The Act additionally modifies a requirement that the commission must contract with an insurance provider to make available group errors and omissions policy coverage to its licensees, providing that the coverage must be maintained unless the commission determines that continuing the contract is not reasonably practical. The Act further adds a civil penalty not to exceed \$2,500 in licensee discipline situations.

**SENATE FILE 2167 - State Health Insurance Plans — Administration Costs**

BY COMMITTEE ON STATE GOVERNMENT. This Act establishes a Health Insurance Administration Fund within the Treasurer of State's Office that shall be used by the Department of Personnel to pay health insurance program administration costs of health insurance plans administered by the department. The Act provides for the establishment of a monthly administrative charge, which shall be assessed on all health insurance plans administered by the department in which the contract holder has a state employer to pay the charge, and provides that the General Assembly shall establish the charge. The Act further provides that any moneys remaining in the fund at the end of a fiscal year shall not revert to the General Fund of the State but shall be transferred to the Health Insurance Premium Reserve Fund. The Act repeals the new Code section that establishes the fund on July 1, 2007.

The Act also establishes the administrative charge for the 2002-2003 fiscal year at \$2 per contract.

**SENATE FILE 2201 - Nonsubstantive Code Corrections**

BY COMMITTEE ON JUDICIARY. This Act makes Code changes and corrections that are considered to be nonsubstantive and noncontroversial, in addition to style changes.

Changes made include updating or correcting various names of and references to public and private entities and funds, correcting internal Code and subject matter references, and making various grammatical corrections. Subject matter areas in which the technical, grammatical, and other nonsubstantive changes are made include the following: the Department of Economic Development; cooperatives; the House of Representatives Standing Committee on Economic Development; the Wine Gallonage Tax Fund; the Department of Workforce Development; workers' compensation; the Beer and Liquor Control Fund; pilot programs for prospective rate review in hospitals and health care facilities; the federal agency that oversees the Medicare and Medicaid Programs; Department of Human Services' child or dependent adult abuse records checks; duties of the state Board of Health; inspections of coal mines; payment of the hospitalization costs of mentally ill indigent persons; judicial determinations relating to placement of children in shelter care; judicial determinations relation to abandoned infants; the designation for the University of Iowa Hospitals and Clinics; the botanical names for multiflora rose and purple loosestrife; the scheduled fine citation applicable to certain drivers of motor vehicles who fail to maintain proof of financial responsibility; petitions for temporary restricted driver's licenses; persons with disabilities parking permits; the ethanol blended gasoline tax credit; county eligibility for mental health, mental retardation, and developmental disabilities property tax relief; payment of electric delivery replacement tax; inheritance tax exemption for bequests for care of cemetery or burial lots; motor fuel taxes; the administration of the Land Quality and Waste Management Trust Fund; the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board's Unassigned Revenue Fund; the regulation of water skis and surfboards; refunds of taxes on insurance corporations by the Commissioner of Insurance; taxes on state mutual insurance associations; regulation of insurance producers; liquidation of cemetery and funeral merchandise and funeral services establishments; the statute of limitations applicable to exposure to certain harmful products; donations of perishable food; burglary; payment of criminal penalty surcharges by felons; deferrals of judgment or sentence in certain criminal cases; composition of the Iowa Accountancy Examining Board; certain budget adjustment applications made by school districts; mobile home parks and manufactured home communities; payments made from the Rebuild Iowa Infrastructure Fund; and electronic versions of state forms and records.

Changes relating to applications by school districts for certain budget adjustments take effect April 1, 2002, and are retroactively applicable to May 9, 2001; and the changes relating to electronic versions of state forms and records take effect April 1, 2002, and are retroactively applicable to July 1, 2001.

**SENATE FILE 2203 - Iowa Communications Network — Access by Homeland Security or Defense Facilities**

BY COMMITTEE ON STATE GOVERNMENT. This Act provides that a homeland security or defense facility established by the Administrator of the Emergency Management Division of the Department of Public Defense, or the Governor, shall be regarded as a public agency for purposes of access to the Iowa Communications Network. The Act further provides that any utilization of the network by a homeland security or defense facility that is not related to communications concerning homeland security is prohibited.

**SENATE FILE 2273 - Juneteenth National Freedom Day**

BY COMMITTEE ON STATE GOVERNMENT. This Act authorizes and requests the Governor to issue an annual proclamation designating the third Saturday in June as Juneteenth National Freedom Day and encourages all governmental entities, civic organizations, schools, and institutions of higher education in the state to observe this day commemorating the Emancipation Proclamation, which ended slavery in the United States.

**SENATE FILE 2275 - Substantive Code Corrections**

BY COMMITTEE ON JUDICIARY. This Act contains statutory corrections that 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. The Act is divided into three divisions: Division I includes changes that had not previously been reviewed by the General Assembly; Division II contains changes that first appeared in S.F. 106, or an amendment to that Senate File, which was introduced during the 2000 Session of the 79<sup>th</sup> General Assembly; and Division III consists of various effective date and applicability provisions. Specific references to Code chapters or sections, or to Iowa Acts chapters, are noted in parentheses. Changes made include the following:

With respect to subject matter under the authority of the Office of Secretary of State, language specifying when a notary's commission is to expire is deleted in the short form certificates (9E.15). A reference to the Bureau of Vital Records is corrected in a provision relating to the transmission of a list of all reported deaths of persons age 17 1/2 years and older to the State Registrar of Voters (48A.31).

In provisions relating to the duties of the Treasurer of State, the word "treasurer" is substituted for the word "authority" in language relating to authority to receive and deposit moneys into bond reserve funds associated with the Vision Iowa Fund and the School Infrastructure Fund (12.72, 12.82).

In provisions relating to information technology, language relating to the appointment of the members to the Information Technology Council is conformed to the language that specifies which members are appointed by the Governor (143.109). The changes in the appointment of the council members are retroactively applicable to April 25, 2000. References to the Division of Information Technology Services of the Department of General Services in the Uniform Electronic Transactions Act (554D.120) are replaced with references to the Information Technology Department.

In the area of economic development, a reference to the Iowa Department of Economic Development Board is corrected in Code Section 7E.5; and a reference to S corporations is updated in language relating to the refunding of unused corporate tax credits for certain new investments and clarification is made in language relating to the tax return to which those tax credit claims must be attached (15.333).

In the area of public safety, language relating to the adjutants general and the appointment of aides in the military staff of the Governor is corrected (29A.17) and a clarification made in language describing powers and duties of the Governor, the Adjutant General, and the deputy adjutants general with respect to the National Guard and the Iowa State Guard (29A.66). In a provision relating to reports to the State Fire Marshal on aboveground petroleum storage tanks, the reference to a \$10 fee is qualified to coincide with other language that refers to the "annual renewal fee" (101.22). The applicability of the definitions section for the chapter on the cleanup of clandestine laboratory sites is also clarified (124C.1).

On the subject of campaign finance, a portion of the definition of the term "express advocacy" (56.2) and a prohibition relating to the placement of political yard signs are eliminated (56.14).

In the area of workforce development and employment safety, the words "and not five" are stricken to clarify language that provides that a request by a majority of the members of a regional advisory board is sufficient to require that type of board to meet (84A.4); and the pronoun "its" is replaced by the words "the physicians" in language relating to duties of those persons in the investigation of occupational diseases (85A.20).

In the Iowa Public Employees' Retirement System chapter, the word "twenty-five" is changed to "the applicable years of service" to reflect the current system for determining eligibility of special service members for disability benefits (97B.50A).

A reference regarding the divisions and agencies responsible for assisting the Division of Beer and Liquor Law Enforcement in the performance of the division's duties is corrected (123.14) and a change is made in language relating to the suspension, revocation or imposition of a civil penalty against certain licensees under the alcoholic beverages chapter (123.39).

Under agriculture, an obsolete reference to the requirements for the Book of Agriculture is stricken (7A.20); language describing the composition and duties of the now defunct Agricultural Energy Management Advisory Council is deleted (161B.1); the definition of the term "department" is clarified to generally mean the Department of Agriculture and Land Stewardship in a provision relating to the collection of samples of blood in slaughter facilities (163.6); and a reference relating to the now defunct farmers institutes is stricken. In the chapter relating to agrichemical remediation, the words "are located" are added to language defining what constitutes a fertilizer site (161.2), the incorrect definition of "prohibited release" is stricken (161.2), and where the term was used, it is replaced with the word "contamination" (161.8). The use of the name of the Agrichemical Remediation Board is corrected in the definition of the term "board" (161.2) and a reference to the board is also corrected in Code Section 455B.601. The word "remediation" is replaced by the words "site cleanup" in language relating to the classification and prioritization of contaminated agrichemical sites (161.6). In a chapter relating to infectious and contagious diseases among animals, the word "of" is changed to "for" in language regarding the compensation of owners for property inadvertently destroyed as a result of the Department of Agriculture and Land Stewardship's regulation of activities in a quarantined area (163.51). The word "must" is changed to "shall" in language imposing a duty to separate cattle infected with paratuberculosis (165A.4). In the chapter pertaining to pseudorabies, the words "each month" are moved from language relating to recertification standards to language describing what must be done for a swine herd to be certified as free from infection (166D.7); an incorrect citation to Code Section 166D.9 is changed to the correct citation of Code Section 166D.10A in a provision which relates to the movement of swine (166D.10); and the term "feeder swine" is changed to "feeder pigs" in a provision describing maintaining pigs at approved premises (166D.10B). Clarifications are also made in the following: language describing the renewal of recording of livestock brands (169A.13); the definitions section of the State Fair chapter (173.1A); language regarding the payment of per diem and expenses to the Grape and Wine Development Commission (175A.2); and language describing the Grape and Wine Development Commission's role in the development of rules (175A.3). An obsolete reference to a repealed chapter on frozen food locker plants is stricken from the definition of the term "packer" in the Livestock Marketing Practices chapter (202A.1). A reference to the National Livestock and Meat Board and the Pork Industry Group is eliminated from language relating to distribution of funds from the assessment on pork producers to various agriculture industry organizations (183A.7). A requirement that an applicant for a milk tester's license submit to examination and demonstrate that the applicant is competent to test cream and milk is repealed (192.132). In provisions governing various agricultural liens, the word "foreclose" is replaced with "enforce" in language relating to the enforcement of custom cattle feedlot liens (579A.3); the word "or" is stricken from language defining the term "personal representative" in the Commodity Production Contract Lien chapter to conform the definition to the definition of the same term in other agricultural lien chapters (579B.1); and the term "owner of the commodity" is replaced by the term "contractor" in the Commodity Production Contract Lien chapter because the owner of the commodity is the contractor in that chapter (579B.3).

A cite to Pub. L. No. 95-87 is added to clarify a reference to Title IV in the chapter pertaining to coal mining (207.22), and references to the federal Low-Income Home Energy Assistance Program are corrected in several Code chapters (216A, 476). Obsolete language relating to bringing existing utilities into compliance with the Customer Contribution Fund requirements is also deleted (476.66).

In the area of public health, a reference to the entity responsible for vital records is corrected in language relating to members of the Child Death Review Team (135.43) and language in provisions relating to the confidentiality of records and information produced for the Child Death Review Team is also corrected (135.43). Obsolete language is deleted from provisions relating to the following: the initial collection of financial and utilization data used in the Iowa Department of Public Health's monitoring of hospital and health care facility charges and costs (135.78); when a certificate of need is required for an institutional health service (135.63); and hotel licenses that were issued and inspections that were conducted by the Department of Agriculture and Land Stewardship prior to January 1, 1979 (137C.7). In provisions relating to communicable and infectious diseases, an obsolete reference to a proceeding before a magistrate is also deleted from language relating to compensation of officers who forcibly remove and isolate or quarantine infected persons (139A.10) and the word "chapter" is changed to "subchapter" in language relating to the confidentiality of reports that include the identity of infected persons (139A.30). In the Optometry chapter, a clarification is made relating to submission of information pertaining to continuing education program attendance by licensees (154.6). In the Hearing Aids chapter, it is clarified that a photograph is not required to be attached to a hearing aid dispenser license or permit application (154A.9). Clarifications are also made in language pertaining to the conditions under which a hearing aid dispenser or temporary permit holder must suggest consultation with a licensed physician (154A.20), and in language relating to complaints and proceedings against hearing aid dispensers and temporary permit holders (154A.23). The word "bill" is also replaced with the word "chapter" in language relating to when hearing aid dispensers may sell a hearing aid to persons age 12 or younger (154A.20). In other provisions, a reference to the Administrator of the Department for the Blind is updated (216B.4); language regarding the filing of physician's information regarding psychiatric hospital patients is clarified (225.12); obsolete

language regarding the initial request and receipt of grants and other activities related to the establishment of the prevention coordination system is deleted (225B.7); corrections are made in language relating to a chief medical officer's report on persons hospitalized for treatment of mental illness (225.30) and in language requiring the provision of relevant court orders to mental illness treatment providers (229.14); technical changes are made in the newborn infant custody release procedures (233.1, 233.6); and a clarification is made in language describing combined requirements for reporters of child and dependent adult abuse (235B.16). In provisions relating to domestic abuse, changes are made in language relating to the investigations of the relationships between decedent victims and the perpetrators in domestic abuse death cases (135.110) and in language relating to commencement of domestic abuse actions (236.3). A reference to the name of the Prevention of Disabilities Policy Council is corrected retroactively to May 17, 2000 (2001 Iowa Acts, Chapter 1228).

In provisions relating to education, the approval procedure for undertaking and carrying out certain projects at regents institutions is changed to require approval of the Governor after authorization from the General Assembly is obtained (263A.2); a reference to student achievement rules language is added to a description of comprehensive school transformation activities to substitute for a repealed student achievement goals reference (294A.14); and the word "comprehensive" is changed to "comprehension" in language describing types of accuracy and fluency skills which are targeted in the Iowa Early Intervention Block Grant Program (256D.1).

With respect to cultural affairs, a clarification is made in language relating to the coordination of activities regarding the Iowa battle flag collection (303.2) and references to the name of the State Arts Council are also conformed within the Department of Cultural Affairs chapter (303.86). A reference to a certificate of appropriateness is corrected in a provision that describes the standards governing the establishment of rehabilitation project criteria and standards by the State Historic Preservation Office (404A.3).

In the area of transportation, in Code Chapter 309, the definitions of "culvert" and "bridge" are relocated to the main definitions section (309.1) and a citation is added to an additional exception in a provision regarding optional advertisement and letting of contracts for construction of secondary roads (309.41). A clarification is made in provisions relating to eligibility for the issuance of special armed forces services plates (321.34); a variety of references to manufactured or mobile home retailers are corrected (chapter 321); and a reference to a former requirement imposed on manufactured or mobile home retailers is eliminated (321.104). A clarification is made in the statutory prerequisites for in-state travel by unregistered out-of-state commercial motor vehicles (321.56) and outdated language regarding a transition period during which only warning citations are issued for seat belt and safety harness use violations is eliminated (321.445). The words "section or in violation of this" are stricken from a provision which prohibits persons from allowing unauthorized minors to drive (321.219). The description of the types of peace officer warning signals in the offense of eluding a law enforcement vehicle is updated to include flashing red and blue lights (321.279). The word "or" is changed to "and" in language that describes the situations in which a person declared to be a habitual offender of the motor vehicle laws may be issued a temporary restricted permit (321.560). Licensed substance abuse treatment providers are added to language describing authorized providers of drinking driver courses (321J.17) and obsolete definitions of the terms "distributor's representative" and "manufacturer's representative" are stricken from the chapter relating to travel trailer dealers, manufacturers and distributors (322C.2). A reference to successors in interest of a railroad corporation is corrected in the definition of railroad right-of-way in a public utility crossings and railway property provision (476.27).

In the area of local government, the phrase "county or city auditor" is changed to "county auditor or city clerk" in provisions relating to local elections held on the question of withdrawal from a county library district (336.16). The word "city" is replaced by "municipal" or "municipality" in two provisions in the Urban Renewal chapter (403). A series of corrections are made to 2000 Iowa Acts, Chapter 1148, which added a definition of the term "county system" in numerous Code chapters.

In provisions relating to taxation, the words "is filed" are added to language relating to petitions submitting questions regarding the issuance of bonds for storm water drainage (384.84A) and bonds secured by revenues derived from the local hotel and motel tax (422A.2); and the word "they" is stricken from language relating to a list compiled by the county auditor of all tracts of agricultural land entitled to tax credit (426.6). In the Income, Sales, Services, and Franchise Taxes chapter, an obsolete provision that relates to the calculation of the standard deduction factor for the 1989 calendar year (422.4) and an obsolete applicability provision relating to the rental of various audio or visual media are deleted (422.45). The words "state treasurer" and "treasurer" are replaced by the word "department" in provisions relating to the collection of and transfer of revenue from the tax on sales of motor vehicle fuel (422.52). In the Local Option Taxes chapter, a technical change is made in language relating to notice of the results of the election on the question of imposition of a tax (422B.1). In the chapter relating to which property is exempt or taxable, obsolete language relating to certain taxes paid during the period beginning July 1, 1992, and ending June 30, 1997, is deleted (427.2A); an internal reference to the Indian Housing Authority property tax exemption is added to language regarding filing a claim for exemption (427.1); and a reference to the Iowa Administrative Procedure Act is clarified in a provision regarding revocation of exemptions (427.1). The word "acquired" is added to language describing acquisitions that constitute a "major



addition” for purposes of taxation of electricity and natural gas providers (437A.3). Code Sections 444.25A through 444.27, which contain obsolete property tax limitations, are repealed and references to those provisions which are contained in provisions relating to tax levies for the county mental health, mental retardation, and developmental disabilities services fund and for cemeteries are also eliminated. The use of the language describing sweepings of tobacco in the definition of “tobacco product” in Code Section 453A.42 is conformed to the language in the definition of the same term in another Code section in the same Code chapter.

In the area of natural resources and environmental protection, in the chapter relating to continuing education and regulation of professions and occupations, several references are corrected to refer to the certifying of water treatment operators by the Director of the Department of Natural Resources (272C); a corresponding reference correction is also made in Code Section 455B.219. A change is made in language relating to prohibitions against depositing a regulated substance in an underground storage tank under certain circumstances (455B.473), and provisions involving completed one-time activities related to hazardous waste are stricken (455B.484). An obsolete reference to a drawing for nonresident hunting licenses is also stricken (483A.7). Language is added to clarify the rights of a nonresident owning land in this state to apply for deer hunting licenses (483A.8). References to the Well Contractors’ Council, which has been disbanded, are stricken (chapter 455B) and a Code section reference is corrected in provisions establishing the Groundwater Protection Fund (455E.11).

In the area of insurance, an obsolete provision permitting the Commissioner of Insurance to approve premium tax exemptions for basic benefit health plans is repealed (432.11); a reference to the agent of a foreign limited liability company is changed to a reference to the agent of a foreign limited liability partnership contained in the Uniform Partnership Act (486A.1102); and the word “that” is substituted for the word “this” in language relating to financial instruments used in hedging transactions by certain insurers (511.8). In several provisions in the Individual Health Insurance Market Reform chapter (513C), references to the former Individual Health Benefit Reinsurance Board are changed to the Comprehensive Health Insurance Association Board. Language relating to how the approval of the commissioner is to be attached to articles of incorporation and any amendments which are filed with the commissioner is clarified (514.3) and in a provision relating to accident and sickness health insurance policy requirements, obsolete references to Code Section 507B.4, subsections 12 and 13, are stricken (514A.3). In provisions relating to external review of health care coverage decisions, language describing the time period for contesting a certification for external review decision by the commissioner and the time period during which the commissioner is to notify an enrollee or the enrollee’s treating health care provider of the reasons for refusal of an external review request are clarified (514J.5); clarifications are also made in several of the notice provisions in the same chapter (514J.7). References in several chapters to county mutual insurance associations and state mutual insurance associations are corrected (515, 515F, 518) and, in provisions relating to the licensing and regulation of insurance producers, several references to “agent” are replaced by the term “insurance producer” to reflect the change implemented in 2001 Iowa Acts, Chapter 16 (518A). Numerous technical changes are also made within Code Chapter 522B, Licensing of Insurance Producers.

In provisions relating to funeral and cemetery services, corrections and clarifications are made in the following: the definition of items for which a burial account may be used (523A.102); language describing when funds must be deposited in an interest-bearing burial account (523A.202); provisions describing when the name of an appropriately licensed funeral director must be included in a pre-need burial trust fund or purchase agreement (523A.302); language regarding the irrevocable assignment of burial trust funds (523A.402); language regarding grant or denial of an application for a permit to operate and a sales permit for an establishment which sells pre-need cemetery merchandise, funeral merchandise, or funeral services (523A.501, 523A.502); language relating to the statute of limitations and filing requirements for a petition against an establishment selling pre-need cemetery or funeral merchandise or services (523A.901); and language relating to the constructive notice of the filing of a petition for liquidation of an establishment in the county where real property is located (523A.901).

In the area of business and banking, references in Code Section 10.1 to the former Uniform Partnership Act are replaced with new Code Chapter 486A; incorrect references to the amount of the annual license fee for the making of industrial loans are corrected (chapter 536A); and a correction is also made to cover transfer of franchise when ownership interests in the business are exactly 50 percent (537A.10). An obsolete transition provision covering proceedings pending when the 1974 revisions to the Uniform Securities Act, Code Chapter 502, were enacted is repealed (502.612). Within the Uniform Commercial Code chapter (554), several internal references and citations are conformed to the changes recommended in the revised UCC Article 9 Model Act by the National Conference of Commissioners on Uniform State Laws; the words “written record” are replaced with the word “amendment” in a provision describing types of documents that are filed with the Secretary of State’s Office under revised Article 9; and a technical change is made in a provision that lists the rules that govern the rights of debtors or obligors and duties of secured parties. It is also clarified that the county board of supervisors may adopt ordinances or resolutions setting fees which may be charged by local recorders offices for responses to requests for information under the Uniform Commercial Code (554.9525). Two clarifications are made in 2001 Iowa Acts, Chapter 55, relating to the regulation of accounting practitioners.

In provisions pertaining to indigent defense, a reference to juvenile proceedings is added in language describing the kinds of actions in which the State Public Defender coordinates the legal representation of indigents (13B.4) and language relating to the appointment and removal of local public defenders and local public defender office staff is clarified (13B.8). A technical change is made and an internal reference corrected in language describing the compensation of court-appointed attorneys in juvenile matters, and references to court-appointed attorney fees and the expenses of a public defender are conformed to similar changes enacted in 2000 Iowa Acts, Chapter 1115 (910).

In provisions related to various civil and criminal proceedings, an attestation of marriage and return provision in the Marriage chapter (595.13) is corrected and conformed to procedures spelled out in the Vital Statistics chapter. In the Probate Code chapter, corrections are made in language in two notices regarding the time limits for the filing of medical assistance claims against an estate (633.231, 633.304A) and the notice provisions for the opening of conservatorships are conformed to the notice provisions for the opening of guardianships (633.568). References to specific categories of persons who are an “heir” for purposes of intestate succession are stricken from several notice provisions pertaining to estate or trust proceedings (633.309, 633.3109). A number of citations to the now obsolete third edition are stricken from references to the Iowa Court Rules. Language referring to the law enforcement initiative surcharge is added to language relating to priority of payment of criminal penalty surcharges from moneys deposited with the clerk of court in criminal cases (602.8107). A specific reference to the promotion, purchase and possession of child pornography is changed to a more general reference to the prohibitions against child pornography within the definition of the term “criminal offense against a minor” in the Sex Offender Registry chapter (692A.1). Language relating to the consequences for violations of certain Sex Offender Registry requirements by persons on probation, parole, or other form of release is also corrected (692A.7), and an effective date reference is clarified in language relating to electronic access to Sex Offender Registry information (692A.13). A clerical error is corrected, retroactively to July 1, 2000, in language relating to misrepresentation of a business name by a supplier of a service or product in a local telephone directory or directory assistance database (714.16); and clarifications are made in language regarding persons who may be charged with neglect or abandonment of a dependent person or with child endangerment (726.3, 726.6) and in language regarding the procedures applicable to violations or parole of work release (902.3A).

**SENATE FILE 2277 - Open Meeting and Public Records — Confidential Public Airport, Municipal Corporation, Utility, and Rural Water District Information**

BY COMMITTEE ON STATE GOVERNMENT. This Act creates a new category of confidential records in the Open Records Law for certain records in the custody of a public airport, municipal corporation, municipal utility, jointly owned municipal utility, or rural water district, where disclosure could reasonably be expected to jeopardize the security or the public health and safety of the citizens served by that public entity. The Act also provides that a governmental body may hold a closed session, pursuant to the Open Meetings Law, to discuss such confidential records of a public airport, municipal corporation, municipal utility, jointly owned municipal utility, or rural water district. The provisions of the Act are repealed effective June 30, 2007.

**SENATE FILE 2325 - State Agency Regulatory Functions — Miscellaneous Reorganizations, Transfers, and Revisions**

BY COMMITTEE ON APPROPRIATIONS. This Act relates to certain regulatory functions. The Act reorganizes duties of the Department of Inspections and Appeals (DIA), transfers the Court Appointed Special Advocate (CASA) Program from the judicial branch to the DIA, reorganizes the structure of the Department of Natural Resources, provides for legislative review of agencies, and addresses regulation of birth centers.

*INSPECTIONS AND APPEALS.* The duties of the Director of the DIA in Code Section 10A.104 are amended to include administration of inspection and licensing of social and charitable gambling in place of the Inspections Division. The Act eliminates a provision making the director’s rulemaking authority, with regard to targeted small business, subject to the review and approval of the Director of the Department of Management.

Code Section 10A.106, providing a list of the divisions of the department, is amended to eliminate the Audits Division.

The duties of the Investigations Division in Code Section 10A.402 are amended to eliminate investigation of proposed sales in this state of subdivided land situated outside the state and investigation of applications for beer and liquor licenses, and to add audits of various public assistance programs that are subject to investigation by this division.

The duties of the Inspections Division in Code Section 10A.502 are amended to eliminate responsibility for regulation of social and charitable gambling and inspections of educational, charitable, correctional, and penal institutions and to add responsibility for home food establishments, egg handlers, food processing plants, grocery stores, convenience stores, temporary food establishments, and mobile food units.

The sole authority of the Administrative Hearings Division in Code Section 10A.801, for various personnel matters concerning administrative law judges, is eliminated.

*CHILD ADVOCACY.* The State Citizen Foster Care Review Board created in Code Section 237.16 is renamed the Child Advocacy Board. The board, which is administratively attached to DIA, assumes responsibility for the functions of the CASA Program in place of the judicial branch. In December 2001, the Legislative Council adopted a resolution providing for the CASA Program to be administered by the Office of the Citizens' Aide on a temporary basis. The definition of the term "court appointed special advocate" in Code Section 232.2 is revised to provide that the Child Advocacy Board certifies persons for participation and appointment by the court. The duties of the CASA appointed under Code Section 232.89 for child in need of assistance (CINA) proceedings and Code Section 232.126 for family in need of assistance proceedings is revised to require the CASA to submit various reports to the court and the parties to the proceedings. Identifying information concerning a CASA, other than the CASA's name, is not to be considered a public record under Code Chapter 22, Iowa's Open Records Law.

The Child Advocacy Board is directed to work with the CASA Program to develop a plan for merging that program with the citizen foster care review process. In addition, the board is also directed to review other programs or processes in state government that are intended to address the best interest of a child who is the subject of an order for out-of-home placement or other juvenile court oversight. The board is to report to the Governor and General Assembly on the two items on or before December 16, 2002.

The newly named Child Advocacy Board membership under Code Section 232.16 is increased from seven to nine members, a definition of CASA is added to Code Chapter 237, and implementation of the CASA Program is added to the board's duties. One member of the board must be an active CASA volunteer and one member must be a judicial officer or employee selected from nominees submitted by the judicial branch. In addition, the board may receive and use contributed funds for the board's programs and adopt rules for the CASA Program.

*DEPARTMENT OF NATURAL RESOURCES.* This Act provides for the reorganization of the administrative structure of the Department of Natural Resources. The seven divisions of the department that were created and named in Code Section 455A.7 are eliminated. In total, the previous departmental organization included seven divisions and 21 bureaus.

The director of the department is authorized to establish administrative divisions, bureaus, or other administrative entities within the department to most efficiently and effectively carry out the department's responsibilities. The director is required to consult with the Natural Resource Commission and the Environmental Protection Commission, as applicable, during the reorganization process.

The duties of the Environmental Protection Commission are expanded to include adoption of rules allowing certain cities to conduct a controlled burn of a demolished building. The authorization does not extend to those cities in which area-specific implementation plans require control of particulate matter. In addition, the director of the department is directed to develop a strategy for recycling of electronic goods and the disassembling and removing of toxic parts from electronic goods and to recommend adoption of rules for this purpose to the Environmental Protection Commission.

Funding and responsibilities relating to oversight and testing of private rural water supply wells, private rural water supply well sealing, and the proper closure of private rural abandoned wells and cisterns are transferred to the Iowa Department of Public Health.

*OVERSIGHT COMMITTEE.* The existence of the Oversight Committee of the Legislative Council is codified in Code Section 2.45, relating to the committees of the council. The committee is directed to perform an annual review process for executive and judicial branch agencies and information that may be required of the agencies is listed.

*BIRTH CENTERS.* Code Chapter 135G, relating to state licensing and regulation of birth centers, is repealed. A facility or institution, other than a hospital or ambulatory surgical center, in which births are planned to occur following a normal, uncomplicated, low-risk pregnancy must be issued a certificate of need by the Health Facilities Council in order to operate as a birth center.

**HOUSE FILE 2075 - Economic Emergency Funds — Transfer to Tobacco Settlement and Senior Living Trust Funds**

BY COMMITTEE ON APPROPRIATIONS. An appropriation of \$40 million was made during the 2001 Regular Session of the Seventy-ninth General Assembly from the Endowment for Iowa's Health Account of the Tobacco Settlement Trust Fund for purposes of the Student Achievement and Teacher Quality Program. The moneys were to be repaid pursuant to 2001 legislation to the health account from surplus moneys from the General Fund of the State that were not needed to fill up the Economic Emergency Fund. This repayment applied to fiscal years beginning July 1, 2000, and July 1, 2001. Since the \$40 million has not been repaid and will likely not be repaid at the end of FY 2001-2002, this Act extends indefinitely the time period for repayment but makes no changes in the repayment sources.

The Act also provides that after the \$40 million is repaid, \$35.5 million is to be transferred to the Senior Living Trust Fund to repay that fund for appropriations made from that fund for purposes generally paid from the General Fund of the State.

In addition, the Act provides that after the \$40 million and \$35.5 million are repaid to the appropriate funds, the excess Economic Emergency Fund moneys shall be used to repay \$51.5 million to the Endowment for Iowa's Health Account for transfers or appropriations made by the 2002 Regular Session of the Seventy-ninth General Assembly for the Medical Assistance (Medicaid) Program and school foundation aid, and to replace gambling and General Fund of the State revenues appropriated from the Endowment for Iowa's Health Account.

House File 2625 (see Appropriations) amends this Act to increase the amount transferred to the Senior Living Trust Fund to \$51.5 million, and to increase the amount to be repaid to the Endowment for Iowa's Health Account to \$60.5 million.

#### **HOUSE FILE 2150 - Military Honor Guard Services on Public Property**

BY COMMITTEE ON STATE GOVERNMENT. This Act provides that members of the Iowa National Guard, the Reserve Forces of the United States, or a Reserve Officers Training Corps shall be allowed to perform any honor guard services on public property. Currently, only members of a recognized military veterans organization are specifically authorized to provide honor guard services on public property.

#### **HOUSE FILE 2248 - Bill of Rights Day**

BY COMMITTEE ON STATE GOVERNMENT. This Act authorizes and requests the Governor to issue annually a proclamation designating December 15, the month and day of ratification in 1791 of the first 10 amendments to the Constitution of the United States, as "Bill of Rights Day," to encourage all governmental bodies in the state to observe the day in a manner that emphasizes the meaning and importance of the Bill of Rights, and to encourage a formal recitation of the Bill of Rights in its entirety in all schools, government meetings, and courtrooms on or about that date.

#### **HOUSE FILE 2249 - Private Investigation, Private Security, and Lottery Licensing and Regulation**

BY COMMITTEE ON STATE GOVERNMENT. This Act relates to criminal history checks of applicants for certain licenses and amends the Iowa lottery laws relating to background investigations for lottery employees and contract vendors and their employees, the content of marketing materials, and the imprint of a licensee's name and address on instant lottery tickets.

The amendments to Code Chapter 80A relate to applications to conduct a bail enforcement business, or a private investigation or security business. This Act requires that an applicant and employees of the applicant for a license or license renewal submit fingerprints to the Department of Public Safety. The department may submit the fingerprints to the Federal Bureau of Investigation (FBI) for the purpose of a national criminal history check and may assess a fee for processing the fingerprints.

The amendment to Code Section 99D.8A relates to an application for a license to conduct pari-mutuel wagering. Current law requires that an applicant for a license to conduct pari-mutuel wagering submit fingerprints with the application. This Act permits the department to submit the fingerprints to the FBI for the purpose of a national criminal history check.

Code Section 99E.3, subsection 3, is amended to authorize the Lottery Commissioner to require background investigations in connection with the employment of lottery employees. The Lottery Board shall define, by rule, the employment categories subject to the investigation. The investigation may include a national criminal history record check through the FBI.

Code Section 99E.9, subsection 2, is amended to authorize the commissioner and the board to consult with the department's Division of Criminal Investigation and provide, by rule, the scope of thorough background investigations of vendors and their employees needed in connection with major procurements. Specific language requiring a background investigation of a parent or subsidiary corporation of a vendor, all shareholders of 5 percent or more of a vendor or parent or subsidiary corporation, and all officers and directors of a vendor or parent or subsidiary corporation of a vendor is stricken. The background investigations may include national criminal history record checks through the FBI. A requirement is also stricken that provides that an individual or business awarded a major procurement shall establish a permanent office in this state.

Code Section 99E.9, subsection 3, paragraph "m," is amended to strike a requirement that lottery marketing materials and campaigns include the concept of investing in Iowa's economic development and show the economic development initiatives funded from lottery revenue.

Code Section 99E.9, subsection 3, paragraph "o," is stricken. This paragraph requires that a lottery licensee either print or stamp the licensee's name and address on the back of each instant ticket except pull-tab tickets.

The amendment to Code Section 99F.6 relates to an application for a license to operate gambling games at a pari-mutuel dog or horse racetrack, to operate an excursion gambling boat, and to conduct gambling games on the boat. Current law requires an applicant for a license to submit fingerprints with the application. This Act permits the department to submit the fingerprints to the FBI for the purpose of a national criminal history check.

The Act takes effect March 29, 2002.

**HOUSE FILE 2281 - Landscape Architect Licensure**

BY BRADLEY AND HATCH. This Act provides that an individual engaged in the practice of landscape architecture, which previously required registration pursuant to Code Chapter 544B, Landscape Architects, must now become licensed as a professional landscape architect. The Act provides that the requirements previously applicable to registered landscape architects with regard to the creation and duties of the Landscape Architectural Examining Board, examination and application procedures, reciprocity, fees, renewal procedures, unlawful practice, disciplinary action, and scope of practice shall apply to licensure as a professional landscape architect. The Act provides that a landscape architect registered on July 1, 2002, shall be issued a license as a professional landscape architect.

**HOUSE FILE 2488 - Older American Community Service Employment and Senior Internship Programs**

BY COMMITTEE ON HUMAN RESOURCES. This Act includes provisions relating to the Elder Iowans Act (Code Chapter 231). The Act renames the Senior Community Service Employment Program as the Older American Community Service Employment Program, renames the Retired Iowans Community Employment Program as the Senior Internship Program, and changes the reference to the Job Training Partnership Act to the Workforce Investment Act to reflect the changes in the federal Older Americans Act.

**HOUSE FILE 2532 - Public Retirement Systems**

BY COMMITTEE ON STATE GOVERNMENT. This Act makes numerous changes pertaining to public retirement systems, including the Public Safety Peace Officers' Retirement, Accident, and Disability System (PORS, Code Chapter 97A), the Iowa Public Employees' Retirement System (IPERS, Code Chapter 97B), the Statewide Fire and Police Retirement System (Code Chapter 411), and the Judicial Retirement System (Code Chapter 602).

*PUBLIC SAFETY PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM (PORS)*. The Act contains the following provisions relating to PORS:

1. Code Section 80.36 is amended to provide that a person shall not be employed as a peace officer in the Department of Public Safety once the person reaches 65 years of age. Under current law, the maximum age for such a peace officer is 65 years of age.
2. Code Section 97A.6, subsection 6, is amended to provide that a member retiring under accidental disability prior to age 55 can receive credit for years of service over 22 years of service.
3. Code Section 97A.6, subsection 14, concerning the escalator program for retirees, is amended to provide that the calculation relating to the increase in a retiree's pension based upon a percentage of the increase in salary for an active member of the system is done on both July 1 and January 1 of each year. Under current law, this calculation is done only on July 1.
4. New Code Section 97A.14A permits the system to maintain an action to recover benefits paid when the actions of a third party resulted in benefits being payable under the retirement system based on an injury to or death of a member occurring on or after July 1, 2002.
5. Code Section 97A.17 is amended to extend the time deadline from 60 days to one year by which a member of PORS can commence working under the other retirement system after terminating employment under the former system and still permit the benefit earned under the former retirement system to be transferred to the current retirement system. A corresponding change to the Statewide Fire and Police Retirement System in Code Section 411.31 is also made by this Act.

*IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS)*. The Act contains the following provisions relating to IPERS:

1. Code Section 97B.1A, subsection 8, paragraph "b," subparagraph (2), is amended to provide that only county medical examiners and deputy county medical examiners who are not full-time county employees are not considered employees covered by IPERS. This provision is retroactively applicable to January 1, 1995.
2. Code Section 97B.1A, subsection 8, paragraph "b," is amended by adding a new subparagraph excluding employees of the Iowa Student Loan Liquidity Corporation from coverage under IPERS.
3. Code Section 97B.1A, subsection 24, paragraphs "a" and "c," are amended to delay the date for changing the method of determining a member's three-year average covered wage to a calculation based on the member's highest 12 consecutive quarters of service from July 1, 2003, to July 1, 2005.
4. Code Section 97B.17 is amended to provide that confidential records of IPERS can be released to IPERS employers, the Legislative Fiscal Bureau, the Department of Revenue and Finance, the Department of Personnel, or the Department of Management to assist the requestor in the performance of the requestor's duties. The entity requesting the records is required to provide reasons to IPERS for requesting the release and the entity is required to otherwise protect the confidentiality of the records. Penalties apply to the requestor for not protecting the confidentiality of the records.
5. New Code Section 97B.42C permits IPERS and a municipal water utility or waterworks that has established a retirement system under Code Chapter 412 to consider and authorize the merger of the municipal water utility or waterworks retirement system with IPERS.
6. Code Section 97B.44, concerning the designation of a beneficiary for IPERS death benefits, is amended to permit a member who cannot locate the member's spouse to designate, or change the designation of, the member's beneficiary without the member's spouse's consent.

7. Code Section 97B.48A, subsection 1, is amended to increase the amount, from \$14,000 to \$30,000, that an IPERS member who has a bona fide retirement and is under 65 years of age can earn in public employment covered by IPERS and still continue to receive the member's retirement allowance without a reduction. Current law provides that an IPERS member receiving a retirement allowance who is under age 65 will have the member's IPERS retirement allowance reduced by 50 cents for each dollar the member earns in a calendar year in employment covered by IPERS over the earnings limit established in Code Section 97B.48A.
8. Code Section 97B.49B, subsection 1, paragraph "e," subparagraph (1), is amended by adding a county conservation peace officer as designated by a county conservation board as a member of a protection occupation for purposes of calculating the member's retirement under IPERS.
9. Code Sections 97B.49B and 97B.49C are amended to provide that a member in a protection occupation or the sheriff's category who has 22 or more years of service can use wages from all IPERS covered employment, not just for wages in a protection occupation or the sheriff's category, in determining the member's three-year average covered wage if at least 75 percent of the total wages comes from wages in a protection occupation or the sheriff's category.
10. Code Section 97B.49F, subsection 2, concerning the favorable experience dividend, is amended to provide that a beneficiary who receives a monthly allowance after the death of an active member will qualify for favorable experience dividend payments in the same manner as IPERS retirees and beneficiaries of retirees.
11. Code Section 97B.50A, concerning the payment of an in-service disability retirement allowance, is amended to provide that a special service member has the option of selecting a pension equal to 60 percent of the member's three-year covered wage or the pension the special service member would otherwise receive if the member was 55 years of age. Under current law, the member receives the greater of the 60 percent calculation or the pension the member would otherwise receive based upon the member's actual age.
12. Code Section 97B.51, subsection 1, concerning benefit options upon retirement, is amended to permit a member who cannot locate the member's spouse to select a benefit option without the member's spouse's acknowledgement.
13. Code Section 97B.51, subsection 1, is amended by adding a new optional allowance upon retirement for special service members of IPERS. New paragraph "f" provides that a member retiring under Code Section 97B.49B or 97B.49C can receive an increase in the member's monthly allowance upon retirement until the member reaches the age when the member can receive a reduced social security benefit (now age 62) equal to the social security benefit the member could receive upon reaching that age. Upon reaching that age (62), the member's retirement allowance will be reduced as determined by the IPERS actuary.
14. Current Code Section 97B.52, subsection 2, which establishes a \$100,000 line of duty death benefit for a member who dies while in special service, is made retroactively applicable to deaths occurring on or after January 1, 1992.
15. Code Section 97B.53B, concerning rollovers of members' accounts, is amended to provide that an eligible retirement plan which is eligible for a rollover includes an annuity contract as provided in Internal Revenue Code § 403(b) and a plan under Internal Revenue Code § 457(b). In addition, the change provides that an eligible rollover distribution can be made to certain individual retirement accounts or defined contribution plans. The amendment also eliminates the dollar thresholds of \$200 and \$500 for determining whether certain distributions or rollovers are permitted by this section. The amendment to this section is retroactively applicable to January 1, 2002.
16. Code Section 97B.80A is amended to permit an IPERS member who was employed as an adjunct instructor by a community college or regents university to purchase service credit under IPERS for service time as an adjunct instructor.
17. New Code Section 97B.80C permits a member of IPERS to purchase additional service credit under IPERS for both qualified and nonqualified service. "Qualified service" is defined as service with a governmental employer, an association representing employees of the government, and an educational organization that provides elementary or secondary education, in which the member does not receive a retirement benefit for that service. "Nonqualified service" is defined by the Act to include all other kinds of service not defined as qualified service. The Act provides a member must be a vested or retired member under IPERS with five years of wages in order to purchase service credit for nonqualified service and the purchase is limited to a maximum of five years. The Act provides that a purchase of qualified service by a member is subject only to the limits provided under the federal Internal Revenue Code. The Act provides that a purchase of service under this new Code section shall be the full actuarial cost of the additional service. The Act also provides that the purchase of service under this new Code section is limited by Internal Revenue Code requirements.
18. Code Section 97B.82, concerning the purchase of IPERS service credit, with a direct rollover, is amended to allow the purchase of service credit from either a direct rollover, or a direct transfer. The Act defines what retirement plans are eligible for a purchase of service credit by a direct rollover. In addition, the Act describes the process of a direct transfer purchase of credit and describes that a direct transfer can be made from either an annuity contract as provided in Internal Revenue Code § 403(b) or a plan under Internal Revenue Code § 457(b).
19. New Code Section 97C.21 provides that employers of part-time elected officials who would otherwise be excluded from social security coverage can choose to provide those benefits to the part-time elected officials based upon the requirements of Code Chapter 97C.

20. The Act provides that an IPERS member who was furloughed between January 1, 2002, and June 30, 2003, can have the member's covered wage for purposes of determining IPERS retirement benefits recalculated based upon the salary the member would have received if the member had not been furloughed if the member pays an amount to IPERS equal to the employer and employee contributions that would have been made on that portion of the salary lost due to the furlough.
21. The Act also requires IPERS to conduct two studies and to file a report with the Legislative Service Bureau by October 1, 2003, concerning its findings and recommendations. One study concerns the possible implementation of a cost-neutral deferred retirement option program (DROP) for members of the system. The other study is to consider the possible implementation of a new option for vested employees who terminate employment prior to retirement to have their refund amount rolled over into an individual account under IPERS.

*STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM (Chapter 411).* The Act contains the following provisions relating to the Code Chapter 411 retirement system:

1. Code Sections 411.1 and 411.6, subsections 3 and 5, are amended to provide that a member must be in good standing in order to apply for and receive an ordinary disability benefit or an accidental disability benefit. The Act defines a "member in good standing" as a member who is not subject to removal from their position by the employing city or is not the subject of an investigation that might lead to removal. The board of trustees can waive the member in good standing requirement for good cause.
2. Code Section 411.6, subsection 7, is amended to provide that the contribution applicable to a disabled member who returns to work is the rate applicable to all members of the system.
3. Code Section 411.6, subsections 8, 9 and 11, are amended to change the method of calculating the minimum spousal and surviving child death benefit. The Act provides that the benefit is calculated based upon the average monthly earnable compensation paid to an active member of the system instead of the monthly compensation earned by an active member holding the highest grade as a fire fighter, or a police patrol officer, depending on whether the deceased member was a fire fighter or police patrol officer.
4. Code Section 411.6, subsection 9, paragraph "b," is amended to modify who is entitled to receive an accidental death benefit. The Act provides that an accidental death benefit shall be paid to the member's designated beneficiary. If the designated beneficiary is the member's spouse, child or parent, the benefit payable shall be the same as provided under current law if the spouse, child or parent is entitled to the death benefit. If the member does not designate a beneficiary or the beneficiary predeceases the member, the accidental death benefit shall be payable under current law.
5. Code Section 411.6, subsection 12, is amended to eliminate the requirement that the board shall submit a report to the Legislature every six years, beginning September 2001, concerning the operation of the system's escalation program, which provides increased benefits following retirement.
6. Code Section 411.6, subsection 13, is amended to provide that a benefit payable under the chapter to a surviving spouse and to any surviving spouse who receives a portion of the benefit pursuant to a marriage decree or marital property order shall not be recomputed upon the death of any surviving spouse.
7. Code Section 411.31 is amended to extend the time deadline from 60 days to one year by which a member of the Statewide Fire and Police Retirement System can commence working under the other retirement system after terminating employment under the former system and still permit the benefit earned under the former retirement system to be transferred to the current retirement system. A corresponding change to PORS in Code Section 97A.17 is also made by the Act.

*JUDICIAL RETIREMENT SYSTEM.* The Act contains the following provisions relating to the judicial retirement system:

1. Code Sections 602.9107 and 602.9204 are amended to provide that the salary used to calculate a judge's retirement is the highest salary, or highest three years of salary, and not the salary the judge received just prior to retirement or the last three years of the judge's salary.
2. New Code Section 602.9107C provides that a judge who was a member of IPERS can make contributions to the judicial retirement system and receive service credit under the system for the judge's service under IPERS. The cost of the purchase of service is the actuarial cost of the service purchase.
3. Code Sections 602.9202 and 602.9203 are amended to provide that full-time associate juvenile judges and full-time associate probate judges can be senior judges under the judicial retirement system. Both full-time associate juvenile judges and full-time associate probate judges are currently included within the judicial retirement system.

**HOUSE FILE 2536 - State Government Advertisements for Requests for Bids and Proposals — Internet Posting**

BY COMMITTEE ON STATE GOVERNMENT. This Act provides that, in addition to any method of advertisement required by law, any executive branch agency, the General Assembly, and the judicial branch shall advertise any request for bids and proposals on the official state Internet site. An electronic link from the official state Internet site to an Internet site maintained by an executive branch agency, the General Assembly, or the judicial branch on which requests for bids and proposals for that agency, the General Assembly, or the judicial branch are posted satisfies the requirements of the Act.

## TAXATION

- SENATE FILE 2305** - Tax Administration and Related Matters
- SENATE FILE 2318** - Taxation of Insurance Premiums, Assessments, and Fees and Health Service Corporation Subscriber Contract Payments
- SENATE FILE 2321** - Sales and Use Taxes — Miscellaneous Provisions
- HOUSE FILE 2035** - State Historic Property Rehabilitation Tax Credit
- HOUSE FILE 2116** - Internal Revenue Code References and Income Tax Provisions
- HOUSE FILE 2584** - Property Taxation — Vineyard Real Estate and Buildings
- HOUSE FILE 2585** - Sales and Use Taxes — Legislative Service Bureau Sales and On-Line Computer Service Access Charges
- HOUSE FILE 2621** - Investment Tax Credit — Farmers' Cooperative Members — VETOED BY THE GOVERNOR
- HOUSE FILE 2622** - Tax Administration — Additional Related Matters

### RELATED LEGISLATION

- SENATE FILE 335** - Sales and Use Taxes on Livestock — Feed, Feed Supplements, and Additives for Farm Deer and Bison **SEE AGRICULTURE.** This Act provides that livestock entitled to exemptions under retail sales tax provisions include farm deer, bison, and ostriches, rheas and emus. In addition, the Act exempts from sales and use taxes the sale of feed to be used for consumption by farm deer and bison.
- SENATE FILE 2228** - School Finance — Use of Physical Plant Equipment Levy Moneys **SEE EDUCATION.** This Act relates to the purposes for which revenue generated by the physical plant and equipment levy can be used, authorizing leases or lease-purchase agreements regarding the purchase of equipment and technology, and lowers the threshold regarding the dollar amount a purchase must exceed.
- SENATE FILE 2275** - Substantive Code Corrections **SEE STATE GOVERNMENT.** This Act contains statutory corrections that 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. Changes made include the following: a reference to S corporations is updated in language relating to the refunding of unused corporate tax credits for certain new investments and language relating to the tax return to which those tax credit claims must be attached is clarified; language pertaining to tax exemptions that may be claimed for the value of certain property located within enterprise zones is clarified; a reference to the National Livestock and Meat Board and the Pork Industry Group is deleted from language relating to the assessment on pork producers; language relating to petitions regarding the issuance of bonds for storm water drainage and bonds secured by revenues derived from the local hotel and motel tax is clarified; and language relating to a list compiled by the county auditor of all tracts of agricultural land entitled to tax credit is clarified. In the Income, Sales, Services, and Franchise Taxes chapter, a clarification is also made in provisions relating to the collection of and transfer of revenue from the tax on sales of motor vehicle fuel. In the Local Option Taxes chapter, a technical change is made in language relating to notice of the results of the election on the question of imposition of a tax. An internal reference to the Indian Housing Authority property tax exemption is added to language regarding filing a claim for exemption, and a reference to the Iowa Administrative Procedure Act is clarified in a provision regarding revocation of property tax exemptions. Language describing acquisitions that constitute a “major addition” for purposes of taxation of electricity and natural gas providers is clarified. The use of the language describing sweepings of tobacco in the definition of “tobacco product” is conformed in the Cigarette and Tobacco Taxes chapter.
- SENATE FILE 2293** - Animal Feeding Operations and Environmental Regulation **SEE AGRICULTURE.** This Act amends provisions in several Code chapters, and principally Code Chapter 455B, regulating animal feeding operations regulated by the Department of Natural Resources, including confinement feeding operations. The Act provides for fees and appropriations to the department for purposes of administering and enforcing regulations affecting animal feeding opera-



tions. The moneys are deposited into an Animal Agriculture Compliance Fund established in the Act. The Act also amends provisions in the Manure Storage Indemnity Fund, and transfers moneys from the Manure Storage Indemnity Fund to the Animal Agriculture Compliance Fund. The Act provides for restitution by persons liable for polluting state waters and for the deposit of moneys collected into the State Fish and Game Protection Fund. The Act contains a number of effective dates and provides for the Act's retroactive applicability.

- SENATE FILE 2326** - Appropriations — Miscellaneous Provisions, Reductions, Transfers, and Other Matters  
*SEE APPROPRIATIONS.* This Act provides fiscal year 2002-2003 appropriations from the General Fund of the State to the executive and judicial branches of state government, reduces or limits standing appropriations, and transfers appropriations. The Act is organized into divisions corresponding to the General Assembly's joint appropriations subcommittees and, although a large proportion of the Act was item vetoed by the Governor, a number of tax-related provisions were approved. The approved provisions address appropriations for state aid for schools and other measures affecting state and local taxation, and place limitations on standing appropriations for the homestead property tax credit and other property tax replacement measures.
- HOUSE FILE 2078** - Business Growth and Development Incentives — Seed and Venture Capital Investments — Small Business Income Allocation  
*SEE ECONOMIC DEVELOPMENT.* This Act authorizes the issuance of a tax credit against personal and corporate income tax, the franchise tax for financial institutions, the insurance premium tax, and the moneys and credits tax for credit unions for investments in the Iowa Fund of Funds, which is created in the Act. The Act also amends the allocation to Iowa, for purposes of the state individual income tax, of income earned by an S corporation that is distributed to a shareholder to pay federal income tax.
- HOUSE FILE 2246** - Property Tax and Vehicle Registration Procedures  
*SEE LOCAL GOVERNMENT.* This Act changes certain administrative procedures relating to the registration of vehicles by county treasurers and the Iowa Department of Transportation and to the assessment and collection of taxes on property.
- HOUSE FILE 2271** - Investment Tax Credits — Qualifying Businesses — Community-Based Seed Capital Funds  
*SEE ECONOMIC DEVELOPMENT.* This Act creates a tax credit against personal income tax for investment in qualifying businesses and a tax credit against personal and corporate income tax, the franchise tax for financial institutions, the insurance premium tax, and the moneys and credits tax for credit unions for investments in community-based seed capital funds.
- HOUSE FILE 2378** - Enterprise Zones  
*SEE ECONOMIC DEVELOPMENT.* This Act amends the Enterprise Zone Program administered by the Department of Economic Development. The Act adds a tax credit under the housing portion of the program for insurance companies to claim against the tax on gross premiums.
- HOUSE FILE 2448** - Fire Protection or Emergency Medical Services — Disbursement of Township Taxes for Municipal Services  
*SEE LOCAL GOVERNMENT.* This Act allows a township to indicate on its budget that it requests a portion of its taxes be paid directly to a municipality providing fire protection service or emergency medical service to the township.
- HOUSE FILE 2472** - Elections and Voter Registration  
*SEE ELECTIONS, ETHICS & CAMPAIGN FINANCE.* This Act permits the county commissioner of elections to shorten voting hours for cities under 3,500 population and for the unincorporated areas voting on local option sales tax elections, and provides that all polling places voting on a local option sales tax shall have the same hours. The Act provides that election costs for a school infrastructure sales tax shall be apportioned among the school districts in the county in the ratio of the number of registered voters in each school district residing in the county to the total number of registered voters in the county. The Act takes effect January 1, 2003, and applies to elections held on or after that date.
- HOUSE FILE 2531** - Iowa Trust Code Revisions  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act amends the Iowa Trust Code, including provisions regarding the terms of a trust relating to estate and gift tax consequences.

- HOUSE FILE 2549** - Primary and Secondary Education — Employee Standards, Career Development, Assessment, and Remuneration  
*SEE EDUCATION.* This Act makes a number of changes related to the Student Achievement and Teacher Quality Program established in 2001 under Code Chapter 284. The Act also permits a board of directors of a school district to offer an early retirement program to employees, but retains a requirement that allows the board to include the costs of the program in the district management levy when the program is offered to employees between the ages of 55 and 65.
- HOUSE FILE 2586** - Venture Capital Fund Investment Tax Credits  
*SEE ECONOMIC DEVELOPMENT.* This Act allows a tax credit for equity investments in venture capital funds against personal income, corporate income, franchise, insurance premium, and moneys and credits taxes. The Act takes effect May 8, 2002, and applies retroactively to January 1, 2002, for tax years beginning on or after that date.
- HOUSE FILE 2591** - Resident Hunting License Fee — Pheasant and Quail Restoration  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act increases the resident hunting license fee by \$4.50 commencing July 1, 2002.
- HOUSE FILE 2592** - Start-Up Businesses — Taxable Income Deferment  
*SEE ECONOMIC DEVELOPMENT.* This Act provides a process by which certain start-up businesses may defer taxable income. The Act takes effect April 22, 2002, and is retroactively applicable to January 1, 2002.
- HOUSE FILE 2617** - Regulation of Milk and Milk Products  
*SEE AGRICULTURE.* This Act amends a number of provisions relating to the regulation of milk and milk products under Code Chapter 192, referred to as the “Iowa Grade ‘A’ Milk Inspection Law,” and Code Chapter 194, regulating grades of milk other than grade “A” milk. The Act amends Code Section 192.111 and related sections referring to annual licenses issued by the Department of Agriculture and Land Stewardship to milk plants, transfer stations, receiving stations, milk haulers, milk graders, and bulk milk tankers. The Act changes the term “license” to “permit,” provides that the permits are valid for two years, and doubles the current fees. The Act provides for a staggered implementation of the revised fee system. The Act also creates new Code Section 194.3A, which requires the department to issue and renew permits under Code Chapter 194 for milk haulers, milk graders, and operators of bulk milk tankers. A person is not required to obtain a permit under Code Chapter 194 if the person has obtained the same permit under Code Chapter 192. The Act repeals a number of sections in both Code chapters that provide for regulation, licensing and fees. The Act takes effect May 2, 2002, and is applicable on or after July 1, 2002.
- HOUSE FILE 2620** - Farmers Markets  
*SEE AGRICULTURE.* This Act amends Code Chapter 137F, which provides for the regulation, including the licensure, of food establishments and food processing plants. The Act amends Code Chapter 137F to specifically provide for the regulation of a farmers market as a food establishment if the farmers market sells or distributes potentially hazardous food. The Act provides that a farmers market where potentially hazardous food is sold or distributed is subject to one seasonal license fee of \$100 for each vendor on a countywide basis. The Act takes effect May 2, 2002.
- HOUSE FILE 2623** - Compensation for Public Employees and Additional Provisions  
*SEE APPROPRIATIONS.* This Act relates to compensation and benefits for public officials and employees, county mental health allowed growth, regulatory and other related matters of the state, and makes and reduces appropriations. The Act also reduces the total amount of Accelerated Career Education Program job credits allowed all employers during FY 2002-2003 from \$6 million to \$3 million.
- HOUSE FILE 2625** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — Fiscal Year 2001-2002 — SECOND EXTRAORDINARY SESSION.  
*SEE APPROPRIATIONS.* Division VII of this Act relates to tax credits under the New Jobs and Income Program and the Enterprise Zone Program. Under previous law, a farmers’ cooperative that owned an ethanol-producing facility that was not required to file an Iowa corporate income tax return was entitled to a tax credit under the New Jobs and Income Program. This tax credit was claimed by the members. However, if the farmers’ cooperative was required to file an Iowa corporate income tax return, all of the credit had to be used by the cooperative. This division allows a farmers’ cooperative

that files an Iowa corporate income tax return to transfer all or a portion of the tax credit to its members. The division also allows cooperatives that file as partnerships for federal tax purposes to elect to have the credit acquired for developing building space in an enterprise zone to pass through the credit to their members. The division applies retroactively to January 1, 2002, for tax years beginning on or after that date.

## TAXATION

### **SENATE FILE 2305 - Tax Administration and Related Matters**

BY COMMITTEE ON WAYS AND MEANS. This Act amends various tax provisions of state law to do the following:

1. Make the inheritance tax and income tax consistent by providing for an income tax exemption whether an annuity is paid out in installment payments or in a lump sum payment.
2. Eliminate references to the specific type of withholding tax forms in the penalty provision for failure to file, or falsifying these forms.
3. Apply sales tax to executive search agencies whether or not the agency is licensed.
4. Add the adjective "nonprofit" to private educational institutions for purposes of the sales tax exemption for certain sales where the proceeds are used for or by an educational institution.
5. Require consolidated filers to provide sales tax information by business location. This information will assist in preparing accurate sales and use tax statistical reports and in preparing estimates for local jurisdictions that are considering imposing local option sales and use taxes.
6. Repeal obsolete Code sections pertaining to the Special Reserve Fund.
7. Add language that the use tax is payable by the user on services as well as property for each quarterly period. This makes the provision consistent with another in the use tax law that imposes the tax on services and makes the user liable for the tax until the tax has been paid.
8. Repeal the Code chapter on the property taxation of express companies, as there are no longer any express companies in Iowa. Code sections are amended to strike references to that Code chapter.
9. Keep the tax rate for liquefied petroleum gas at 20 cents per gallon. 2001 Iowa Acts, Chapter 123, provides for a variable tax rate for motor fuel beginning July 1, 2002. The statute states that the tax for liquefied petroleum gas is the same as motor fuel. It would create administrative problems for the Department of Revenue and Finance as well as taxpayers if the tax rate for liquefied petroleum gas was not a set amount.
10. Authorize the Director of Revenue and Finance to require that transportation reports be filed by electronic transmission. The director has this authority for other fuel tax reports.
11. Change the time period from one year to three years for a taxpayer to claim a refund of fuel taxes paid to be consistent with the time period the Department of Revenue and Finance has to audit the taxpayer's records. This would be consistent with requirements for other tax types administered by the department. Also, the Act provides that a refund claim for fuel taxes does not expire if a refund is not claimed within one year, but rather expiration occurs after three years.

### **SENATE FILE 2318 - Taxation of Insurance Premiums, Assessments, and Fees and Health Service Corporation Subscriber Contract Payments**

BY COMMITTEE ON WAYS AND MEANS. This Act phases in a reduction of the state's gross premiums tax rate from 2 percent to 1 percent for insurance companies and associations, including mutual health insurance corporations, HMOs, and organized health delivery systems. For life and health insurance companies and associations, the tax rate for the 2003 calendar year is 1.75 percent, for the 2004 calendar year the tax rate is 1.50 percent, for the 2005 calendar year the tax rate is 1.25 percent, and beginning with the 2006 calendar year the tax rate is 1 percent. For insurance companies and associations other than life and health insurance companies and associations, the tax rate for the 2004 calendar year is 1.75 percent, for the 2005 calendar year the tax rate is 1.50 percent, for the 2006 calendar year the tax rate is 1.25 percent, and beginning with the 2007 calendar year the tax rate is 1 percent.

Under prior law, if the previous year's liability is \$1,000 or more, the company must prepay 50 percent of that amount by June 1. The Act increases the amount of prepaid tax liability. Beginning with the 2003 calendar year, the additional amount for life and health insurance companies and associations is 4 percent of the previous year's liability, for the 2004 calendar year it is 21 percent, and for the 2005 and subsequent calendar years it is 50 percent. For insurance companies and associations other than life and health, the Act increases the amount of prepaid tax liability. Beginning with the 2003 calendar year, the additional amount is 11 percent of the previous year's liability, for the 2004 calendar year it remains at 11 percent, for the 2005 calendar year it is 26 percent, and for the 2006 and subsequent calendar years it is 50 percent. This additional prepayment amount is due by June 30.

The Act also requires the Department of Revenue and Finance and the Office of the Auditor of State to study the impact that this Act will have on the balance of the General Fund of the State, especially the impact on FY 2005-2006. The study requirement provision takes effect May 9, 2002.

### **SENATE FILE 2321 - Sales and Use Taxes — Miscellaneous Provisions**

BY COMMITTEE ON WAYS AND MEANS. This Act relates to the state sales and use taxes by requiring the Department of Revenue and Finance to begin collecting data concerning the extent of electronic commerce within Iowa and the net gains or losses in tax revenues as a result of electronic commerce.

The Act also strikes the repeal of current law that provides that, for the sales tax, a sale of tangible personal property does not occur if the transaction is delivered digitally, electronically, or utilizing cable, or by radio waves, microwaves, or fiber optics, and, for the use tax, that tangible personal property does not include any substance delivered digitally, electronically, or utilizing cable, or by radio waves, microwaves, or fiber optics. The repeal would have taken effect December 31, 2002.

The Act establishes a committee of delegates to enter into multistate discussions on behalf of Iowa on the question of simplifying and modernizing the sales and use taxes.

The Act takes effect May 10, 2002.

**HOUSE FILE 2035 - State Historic Property Rehabilitation Tax Credit**

BY GRUNDBERG, HATCH, HAHN, DOTZLER, TYRRELL, D. TAYLOR, SIEVERS, BUKTA, VAN FOSSEN, LARKIN, DIX, STEVENS, EICHHORN, ATTEBERRY, BOAL, WINCKLER, CORMACK, OSTERHAUS, HOFFMAN, FREVERT, ELGIN, SMITH, JONES, MILLAGE, WARNSTADT, TYMESON, MAY, BAUDLER, PETERSEN, BROERS, FORD, BODDICKER, FALLON, FINCH, MASCHER, DOLECHECK, FOEGE, METCALF, RICHARDSON, RAYHONS, QUIRK, JENKINS, MURPHY, JACOBS, CONNORS, JOHNSON, SCHRADER, HEATON, AND MYERS. This Act provides that the historic property rehabilitation tax credit may be applied against the franchise tax and insurance premiums tax. Under present law, the tax credit is only available for purposes of the individual and corporate income taxes. In addition, the Act provides that for purposes of individual and corporate income taxes and franchise tax, the increase in the basis of the rehabilitated property that would otherwise result from the rehabilitation costs is to be reduced by the amount of the credit. Prior law prohibited the deduction of all of the rehabilitation expenses.

The Act takes effect February 21, 2002, and applies retroactively to January 1, 2001, for tax years beginning on or after that date.

**HOUSE FILE 2116 - Internal Revenue Code References and Income Tax Provisions**

BY COMMITTEE ON WAYS AND MEANS. This Act updates the references to the Internal Revenue Code to make the federal income tax revisions enacted by Congress in 2001 applicable for Iowa income tax purposes. Code Sections 15.335, 15A.9, 422.10, and 422.33 are amended to update the Iowa Code references to the state research activities credit for individuals, corporations, corporations in economic development areas, and corporations in quality jobs enterprise zones to include the 2001 federal changes in the research activities credit.

The Act amends Code Section 422.7 to provide that a provision enacted in 2001 for capital gains from installment sales for taxpayers on the accrual accounting basis is not applicable for tax years beginning on or after January 1, 2002. This provision brings the Iowa Code into conformity with the Internal Revenue Code.

The Act amends Code Section 422.8 relating to reciprocal agreements entered into by the Director of Revenue and Finance with tax administrative agencies of other states. The amendment to the section provides that a reciprocal agreement entered into on or after April 4, 2002, shall not take effect until it has been authorized by the General Assembly and approved by the Governor. A reciprocal agreement in effect on or after January 1, 2002, shall not be terminated by the State of Iowa unless the termination has been authorized by the General Assembly and approved by the Governor.

The Act amends Code Section 422.9 to provide that an individual who receives a federal rate reduction credit in 2002 will not have to exclude the amount of the credit as part of the federal income tax deduction on the 2002 Iowa income tax return.

The Act amends Code Section 422.21 to correct an erroneous Code reference for the Iowa innocent spouse provision.

All of the provisions in the Act updating references to the Internal Revenue Code are retroactively applicable to January 1, 2001, for tax years beginning on or after that date. The provision repealing the adjustment to net income for capital gains from installment sales and the provision correcting the innocent spouse Code reference are retroactively applicable to January 1, 2002, for tax years beginning on or after that date. The provision relating to treatment of the federal rate reduction credit received is retroactively applicable to January 1, 2002, for tax years beginning in the 2002 calendar year.

The Act takes effect April 4, 2002.

**HOUSE FILE 2584 - Property Taxation — Vineyard Real Estate and Buildings**

BY COMMITTEE ON WAYS AND MEANS. This Act provides that, for purposes of property taxation, agricultural property includes the real estate of a vineyard and buildings used in connection with the vineyard, including buildings used for processing wine if the buildings are located on the same parcel as the vineyard.

The Act applies retroactively to assessment years beginning on or after January 1, 2002.

**HOUSE FILE 2585 - Sales and Use Taxes — Legislative Service Bureau Sales and On-Line Computer Service Access Charges** BY COMMITTEE ON WAYS AND MEANS. This Act exempts sales by the Legislative Service Bureau and its Legislative Information Office of mementos and other items relating to Iowa's history, the General Assembly, and State Capitol when made on state property.

The Act provides that if a retailer failed to collect state sales and use taxes and any local sales and services taxes from purchasers of the retailer's access to on-line computer services (Internet) because of written advice from the Department of Revenue and Finance and had these taxes abated, then such taxes shall not be collected from the purchaser. The Act also provides that if these taxes were paid, the taxes, with any penalty or interest paid, shall be refunded to the eligible purchasers by October 1, 2002.

The Act takes effect April 22, 2002, and the abatement provisions apply to taxes that were due from charges paid for access to on-line computer services on or after January 1, 1996.

**HOUSE FILE 2621 - Investment Tax Credit — Farmers' Cooperative Members — VETOED BY THE GOVERNOR**

BY COMMITTEE ON WAYS AND MEANS. Under prior law, a farmers' cooperative that owns an ethanol-producing facility which is not required to file an Iowa corporate income tax return is entitled to an investment tax credit under the New Jobs and Income Program. This tax credit is claimed by the members. If the farmers' cooperative must file an Iowa corporate income tax return, all of the credit must be used by the cooperative. This bill would have allowed farmers' cooperatives that file Iowa corporate income tax returns to transfer all or a portion of the tax credit to their members. The bill also would have allowed farmers' cooperatives that file partnership returns for federal tax purposes to pass through the investment credit to their members.

The bill also would have allowed farmers' cooperatives that file as partnerships for federal tax purposes to elect to have the investment tax credit acquired for developing building space in an enterprise zone to be passed through to the cooperatives' members.

The bill would have applied retroactively to January 1, 2002, for tax years beginning on or after that date.

**HOUSE FILE 2622 - Tax Administration — Additional Related Matters**

BY COMMITTEE ON WAYS AND MEANS. This Act amends various provisions of state and local laws and provides abatements for some taxes. The Act does the following:

1. Allows a taxpayer to file for an urban revitalization property tax exemption up to two years after the improvements are first assessed for taxation and still receive the exemption for the total number of years allowed in the exemption schedule. This applies retroactively to January 1, 2001, for claims for exemption made on or after that date.
2. Provides for a new collection method for the Department of Revenue and Finance. The new method is an administrative wage assignment, which is an expedited means to collect outstanding debts owed to the State of Iowa. This collection method is to be used by the department after all administrative remedies are waived or exhausted by the obligor. An administrative wage assignment allows the department to use compensation that is owed to an obligor for payment of wages to be applied against a debt owed by the obligor to the state. The method is similar in concept to the administrative levy process already authorized.
3. Amends the powers and duties of the Director of Revenue and Finance regarding the audit of claims. The change will require the director to set rules and procedures for the preaudit of claims by an agency or organization. The change also allows the department to refuse any incomplete or incorrect claims and to audit claims as determined by the director.
4. Authorizes the department to enter into agreements with an Indian tribe to collect and distribute or refund a state tax or a tribal tax. If the department collects and distributes a tribal tax on behalf of the Indian tribe, the department may charge a mutually agreed-upon administrative fee. However, the agreement is preempted by an Act of Congress that regulates the collection of state taxes covered by the agreement.
5. Excludes from income for tax purposes withdrawals from qualified retirement plan accounts made during the tax year the member of the Iowa National Guard or U.S. reserve forces is called to active duty. This provision applies beginning with the 2002 tax year.
6. Authorizes the Director of Revenue and Finance, in cooperation with the Department of Management, to change the filing and remittance thresholds as they relate to income, sales and use taxes if in the best interest of the state and the taxpayer.
7. Changes the method of imposing and refunding the sales and use taxes on building materials, supplies, and equipment used in a construction project for exempt entities. Under prior law, contractors were considered the consumer of building materials, supplies, and equipment in the performance of construction contracts and were required to pay the appropriate sales or use tax. The tax was paid even if the construction contract was with a state or local government agency, educational institution, or other exempt entity. The agency, institution or other entity would receive a refund from the

state in the amount of sales and use taxes paid. The changes provide for the avoidance of the original payment of the sales or use tax by authorizing the tax-exempt entity to issue an exemption certificate so that the contractor may purchase the building materials, supplies, and equipment tax-free, or in the case where a contractor is a retailer and does not pay the tax at the time of purchase, the contractor would not pay the tax when the materials, supplies and equipment are withdrawn from inventory. If the materials, supplies and equipment are not used for the project of the exempt entity, the contractor may be subject to the penalties for perjury. The changes also provide that when an entity that is subject to public bidding laws advertises for bids, the notice to bidders must contain a provision that a tax exemption certificate for the purchase of building materials, supplies, and equipment will be issued. These changes take effect January 1, 2003, and apply to construction contracts entered into on or after that date.

8. Exempts from the sales and use taxes imposed on service charges of financial institutions those surcharges assessed with regard to nonproprietary ATM transactions. This provision is repealed June 30, 2003.
9. Exempts from state sales and use taxes the sales and rentals of tangible property and furnishing of services to community action agencies for use by the agencies.
10. Provides the director with additional time to determine and notify cities and counties of the estimated amount of local option taxes they will be receiving in the fiscal year.
11. Specifies the appeal process for the taxpayer if the director disallows a claim for the homestead property tax credit or military service property tax exemption.
12. Increases the income level from \$25,000 to \$35,000 below which a disabled veteran receives a homestead credit for the entire amount of tax on the homestead purchased pursuant to federal law related to disabled veterans. This provision applies retroactively to homestead claims filed or on file on or after January 1, 2002.
13. Adds members of the U.S. Coast Guard as eligible veterans for purposes of receiving the military service property tax exemption.
14. Provides that the operation of bingo games on property of a veterans organization does not affect the property tax exemption of the property if the proceeds in excess of expenses are used for the legitimate purposes of the organization.
15. Defines "biofuel" as an oxygenated product derived from soybean oil, vegetable oil, or animal fats that can be used in diesel engines or aircraft and specifies that any biofuel product or biofuel blend with diesel fuel is a special fuel for purposes of the tax on fuels. Coordinating changes to effectuate the tax on biofuel are also made in the Act.
16. Imposes a penalty for failure to file required reports against persons transporting fuel, operating storage facilities, or operating refineries in Iowa. The Department of Revenue and Finance uses these reports to track fuel movements, but they are often not filed because there is no penalty for failure to do so.
17. Changes the definition of "mandatory charge" under the Iowa Car Rental and Collision Damage Waiver Act to exclude airport-imposed fees from the definition if the amount of the fee is clearly and conspicuously disclosed and the customer is informed of the amount, and exclude airport-imposed fees on gross receipts or airport access fees.
18. Eliminates the director's authority to withhold insurance premiums payable for other than a state-sponsored insurance program at the request of state employee and to remit the amount withheld to the insurance company designated by the employee.
19. Extends the deadline by which a statement of objects and uses must be filed for certain organizations and institutions claiming a property tax exemption. The filing deadline is extended from February 1 to October 1, but only for the 2002 assessment year, which is for taxes due and payable in the fiscal year beginning July 1, 2003. The organizations and institutions include veterans organizations and literary, scientific, charitable, benevolent, agricultural, and religious institutions. The provision takes effect May 6, 2002.
20. Provides for the abatement of property taxes on the land and buildings of a religious institution located in Linn County that are payable in FY 2001-2002. This provision applies retroactively to July 1, 2001.
21. Provides for the abatement of sales and use taxes and local sales and services taxes owed by foundries located in Lee County or Jefferson County on purchases used by the foundry in making patterns, molds or dies if the purchase was made between July 1, 1997, and May 6, 2002. Provision is made for refunds if the state and local taxes have been paid and if claims are filed by October 1, 2002.
22. Creates a pension task force to study the creation of a pension system for volunteer fire fighters. The report of the task force is to be submitted to the General Assembly by January 1, 2003.

## TRANSPORTATION

- SENATE FILE 144** - Highway Construction and Repair — Topsoil Preservation
- SENATE FILE 2079** - Operation of All-Terrain Vehicles or Snowmobiles on a Highway
- SENATE FILE 2156** - County Issuance of Driver's Licenses, Nonoperator Identification Cards, and Persons With Disabilities Identification Devices
- SENATE FILE 2192** - Highways and Motor Vehicles — Miscellaneous Provisions
- HOUSE FILE 2112** - Traffic Safety Regulation—Stationary Authorized Emergency, Towing, Recovery, and Highway Maintenance Vehicles
- HOUSE FILE 2193** - Transportation Services and Aircraft Regulation
- HOUSE FILE 2317** - Regulation of Outdoor Advertising Devices

## RELATED LEGISLATION

- SENATE FILE 2051** - State Interagency Missouri River Authority  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act creates a State Interagency Missouri River Authority to represent the State of Iowa as a member of the Missouri River Basin Association. The Director of Transportation is a member of the authority.
- SENATE FILE 2275** - Substantive Code Corrections  
*SEE STATE GOVERNMENT.* This Act contains statutory corrections that 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. Changes made include correcting a reference regarding the divisions and agencies responsible for assisting the Division of Beer and Liquor Law Enforcement with the division's duties; changing language relating to civil penalties assessed against certain licensees under the alcoholic beverages chapter; consolidating definitions in Code Chapter 309; adding a citation to an additional exception in a provision regarding optional advertisement and letting of contracts for construction of secondary roads; clarifying provisions relating to eligibility for the issuance of special armed forces services plates; correcting a variety of references to manufactured or mobile home retailers and eliminating a reference to a former requirement imposed on manufactured or mobile home retailers; clarifying the statutory prerequisites for in-state travel by unregistered out-of-state commercial motor vehicles; eliminating outdated language regarding a transition period during which only warning citations are issued for seat belt and safety harness use violations; striking language from a provision prohibiting persons from allowing unauthorized minors to drive; updating the description of peace officer warning signals in the offense of eluding a law enforcement vehicle; clarifying language that describes the situations in which a person declared to be a habitual offender of the motor vehicle laws may be issued a temporary restricted permit; adding licensed substance abuse treatment providers to language describing authorized providers of drinking driver courses; correcting a reference to successors in interest of a railroad corporation in the definition of railroad right-of-way in a public utility crossings and railway property provision; replacing the words "state treasurer" and "treasurer" with "department" in provisions on the collection of and transfer of revenue from the tax on sales of motor vehicle fuel; and striking provisions involving completed one-time activities related to hazardous waste.
- SENATE FILE 2304** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions  
*SEE APPROPRIATIONS.* This Act makes, reduces and transfers appropriations for FY 2001-2002 and includes transfers to the General Fund of the State of appropriations made to IDOT for recreational trails and aviation hangars. The Act takes effect March 1, 2002.
- SENATE FILE 2305** - Tax Administration and Related Matters  
*SEE TAXATION.* This Act amends various tax provisions of state law. The Act keeps the tax rate for liquefied petroleum gas at 20 cents per gallon and authorizes the Director of Revenue and Finance to require that transportation reports be filed by electronic transmission.
- SENATE FILE 2326** - Appropriations — Miscellaneous Provisions, Reductions, Transfers, and Other Matters  
*SEE APPROPRIATIONS.* This Act provides FY 2002-2003 appropriations from the General Fund of the State to the executive and judicial branches of state government, reduces or limits standing



appropriations, and transfers appropriations. The Act is organized into divisions corresponding to the General Assembly's joint appropriations subcommittees and, although a large proportion of the Act was vetoed by the Governor, provisions limiting public transit assistance were enacted.

- HOUSE FILE 2230** - Operating While Intoxicated — Penalties for Third or Subsequent Offenses  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act provides penalties for persons convicted of a third or subsequent operating-while-intoxicated (OWI) offense.
- HOUSE FILE 2246** - Property Tax and Vehicle Registration Procedures  
*SEE LOCAL GOVERNMENT.* This Act changes certain administrative procedures relating to the registration of vehicles by county treasurers and IDOT and to the assessment and collection of taxes on property.
- HOUSE FILE 2365** - Documents and Records Filed With County Recorder — Snowmobile and All-Terrain Vehicle Titles — Registration of Vessels  
*SEE LOCAL GOVERNMENT.* This Act establishes a method for issuing certificates of title for snowmobiles and all-terrain vehicles for which ownership has not been conclusively established and for issuing registration certificates for certain watercraft for which ownership has not been conclusively established.
- HOUSE FILE 2515** - Education — Administration, Funding, Programming, and Services  
*SEE EDUCATION.* This Act amends Code sections relating to the duties and operations of the departments of Education and Transportation. The Act transfers the responsibilities for programming an approved driver education course from the Department of Education to IDOT. The Act requires, effective July 1, 2003, a school bus driver to possess a current certificate of qualification for operation of a commercial motor vehicle. The Act replaces language relating to a school bus driver's permit with language relating to an authorization to operate a school bus. The Act permits the Department of Education to establish reasonable fees for administrative expenses incurred in collecting, maintaining and forwarding to the court drinking driver course-related data.
- HOUSE FILE 2554** - Tire and Waste Tire Initiatives — Management, Regulation, and Use of Funds  
*SEE ENVIRONMENTAL PROTECTION.* This Act relates to the use of moneys appropriated to the Department of Natural Resources for purposes of tire-related initiatives, disposal fees charged by retail tire dealers, and the registration of waste tire haulers. The Act amends the distribution of the \$5 surcharge on a certificate of title for motor vehicles.
- HOUSE FILE 2582** - Federal Block Grant Appropriations  
*SEE APPROPRIATIONS.* This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2002, and ending September 30, 2003. The Act appropriates federal funding and other nonstate funding made available to the state for transportation programs.
- HOUSE FILE 2612** - Transportation Appropriations — VETOED BY THE GOVERNOR  
*SEE APPROPRIATIONS.* This bill made appropriations for FY 2002-2003 from the Road Use Tax Fund, the Primary Road Fund, and the General Fund of the State to IDOT.
- HOUSE FILE 2614** - Tobacco Settlement, Infrastructure, and Environment First Funds — Appropriations and Miscellaneous Related Changes  
*SEE APPROPRIATIONS.* This Act makes appropriations to various departments and agencies for infrastructure and capital projects. The Act also requires IDOT to do a study concerning close-clearance conditions near railroad tracks, with a report and recommendations to be submitted to the General Assembly by January 1, 2003.
- HOUSE FILE 2622** - Tax Administration — Additional Related Matters  
*SEE TAXATION.* This Act amends the motor fuel tax laws and car rental damage waiver law to do the following:
- ? Define "biofuel" as an oxygenated product derived from soybean oil, vegetable oil, or animal fats that can be used in diesel engines or aircraft and specify that any biofuel product or biofuel blend with diesel fuel is a special fuel for purposes of the tax on fuels. Coordinating changes to effectuate the tax on biofuel are also made in the Act.

- ? Impose a penalty for failure to file required reports against persons transporting fuel, operating storage facilities, or operating refineries in Iowa.
- ? Change the definition of “mandatory charge” under the Iowa Car Rental and Collision Damage Waiver Act to exclude airport-imposed fees from the definition if the amount of the fee is clearly and conspicuously disclosed and the customer is informed of the amount, and exclude airport-imposed fees on gross receipts or airport access fees.

**HOUSE FILE 2625** - Miscellaneous Appropriations, Reductions, Transfers, and Other Provisions — Fiscal Year 2001-2002 — SECOND EXTRAORDINARY SESSION

**SEE APPROPRIATIONS.** This Act addresses public funding provisions and related matters by making, transferring and reducing appropriations in order to balance the State General Fund budget for FY 2001-2002. The Act includes transfer of an appropriation for airport engineering studies and improvement projects.

**HOUSE FILE 2626** - Transportation Appropriations — SECOND EXTRAORDINARY SESSION

**SEE APPROPRIATIONS.** This Act makes appropriations for FY 2002-2003 from the Road Use Tax Fund and the Primary Road Fund to the Iowa Department of Transportation.

The Act also establishes a Secondary Road Fund Distribution Advisory Committee to consider methodologies for distribution of moneys in the Secondary Road Fund and the Farm-to-Market Road Fund and to make recommendations to the General Assembly.



## TRANSPORTATION

### **SENATE FILE 144 - Highway Construction and Repair — Topsoil Preservation**

BY COMMITTEE ON TRANSPORTATION. This Act directs the Iowa Department of Transportation (IDOT) to require that when fill dirt or other materials are to be removed from an area acquired for use in a highway construction, reconstruction, improvement, or repair project, except for minor maintenance, the area is to be restored by certain methods of repair. The requirement does not apply in situations where a lake or subwater table conditions exist, where deep loess is present, or where outside ditch bottoms and backslopes are present in rock cut areas. The new provision does not apply to borrow pits covered by another Code provision. Currently, IDOT is directed to require restoration only when fill dirt, soil, or other materials are to be removed from borrow pits.

### **SENATE FILE 2079 - Operation of All-Terrain Vehicles or Snowmobiles on a Highway**

BY BARTZ. This Act repeals the requirement to fly a flag or pennant on an all-terrain vehicle or snowmobile operated on a public road or street.

### **SENATE FILE 2156 - County Issuance of Driver's Licenses, Nonoperator Identification Cards, and Persons With Disabilities Identification Devices**

BY COMMITTEE ON TRANSPORTATION. This Act authorizes all counties not served by a permanent Iowa Department of Transportation facility to issue driver's licenses, nonoperator identification cards, and persons with disabilities identification devices on a permanent basis if the county meets the department's standards for issuance. Previously, only Adams, Cass, Fremont, Mills, Montgomery, and Page counties were permanently authorized to issue such licenses and devices and up to 42 other counties were allowed to opt in by indicating an interest in being authorized to issue driver's licenses.

### **SENATE FILE 2192 - Highways and Motor Vehicles — Miscellaneous Provisions**

BY COMMITTEE ON TRANSPORTATION. This Act makes several Code changes relating to highways and motor vehicles, including changes in condemnation procedures, the quadrennial need study of public roads in the state, and motor vehicle registration provisions.

Division I of the Act relates to highways. The Act amends several provisions in Code Chapter 6B ("Procedure Under Eminent Domain"). The Act exempts the Iowa Department of Transportation (IDOT) and counties from the requirement to provide early notice to owners of agricultural land that may be the subject of condemnation in cases when the condemnation is for right-of-way that is contiguous to an existing road right-of-way and necessary for the upgrade of the existing road. The Act also provides that the Director of Transportation shall approve such condemnations.

The Act requires that notice of appeal of appraisal of damages in a condemnation proceeding be filed with the district court where the property is located, and written notice be provided to the sheriff that appeal has been taken, within 30 days of the sheriff's mailing of the appraisal of damages. The Act specifies that a notice of appeal of appraisal of damages shall be personally served by the party making the appeal. Notice of appeal must be served on the adverse party and any lienholders or encumbrancers of the property within 30 days of filing of the notice of appeal with the district court. If notice cannot be personally served, the court may prescribe an alternative method of service. The Act provides that an application for fees and costs occasioned by the condemnation must be filed by the landowner before adjournment of the final compensation commission meeting held on the matter.

The Act also establishes a new rate for the calculation of interest that is based upon the Treasury Constant Maturity Index published by the Federal Reserve.

The Act amends provisions in Code Chapters 307 and 307A relating to the duties of IDOT and the Iowa Transportation Commission by transferring certain duties relating to the assessment of road needs in the state from the commission to the department. The Act also modifies the duty of the commission to conduct a comprehensive study, to be referred to as the "quadrennial need study," of all roads and streets in the state, to require the department to prepare, adopt and publish the results of a study of secondary roads, and to report the results of the study to the General Assembly by July 1, 2002, with the study results taking effect July 1, 2003. The results of the study, as modified by any annual updates, are used to determine a portion of the monthly apportionment of secondary road and farm-to-market moneys to counties.

The Act provides that a petition for reclassification of a road with an area service "C" classification may be signed by one or more adjoining landowners rather than all adjoining landowners.

The Act provides for an Iowa County Engineers Association Service Bureau Support Fund. The Act authorizes the department to annually set aside a portion of the moneys in the Secondary Road Fund for supporting the bureau.

The Act also establishes a Secondary Road Fund Distribution Advisory Committee to consider methodologies for distribution of moneys in the Secondary Road Fund and the Farm-to-Market Road Fund and to make recommendations to the General Assembly.

The provisions of the Act relating to assessment of road needs in the state, the Iowa County Engineers Association Service Bureau Support Fund, and the Secondary Road Fund Distribution Advisory Committee take effect April 4, 2002.

The Act requires the agency in control of a highway to pay the costs of restoring the original position of a government or other established corner or land monument if the engineer in charge of the project that caused the corner or monument to be disturbed or covered up failed to establish permanent witness corners or monuments and reestablish the corner or monument. The Act also eliminates a provision subjecting the engineer to a fine of not less than \$10 nor more than \$50 for not establishing permanent corners or monuments.

Division II of the Act relates to motor vehicles. The Act provides for the operation of motorized bicycles (commonly referred to as mopeds) at a maximum of 30 rather than 25 miles per hour.

The Act also corrects language that was amended by 2001 Iowa Acts, Chapter 153, Section 18. That provision changed terminology in Code Sections 321.57 and 321.58 from “mobile home dealer” or “dealer” to “manufactured home retailer.” The Act changes some of these references back to “dealer,” as defined in Code Chapter 321, to allow dealers other than manufactured home retailers to operate under special plates.

The Act requires a damage disclosure statement for a motor vehicle that is separate from the title to the vehicle to state whether the title indicates damage prior to the transferor’s ownership of the vehicle and whether the vehicle was titled as a salvage vehicle during the transferor’s ownership of the vehicle.

The Act requires a driver’s license or nonoperator’s identification card applicant, who is not a foreign national applying for a nonresident commercial driver’s license, to certify that the applicant is a resident of Iowa. The Act exempts foreign nationals temporarily present in the United States from being required to include the person’s social security number on an application for a driver’s license or nonoperator’s identification card.

The Act modifies the time periods for which driver’s licenses and nonoperator’s identification cards are valid. The Act provides that driver’s licenses and nonoperator’s identification cards are valid for five years, except that licenses and cards issued to foreign nationals temporarily present in the United States shall only be issued for the length of time the foreign national is authorized to be present, not to exceed two years. In addition, a nonoperator’s identification card shall be issued without expiration to a person 70 years of age or over.

The provisions relating to the issuance of a driver’s license or nonoperator’s identification card to foreign nationals take effect April 4, 2002.

The Act also modifies the method of assessing fees for driver’s licenses. The fee for a driver’s license shall be based on the number of years the license is valid — \$4 per year of license validity for a noncommercial driver’s license, \$8 per year for a chauffeur’s license, and \$8 per year for a commercial driver’s license.

The Act provides that a person is disqualified from operating a commercial motor vehicle for failure to obey the warning signal of the immediate approach of a train. The change is made to reflect federal regulations that require an operator of a commercial vehicle to be disqualified for railroad-grade crossing violations.

The Act provides for the operation of electric personal assistive mobility devices on sidewalks and bikeways, with certain restrictions. The Act defines an “electric personal assistive mobility device” as a self-balancing device powered by an electric propulsion system that averages 750 watts, has two nontandem wheels, and is designed to transport one person, with a maximum speed on a paved level surface of less than 20 miles per hour. A violation of the restrictions on operation of an electric personal assistive mobility device is a scheduled violation punishable by a fine of \$15. Local authorities may regulate or prohibit the operation of electric personal assistive mobility devices.

The Act eliminates the requirement that the driver of a vehicle involved in an accident resulting in personal injury or death, or \$1,000 or more of property damage, complete a written motor vehicle accident report if the accident is investigated by law enforcement.

The Act provides that the maximum gross weight allowed to be carried on a noninterstate highway by a livestock vehicle with five axles, a minimum distance in feet between the centers of the extreme axles of any group of axles of 61 feet, and a minimum width between the two rear axles of eight feet one inch is 86,000 pounds. This provision takes effect April 4, 2002.

The Act also provides that a person whose driver’s license has been suspended or revoked for certain serious traffic offenses is not required to file proof of financial responsibility with IDOT if the person provides evidence satisfactory to the department that

the person resides in another state. The person may not apply for an Iowa driver's license for two years from the effective date of the person's last suspension or revocation unless proof of financial responsibility is filed with the department.

The Act revises the requirements for annual permits for oversize vehicles with indivisible loads and oversize mobile homes. The Act increases the allowed length for such vehicles that are self-routed, and increases the ability of a motor carrier to self-route on interstates and multilaned primary highways beyond 50 miles from the point of origin if the vehicle meets certain width, height, length, and weight requirements. The Act increases the weight that is allowed for a vehicle operating under an "annual with weight" permit. The Act also allows a vehicle with load operating under an "annual with weight" permit to operate under the conditions of a regular annual permit when the vehicle meets the size and weight limitations of the regular annual permit. These provisions take effect April 4, 2002.

The Act prohibits a nonresident motor vehicle manufacturer, distributor or dealer from being issued a temporary permit for the display and offering for sale of certain vehicles at certain fairs, shows and exhibitions unless the state in which the manufacturer, distributor or dealer is licensed extends similar privileges to Iowa licensees.

The Act also provides that the sale or transfer of a motor vehicle franchisee's dealership or the change in the executive management of a franchisee's dealership shall not make applicable any right of first refusal of the motor vehicle franchiser, notwithstanding the terms, provisions or conditions of an agreement or franchise.

The Act makes several changes in the motor vehicle registration reciprocity provisions in Code Chapter 326. The Act adds a procedure for handling dishonored checks issued for payment of fees required under the chapter. The procedure includes the accumulation of fees and penalties, warning by IDOT, suspension of the registration account, and pursuit of collection. The delinquent registration fees shall be a debt due the state and subsequent payments made by the applicant who issued the dishonored check must be made with guaranteed funds. The Act eliminates a provision requiring IDOT to hold plates and registrations until a check for payment of fees has cleared the bank.

The Act makes several changes in provisions governing the addition to and deletion of motor vehicles from a fleet of motor vehicles proportionally registered in the state.

The Act provides that a single registration plate and registration receipt is to be issued for each vehicle registered under the Registration Reciprocity chapter. The registration period for such vehicles is January 1 through December 31. The application for renewal of registration must be postmarked or received by IDOT no later than January 31. A 5 percent late filing penalty shall be assessed for each month the renewal application is late, beginning February 1. The enforcement deadline for failure to display a registration plate and registration is March 15.

The Act revises the procedures for paying refunds of proportional registration fees and for collection of proportional registration fees and calculation of late payment penalties.

The Act requires a registrant whose application for apportioned registration has been accepted to preserve the records upon which the registration is based for a period of three years after the close of the registration year rather than for a period of four full years following the year for which the application was made. The Act modifies the procedures for auditing such records.

The Act also makes technical corrections to Code Sections 321.127, 321.191, 321E.14, and 326.22.

The Act eliminates the maximum issuance fee charged by a truck stop issuing trip permits for commercial vehicles, but requires truck stops to disclose the issuance fee for such permits to the purchasers of the permits.

The Act authorizes the Director of Transportation to revoke rather than cancel the apportioned registration privileges on all of the vehicles owned by a fleet owner who has filed incorrect information with IDOT for the purpose of reducing the fleet owner's obligation for registration fees or fuel taxes. A person who has such privileges revoked shall be required to register all vehicles owned by the person with the county treasurer for at least one year and no more than five years thereafter rather than be subject to the full annual registration fee for all vehicles operated on the highways of this state. A person whose privileges are revoked may request an administrative hearing in accordance with the Iowa Administrative Procedure Act rather than before the Department of Inspections and Appeals. The Act also eliminates all references in Code Section 326.31 to any responsibilities of the Department of Revenue and Finance and its director, regarding incorrect information filed by a fleet owner.

The Act also repeals a provision requiring IDOT, upon receiving application for and payment of the registration fee and notification of title, to issue registration identification to the applicant carrier and send the certificate of title to the vehicle owner or lienholder. The provision also directed IDOT to adopt rules to process registration of vehicles titled in other states.

**HOUSE FILE 2112 - Traffic Safety Regulation—Stationary Authorized Emergency, Towing, Recovery, and Highway Maintenance Vehicles**

BY COMMITTEE ON JUDICIARY. This Act requires operators of motor vehicles to take specified precautions when approaching a stationary authorized emergency vehicle or a stationary towing, recovery, or highway maintenance vehicle. The Act requires the operator of an approaching motor vehicle, absent another direction from a peace officer, to change lanes to a lane that is not adjacent to the stationary vehicle or, if a lane change is prohibited by law, not possible, or would be unsafe, to reduce the speed of the motor vehicle to a reasonable speed that is less than the posted speed limit, and be prepared to stop. The requirement only applies when the stationary vehicle is displaying the appropriate flashing lights. The Act also makes a violation of the new requirement a simple misdemeanor punishable by a scheduled fine of \$50.

**HOUSE FILE 2193 - Transportation Services and Aircraft Regulation**

BY COMMITTEE ON TRANSPORTATION. This Act makes changes in current law relating to modal transportation, including changes relating to sanctions for noncompliance with public transit coordination requirements and changes relating to aircraft registration.

Division I of the Act makes several changes relating to public transportation programs. The Act eliminates provisions relating to two pilot projects established by IDOT to enable the department to evaluate the feasibility of a cooperative effort among public and private transportation providers, including public school transportation providers. The pilot projects have been completed.

The Act requires public, private, and private nonprofit organizations applying for or receiving federal, state or local aid for providing transit services to annually report to IDOT the costs of their transportation programs. Currently, such organizations are required to provide a copy of their fiscal year operating budgets annually prior to June 1.

The Act eliminates a provision prohibiting the Department of Human Services from purchasing services from any transportation provider that has been denied a certificate of compliance with the provisions of Code Chapter 324A, regulating transportation programs. The Act also eliminates a provision requiring all agencies or organizations purchasing or providing transportation services, except public school transportation, with federal, state or local funds to comply with certain requirements prior to July 1, 1985.

Division II of the Act amends Code provisions relating to unairworthy aircraft and aircraft registration. The Act amends a provision that exempts unairworthy aircraft from aircraft registration fees, if the owner of the aircraft submits information required by IDOT, to eliminate a requirement that the unairworthy aircraft be damaged to receive such exemption.

The Act also amends Code provisions relating to issuance of special certificates for aircraft registration. The Act eliminates the requirement that a special certificate of registration be issued for each aircraft in a manufacturer's, transporter's or dealer's inventory upon payment of a \$100 fee and an additional \$10 fee for each aircraft. The Act instead provides for the issuance of one special certificate for all aircraft in the manufacturer's, transporter's or dealer's inventory upon payment of a \$100 fee. The aircraft may only be operated under the special certificate for purposes of transporting, testing, demonstrating, or selling the aircraft. The Act makes corresponding changes in Code provisions relating to maintenance of records for aircraft operated under a special certificate and exempting aircraft for which a special certificate has been issued from the regular aircraft registration requirements.

The Act provides that a special certificate expires at midnight on June 30 rather than midnight on the last day of the registration year. The Act also repeals a Code provision relating to issuance of additional special certificates for aircraft added to or removed from a manufacturer's, transporter's or dealer's inventory.

**HOUSE FILE 2317 - Regulation of Outdoor Advertising Devices**

BY COMMITTEE ON TRANSPORTATION. This Act relates to prohibitions on placement of advertising devices along interstate highways in certain circumstances. The Act exempts from the prohibition advertising devices that are located in areas zoned and used for commercial or industrial purposes. The Act defines an "area zoned and used for commercial or industrial purposes" as an area so zoned in accordance with the appropriate city or county zoning procedures in which one or more commercial or industrial activities are located.

Currently, such an exemption applies for advertising devices located in commercial or industrial zones crossed by segments of an interstate highway located within the boundaries of incorporated municipalities as such boundaries existed on September 21, 1959, where the use of property adjacent to the interstate highway is subject to municipal regulation and control, or other areas where the land on September 21, 1959, was clearly established by law for industrial or commercial purposes.

The Act also provides for a delayed effective date of July 1, 2004. Prior to that time the Iowa Department of Transportation is required to adopt rules regarding approval of the erection or maintenance of advertising devices governed by the Act. Such rules are to be in compliance with the federal Highway Beautification Act of 1965.

**CHAPTER NUMBERS OF THE 2002 IOWA ACTS****Senate Files**

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335 .....	1010	2145 .....	1019	2275 .....	1119
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374 .....	1026	2155 .....	1061	2278 .....	1051
415 .....	1110	2156 .....	1032	2279 .....	1111
429 .....	1060	2160 .....	1062	2280 .....	1125
437 .....	1027	2167 .....	1033	2286 .....	1139
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2018 .....	1008	2195 .....	1064	2301 .....	1067
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2116 .....	1030	2231 .....	1034	2321 .....	1161
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2035 .....	1003	2344 .....	1090	2518 .....	1102
2075 .....	1169	2345 .....	1016	2530 .....	1093
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2139 .....	1014	2409 .....	1071	2549 .....	1152
2150 .....	1037	2416 .....	1120	2552 .....	1074
2151 .....	1038	2417 .....	1091	2554 .....	1121
2152 .....	1079	2418 .....	1082	2565 .....	1136
2153 .....	1039	2430 .....	1146	2571 .....	1115
2183 .....	1024	2446 .....	1106	2582 .....	1170
2190 .....	1040	2447 .....	1133	2584 .....	1153
2191 .....	1144	2448 .....	1056	2585 .....	1122
2192 .....	1164	2453 .....	1098	2586 .....	1156
2193 .....	1112	2454 .....	1083	2587 .....	1109
2201 .....	1080	2467 .....	1057	2591 .....	1141
2229 .....	1041	2472 .....	1134	2592 .....	1123
2230 .....	1042	2475 .....	1021	2613 .....	1172
2245 .....	1165	2482 .....	1084	2614 .....	1173
2246 .....	1043	2487 .....	1025	2615 .....	1174
2248 .....	1053	2488 .....	1058	2616 .....	1147
2249 .....	1044	2492 .....	1017	2617 .....	1148
2271 .....	1006	2495 .....	1099	2620 .....	1149
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File No.	Acts Chapter
2625 .....	1001
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**2002 SECTIONS AMENDED, ADDED OR REPEALED**

<b>Section</b>	<b>Action Taken</b>	<b>Hse/Sen File #</b>	<b>Effective</b>
1.18	New section	SF 165.1	J
1C.12	New section	HF 2248.1	J
1C.12	New section	SF 2057.1	J
1C.12	New section	SF 2273.1	J
2.43	Unnumbered paragraph 1 amended	HF 2614.23	J
2.45	New subsection 5	SF 2325.74	J
2.67	New section	HF 2585.1	E
2A.	Chapter repealed	HF 2623.68	J
4.1	New subsection 9A	SF 2293.1	E
4.1	Subsection 21A amended	SF 2275.106	J
4.14	New section	SF 165.2	J
6B.2A	Subsection 4 amended	SF 2192.1	J
6B.18	Section amended	SF 2192.2	J
6B.19	Section repealed	SF 2192.15	J
6B.22	Section amended	SF 2192.3	J
6B.24	Section amended	SF 2192.4	J
6B.33	Section amended	SF 2192.5	J
7A.20*	Subsection 1 stricken	SF 2275.1	J
7D.33	Subsection 2, new paragraph e	SF 2326.28	VETO
7D.33	Subsection 2, new paragraph e	HF 2627.29	J
7D.33	Subsection 3, paragraph a amended	SF 2326.29	VETO
7D.33	Subsection 3, paragraph a amended	HF 2627.30	IV
7E.5	Subsection 1, paragraph h amended	SF 2201.1	J
8.47*	New subsection 4	SF 2124.1	E
8.55*	Subsection 2 amended	HF 2075.1**	J
8.55	Subsection 2, new paragraph a amended	HF 2625.25	7/1/03
8.55	Subsection 2, new paragraphs c & d amended	HF 2625.26	E
8.55	Subsection 2, new paragraph d amended	HF 2623.73	J
8.56*	Subsection 4, paragraph b amended	HF 2625.27	7/1/03
8.57*	Subsection 1, paragraph a amended	HF 2625.28	7/1/03
8.57*	Subsection 5, paragraph b amended	HF 2625.29	E
8.63	Subsection 4 amended	HF 2623.17	VETO
8D.2*	Subsection 5 amended	SF 2203.1	J
9B.1	Section repealed	HF 2554.6	J
9E.6A*	Unnumbered paragraph 1 amended	HF 2191.1	J
9E.15*	Section amended	SF 2275.2	J
9H.	Chapter amended	SF 2309.10	R 1/1/02
9H.1	New subsections 4A, 5A, 5B, 5C, 6B, 14A, 19A, 19B, 20A & 20B	SF 2309.1	R 1/1/02
9H.1	Subsection 12 stricken	SF 2309.3	R 1/1/02
9H.1	Subsection 19 amended	SF 2309.2	R 1/1/02
9H.2	Section amended	SF 2309.4	R 1/1/02
9H.2	New subsection 4 stricken	SF 2309.10	7/1/04
9H.2A	New section	SF 2309.5	R 1/1/02

**EFFECTIVE DATE** - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

**A** - Applicability provisions

**J** - Effective July 1, 2002

**\*** - 2001 Code Supplement

**E** - Effective upon enactment

**VETO** - Entire bill section vetoed

**\*\*** - Amended by subsequent bill

**C** - Conditional effective date

**00/00/00** - Specified effective date

**\*\*\*** - Repealed by subsequent bill

**IV** - Part of bill section vetoed

**00/00/00R** - Retroactive applicability

<b><u>Section</u></b>	<b><u>Action Taken</u></b>	<b><u>Hse/Sen File #</u></b>	<b><u>Effective</u></b>
9H.2A	New section repealed	SF 2309.5	7/1/06
9H.3	Section amended	SF 2309.6	R 1/1/02
9H.9	Section amended	SF 2309.7	R 1/1/02
10.1	Subsection 4 amended	SF 2275.114	J
10.1	Subsection 19, paragraph b amended	SF 2275.115	J
10A.101	Subsection 1 amended	SF 2325.1	J
10A.104	Subsection 2 amended	SF 2325.15	J
10A.104	Subsection 8 amended	SF 2325.3	J
10A.104	Subsection 9 amended	SF 2325.75	J
10A.104	New subsection 11	SF 2325.2	J
10A.106	Unnumbered paragraph 2 amended	SF 2325.5	J
10A.106	Subsection 2 stricken	SF 2325.4	J
10A.108	Subsection 5 amended	HF 2365.1	J
10A.301	Section repealed	SF 2325.14	J
10A.302	Section repealed	SF 2325.14	J
10A.401	Subsection 1 amended	SF 2325.6	J
10A.402	Section amended	SF 2325.7	J
10A.501	Subsection 1 amended	SF 2325.8	J
10A.502	Section amended	SF 2325.9	J
10A.701	Subsection 1 amended	SF 2325.10	J
10A.702	Subsections 1 & 2 amended	SF 2325.76	J
10A.801	Subsection 1, paragraph a amended	SF 2325.11	J
10A.801	Subsection 2 amended	SF 2325.12	J
10A.801	Subsection 7, paragraph c amended	SF 2325.13	J
10B.1	Subsection 2 amended	SF 2201.2	J
10B.4A	New unnumbered paragraph	SF 2210.2	E
10D.1	New section	SF 2210.3**	E
10D.1	New section, unnumbered paragraph 1 amended	HF 2623.74	J
10D.2	New section	SF 2210.4	E
10D.3	New section	SF 2210.5	E
12.21	Section amended	HF 2623.18	VEETO
12.72*	Subsection 4, paragraph d amended	SF 2275.3	J
12.72A	New section	SF 2048.1	VEETO
12.82*	Subsection 4, paragraph d amended	SF 2275.4	J
12C.1*	Subsection 2, paragraph c amended	HF 681.1	J
12C.1*	Subsection 2, new paragraphs g & h	HF 681.2	J
12C.2	Section amended	HF 681.3	J
12C.6A	Subsection 2 amended	HF 681.4	J
12C.6A	Subsection 3, paragraph b amended	HF 681.5	J
12C.19	Subsection 1 amended	HF 681.6	J
12C.20	New section, subsection 1	HF 681.7	1/31/03
12C.20	New section, subsections 2 & 3	HF 681.7	J
12C.20	New section, subsection 4	HF 681.7	4/30/03
12C.22	New section	HF 681.8	7/1/03
12C.23A	Section amended	HF 681.9	J
12C.24	Section amended	HF 681.10	J
12C.25	New unnumbered paragraph, after subsection 2	HF 681.11	J
12C.26	Section rewritten	HF 681.12	J
12C.27	New section	HF 681.13	J
12C.28	New section	HF 681.14	J
12E.12*	New subsection 8	HF 2627.229**	J
12E.12	New subsection 8 amended	HF 2625.35	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
13.10	Section repealed	HF 2201.5	C
13.31	New subsection 6	HF 2345.1	J
13B.4	Subsection 1 amended	SF 2275.116	J
13B.4	Subsection 1 amended	SF 2301.1	J
13B.4	Subsection 4, paragraph c amended	SF 2301.2	J
13B.4	Subsection 4, paragraph d rewritten	SF 2301.3	J
13B.4	Subsection 5 rewritten	SF 2301.4	J
13B.4	Subsection 7 stricken	SF 2301.5	J
13B.8	Subsection 1, unnumbered paragraph 2 stricken	SF 2301.6	J
13B.8	Subsection 2 amended	SF 2275.117	J
13B.8	Subsection 4 amended	SF 2301.7	J
13B.8	New subsection 5	SF 2301.8	J
13B.9	Subsection 2 amended	SF 2301.9	J
13B.9	Subsection 3 amended	SF 2301.10	J
13B.9	Subsection 4 amended	SF 2301.11	J
13B.9	Subsection 5 stricken	SF 2301.12	J
14B.101*	New subsection 1A	SF 2275.118	J
14B.105*	Subsection 1, paragraph b, unnumbered paragraph 1 amended	SF 2275.119	R 4/25/00
14B.203*	Subsection 3 amended	HF 2623.19	VETO
14B.205	Section amended	HF 2623.20	VETO
15.108*	Subsection 9, paragraph e amended	HF 2623.21	VETO
15.221	Subsection 2, paragraph c rewritten	SF 2325.26	J
15.312	Section amended	HF 2229.1	J
15.313	Subsections 2, 3, & 4 amended	HF 2229.2	J
15.333*	Subsection 1 amended	HF 2621.1	VETO
15.333*	Subsections 1 & 2 amended	SF 2275.5	J
15.333*	Subsections 1 & 2 amended	HF 2625.47	R 1/1/02
15.335*	Subsection 4 amended	HF 2116.1	R 1/1/01
15A.1*	Subsection 3, paragraph b amended	SF 2325.27	J
15A.7	Subsection 3 amended	SF 2201.3	J
15A.9*	Subsection 8, paragraph e amended	HF 2116.2	R 1/1/01
15A.9*	Subsection 10 amended	SF 2201.4	J
15E.1	New section	SF 2275.6	J
15E.41	New section	HF 2271.1	R 1/1/02
15E.42	New section	HF 2271.2**	R 1/1/02
15E.42	New section, subsection 3 amended	HF 2623.75	J
15E.43	New section	HF 2271.3**	R 1/1/02
15E.43	New section, subsection 1, paragraph a amended	HF 2623.76	J
15E.44	New section	HF 2271.4	R 1/1/02
15E.45	New section	HF 2271.5	R 1/1/02
15E.46	New section	HF 2271.6	R 1/1/02
15E.51	New section	HF 2586.1	R 1/1/02
15E.111	Subsection 1, paragraph b, unnumbered paragraph 2 amended	SF 2325.28	J
15E.111	Subsection 8 amended	SF 2201.5	J
15E.112	Subsection 1 amended	HF 2623.22	J
15E.112	Subsection 5 stricken	SF 2326.63	VETO
15E.112	Subsection 5 stricken	HF 2627.66	J

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**\*** - 2001 Code Supplement

**\*\*** - Amended by subsequent bill

**\*\*\*** - Repealed by subsequent bill

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
15E.117	Section amended	SF 2201.6	J
15E.192	Subsections 2, 3, & 4 amended	HF 2378.1	J
15E.192	Subsection 4, paragraph a stricken	HF 2378.7	7/1/03
15E.193A	Section repealed	HF 2378.9	J
15E.193B*	Subsection 1 amended	HF 2378.2	J
15E.193B*	Subsection 6, paragraph a amended	HF 2378.3	J
15E.193C*	Subsections 2, 5, & 10 amended	HF 2378.4	R 4/30/02
15E.193C*	Subsection 7, paragraph a amended	HF 2621.2	VETO
15E.193C*	Subsection 7, paragraph a amended	HF 2625.48	R 1/1/02
15E.193C*	Subsection 7, paragraph c amended	SF 2275.7	J
15E.193C*	New subsection 12	HF 2378.5	J
15E.194	Subsections 1, 2, & 4 amended	HF 2378.6	J
15E.195*	Subsection 2, unnumbered paragraph 1 amended	SF 2275.120	J
15E.202	Subsection 17, paragraph b amended	SF 2201.7	J
15E.208*	Subsection 4, paragraph b amended	SF 2325.29	J
15E.221	New section	HF 2078.1	* 2/28/02
15E.222	New section	HF 2078.2	* 2/28/02
15E.223	New section	HF 2078.3	* 2/28/02
15E.224	New section	HF 2078.4**	* 2/28/02
15E.224	New section, subsection 1 amended	HF 2623.77	J
15E.225	New section	HF 2078.5	* 2/28/02
15E.226	New section	HF 2078.6	* 2/28/02
15E.227	New section	HF 2078.7	* 2/28/02
15E.228	New section	HF 2078.8	* 2/28/02
15E.229	New section	HF 2078.9	* 2/28/02
16.131	Subsection 1 amended	HF 2627.234	J
16.132	Subsection 1, paragraph d amended	HF 2627.235	J
18.6	New subsection 17	SF 2124.57	J
18.75	Subsection 6 amended	HF 2623.23	J
18.97A	New unnumbered paragraph	HF 2623.24	J
18A.6A	New section	SF 2116.1	J
19A.12F	New section	SF 2167.1	J
19A.12F	New section repealed	SF 2167.1	7/1/07
20.21	Unnumbered paragraph 3 amended	HF 2394.1	7/1/03
21.5	Subsection 1, new paragraph k	SF 2277.1	J
22.7*	Subsection 41 rewritten	HF 2453.1	J
22.7*	New subsection 43	HF 2151.1	J
22.7*	New subsection 43	SF 2124.53	E
22.7*	New subsection 43	SF 2190.1	VETO
22.7*	New subsection 43	SF 2277.2	J
22.7*	New subsection 43	SF 2301.13	J
23A.2*	Subsection 10, new paragraph p	SF 2124.58	J
28D.3	Subsection 4 amended	SF 2325.30	J
28L.1	New section	SF 2051.1	J
29A.1*	Subsection 9 amended	SF 2124.2	E
29A.1*	Subsection 11 amended	SF 2124.3	E
29A.7*	Section amended	SF 2124.4	E
29A.8*	Subsection 1, unnumbered paragraph 1 amended	SF 2124.5	E
29A.8*	Subsection 1, paragraphs b & c amended	SF 2124.6	E
29A.8*	Subsection 1, new paragraphs d, e, & f	SF 2124.7	E
29A.8*	Subsection 2 rewritten	SF 2124.8	E
29A.8A*	Section amended	SF 2124.9	E

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
29A.9*	Section repealed	SF 2124.22	E
29A.17	Unnumbered paragraph 1 amended	SF 2275.121	J
29A.19	Section amended	SF 2124.10	E
29A.25	Section amended	SF 2124.11	E
29A.26	Unnumbered paragraph 1 amended	SF 2124.12	E
29A.26	Unnumbered paragraph 2 stricken	SF 2124.13	E
29A.31	Section amended	SF 2124.14	E
29A.40	Unnumbered paragraph 1 amended	SF 2124.15	E
29A.41	Section amended	SF 2124.16	E
29A.43*	Section amended	SF 2124.17	E
29A.50	Section amended	SF 2124.18	E
29A.51	Section amended	SF 2124.19	E
29A.54	Section amended	SF 2124.20	E
29A.66	Section amended	SF 2275.122	J
29A.74	Unnumbered paragraph 1 amended	SF 2124.21	E
29A.90	New section	SF 2124.24**	E
29A.90	New section, subsection 3 amended	HF 2623.78	E
29A.91	New section	SF 2124.25	E
29A.92	New section	SF 2124.26	E
29A.93	New section	SF 2124.27	E
29A.94	New section	SF 2124.28	E
29A.95	New section	SF 2124.29	E
29A.96	New section	SF 2124.30	E
29A.97	New section	SF 2124.31	E
29A.98	New section	SF 2124.32	E
29A.99	New section	SF 2124.33	E
29A.100	New section	SF 2124.34	E
29A.101	New section	SF 2124.35	E
29A.102	New section	SF 2124.36	E
29A.103	New section	SF 2124.37	E
29A.104	New section	SF 2124.38	E
29A.105	New section	SF 2124.39	E
29B.1	Section amended	SF 2124.41	E
29B.13	Unnumbered paragraph 1 amended	SF 2124.42	E
29B.22	Unnumbered paragraphs 1 & 2 rewritten	SF 2124.43	E
29B.27	Unnumbered paragraph 2 amended	SF 2124.44	E
29B.28	Unnumbered paragraph 2 amended	SF 2124.45	E
29B.35	Unnumbered paragraph 1 amended	SF 2124.46	E
29B.62	Section amended	SF 2124.47	E
29B.65	Subsections 2, 4, 5, 6, & 7 amended	SF 2124.48	E
29B.67	Section amended	SF 2124.49	E
29B.116	Section amended	SF 2124.50	E
29B.129	Subsection 1 stricken	SF 2124.51	E
29C.8*	Subsection 3, new paragraph e	SF 2124.54	E
29C.22	New section	SF 2124.55	E
35A.12*	Section amended	HF 2150.1	J
39.2	Subsection 1, unnumbered paragraph 2 amended	HF 2472.1	1/1/03

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**\*\*** - Amended by subsequent bill

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<b><u>Section</u></b>	<b><u>Action Taken</u></b>	<b><u>Hse/Sen File #</u></b>	<b><u>Effective</u></b>
39.3	Unnumbered paragraph 1 amended	HF 2409.7	J
39.3	New subsection 17	HF 2472.2	1/1/03
39.26	New section	HF 2472.3	1/1/03
39.27	New section	HF 2472.4	1/1/03
39A.1	New section	HF 2409.1	J
39A.2	New section	HF 2409.2	J
39A.3	New section	HF 2409.3	J
39A.4	New section	HF 2409.4	J
39A.5	New section	HF 2409.5	J
39A.6	New section	HF 2409.6	J
41.1	Subsection 28 amended	HF 2623.79	J
43.14	Section rewritten	HF 2472.5	1/1/03
43.15	Subsection 4 amended	HF 2472.6	1/1/03
43.24	Subsection 1, paragraph d amended	HF 2472.7	1/1/03
43.27	Section amended	HF 2472.8	1/1/03
43.45	Section rewritten	HF 2472.9	1/1/03
43.48	Section amended	HF 2472.10	1/1/03
43.114	Section amended	HF 2472.11	1/1/03
43.118	Section amended	HF 2472.12	1/1/03
43.119	Section repealed	HF 2409.15	J
43.120	Section repealed	HF 2409.15	J
44.4	Unnumbered paragraph 1 amended	HF 2472.13	1/1/03
45.3*	Unnumbered paragraph 1 stricken	HF 2472.14	1/1/03
45.5	New section	HF 2472.15	1/1/03
45.6	New section	HF 2472.16	1/1/03
48A.2	Subsection 3 amended	HF 2472.17	1/1/03
48A.6	Subsection 2 amended	HF 2472.18	1/1/03
48A.9	Subsection 2 amended	HF 2472.19	1/1/03
48A.10	Section amended	HF 2472.20	1/1/03
48A.11	New subsection 6	HF 2472.21	1/1/03
48A.14	Subsection 1, paragraph f amended	HF 2472.22	1/1/03
48A.25	Unnumbered paragraph 1 amended	HF 2409.8	J
48A.27	Subsection 3, paragraph a amended	HF 2472.23	1/1/03
48A.27	Subsection 4, paragraph c, unnumbered paragraph 2 amended	HF 2472.24	1/1/03
48A.28	Subsection 3, unnumbered paragraph 2 amended	HF 2472.25	1/1/03
48A.29	Subsection 3, unnumbered paragraph 2 amended	HF 2472.26	1/1/03
48A.30	Subsection 1, paragraph a amended	HF 2472.27	1/1/03
48A.30	Subsection 1, paragraph e amended	HF 2472.28	1/1/03
48A.31	Section amended	SF 2275.123	J
48A.38	Subsection 1, new paragraph f	HF 2472.29	1/1/03
48A.39	Section amended	HF 2409.9	J
48A.41	Section repealed	HF 2409.15	J
49.21	New unnumbered paragraph	HF 2472.30	1/1/03
49.30	Subsection 1 amended	HF 2472.31	1/1/03
49.31	Subsection 2, new unnumbered paragraph	HF 2472.32	1/1/03
49.53	Unnumbered paragraph 1 amended	HF 2472.33	1/1/03
49.57	Subsection 4 amended	HF 2472.34	1/1/03
49.64	Section amended	HF 2472.35	1/1/03
49.70	Section amended	HF 2472.36	1/1/03
49.73	Subsection 1, paragraph b amended	HF 2472.37	1/1/03
49.73	Subsection 1, new paragraph e	HF 2472.38	1/1/03
49.79	Section amended	HF 2472.39	1/1/03

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
49.81	Subsection 2, unnumbered paragraph 2 amended	HF 2472.40	1/1/03
49.84	New unnumbered paragraph	HF 2472.41	1/1/03
49.88	New unnumbered paragraph	HF 2472.42	1/1/03
49.96	Section amended	HF 2472.43	1/1/03
49.107	Section repealed	HF 2409.15	J
49.110	Section repealed	HF 2409.15	J
49.111	Section repealed	HF 2409.15	J
49.113	Section repealed	HF 2409.15	J
49.119	Section repealed	HF 2409.15	J
49.124	Section amended	HF 2472.44	1/1/03
50.11	Section amended	HF 2472.45	1/1/03
50.12	Section amended	HF 2472.46	1/1/03
50.48	Subsection 2, unnumbered paragraph 1 amended	HF 2472.47	1/1/03
50.49	Unnumbered paragraph 4 amended	HF 2472.48	1/1/03
50.50	Unnumbered paragraph 1 amended	HF 2472.49	1/1/03
51.16	Section repealed	HF 2409.15	J
51.17	Section repealed	HF 2409.15	J
52.1	Subsection 2, paragraphs a, b, & f amended	HF 2472.50	1/1/03
52.1	Subsection 2, paragraphs c, d, & k stricken	HF 2472.51	1/1/03
52.25	Unnumbered paragraphs 1 & 2 amended	HF 2472.52	1/1/03
52.26	Subsections 5, 6, & 7 amended	HF 2472.53	1/1/03
52.27	Section amended	HF 2472.54	1/1/03
52.28	Subsection 1 amended	HF 2472.55	1/1/03
52.28	Subsection 2 stricken	HF 2472.56	1/1/03
52.29	Section amended	HF 2472.57	1/1/03
52.30	Section repealed	HF 2472.114	1/1/03
52.33	Unnumbered paragraph 1 amended	HF 2472.58	1/1/03
52.35	Subsection 2 amended	HF 2472.59	1/1/03
52.37	Subsection 1 amended	HF 2472.60	1/1/03
52.40	Subsection 4 amended	HF 2409.10	J
52.41	New section	HF 2472.61	1/1/03
53.7	Subsection 2 amended	HF 2409.11**	J
53.7	Subsection 2 amended	HF 2623.80	J
53.8	Subsection 1 amended	HF 2472.62	1/1/03
53.10	New section	HF 2472.63	1/1/03
53.11	Unnumbered paragraph 1 stricken	HF 2472.64	1/1/03
53.11	Unnumbered paragraph 2 amended	HF 2472.65	1/1/03
53.11	New unnumbered paragraphs	HF 2472.66	1/1/03
53.18	Section amended	HF 2472.67	1/1/03
53.19	Unnumbered paragraph 3 amended	HF 2472.68	1/1/03
53.30	Section amended	HF 2472.69	1/1/03
53.35	Section amended	HF 2409.12	J
53.35A	Section amended	HF 2409.13	J
53.36	Section repealed	HF 2409.15	J
53.38	Section amended	HF 2472.70	1/1/03
53.40	Unnumbered paragraph 1 amended	HF 2472.71	1/1/03
53.49	Section amended	HF 2409.14	J

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<b><u>Section</u></b>	<b><u>Action Taken</u></b>	<b><u>Hse/Sen File #</u></b>	<b><u>Effective</u></b>
56.2	Subsection 5 amended	HF 2538.1	E
56.2	Subsection 14, paragraph c stricken	SF 2275.124	J
56.2	Subsection 18 amended	HF 2538.2	E
56.4	Section rewritten	HF 2538.3	1/1/03
56.5	Subsection 2, paragraph f amended	HF 2538.4	E
56.5	Subsection 5 amended	HF 2538.5	E
56.5A	Subsection 1 amended	HF 2538.6	E
56.6	Subsection 1, paragraph a amended	HF 2538.7	E
56.6	Subsection 2 amended	HF 2538.8	E
56.13	Section amended	HF 2538.9	E
56.14	Subsection 2, paragraph a amended	SF 2275.125	J
57.1	Subsection 2, new paragraph g, paragraphs relettered	HF 2472.72	1/1/03
60.4	Section amended	HF 2472.73	1/1/03
60.5	Section amended	HF 2472.74	1/1/03
62.5	Section repealed	HF 2472.114	1/1/03
62.5A	New section	HF 2472.75	1/1/03
62.8	Section repealed	HF 2472.114	1/1/03
63.8	Section amended	HF 2472.76	1/1/03
68B.2	Subsection 5 amended	HF 2538.10	E
69.2*	Section amended	HF 2472.77	1/1/03
69.12	Subsection 1, paragraph a amended	HF 2472.78	1/1/03
69.12	Subsection 1, paragraph b amended	HF 2472.79	1/1/03
69.14A	New subsection 4	HF 2472.80	1/1/03
70A.17	Section repealed	HF 2622.31	J
73.2	Section amended	HF 2536.1	J
73.10	Section amended	SF 2201.8	J
80.36	Section amended	HF 2532.1	J
80.40	New section	HF 2201.1	C
80A.4	Section amended	HF 2249.1	E
80A.5	Subsections 1 & 2 amended	HF 2249.2	E
80A.7	Subsection 2 amended	HF 2249.3	E
80A.7	New subsection 5	HF 2249.4	E
84A.1	Subsections 2 & 3 amended	SF 2201.9	J
84A.1A*	Section amended	SF 2201.10	J
84A.4*	Subsection 3 amended	SF 2275.8	J
84A.5*	Section amended	SF 2201.11	J
84A.6	Subsections 2 & 3 amended	SF 2201.12	J
84A.7	Subsections 3 & 4 amended	SF 2201.13	J
85.27*	Subsection 7 amended	SF 2190.2	VETO
85.34	Subsection 5 amended	SF 2190.3	VETO
85.34	New subsection 7	SF 2190.4	VETO
85.38	Subsection 4 amended	SF 2201.14	J
85A.20*	Section amended	SF 2275.9	J
86.42	Section amended	SF 2190.5	VETO
86.43	Section amended	SF 2190.6	VETO
86.45	New section	SF 2190.7	VETO
88.5*	Subsection 7 amended	SF 2275.10	J
89B.17	Unnumbered paragraph 1 amended	SF 2325.31	J
92.8	Subsection 19 amended	SF 2121.1	VETO
96.11*	New subsection 11A	HF 2344.1	J
97A.6	Subsection 6, paragraph c amended	HF 2532.2	R 7/1/98
97A.6	Subsection 14 amended	HF 2532.3	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
97A.14A	New section	HF 2532.4	J
97A.17	Subsection 2 amended	HF 2532.5	R 7/1/96
97B.1A*	Subsection 8, paragraph a, subparagraph (1) amended	HF 2532.7	J
97B.1A*	Subsection 8, paragraph b, subparagraph (2) amended	HF 2532.8	R 1/1/95
97B.1A*	Subsection 8, paragraph b, new subparagraph (9)	HF 2532.9	J
97B.1A*	Subsection 24, paragraph a amended	HF 2532.10	J
97B.1A*	Subsection 24, paragraph c amended	HF 2532.11	J
97B.15	Section amended	HF 2532.12	J
97B.17*	Section amended	HF 2532.13	J
97B.18	Section amended	HF 2532.14	J
97B.42C	New section	HF 2532.15	J
97B.44	New unnumbered paragraph	HF 2532.16	J
97B.45	Section amended	HF 2532.17	J
97B.48	Subsection 3 amended	HF 2532.18	J
97B.48A	Subsection 1, unnumbered paragraph 1 amended	HF 2532.19	J
97B.49B	Subsection 1, paragraph e, subparagraph (1) amended	HF 2532.20	J
97B.49B	New subsection 4	HF 2532.21	J
97B.49C	New subsection 4	HF 2532.22	J
97B.49F	Subsection 2, paragraph a amended	HF 2532.23	J
97B.49G	Subsection 6, paragraph c amended	SF 2325.32	J
97B.50A	Subsection 2, paragraph d amended	HF 2532.24	J
97B.50A	Subsection 7, paragraph b, subparagraph (4) amended	SF 2275.126	J
97B.51	Subsection 1, unnumbered paragraph 1 amended	HF 2532.25	J
97B.51	Subsection 1, paragraph a amended	HF 2532.26	J
97B.51	Subsection 1, new paragraph f	HF 2532.27	J
97B.52	Subsection 4, paragraph b amended	HF 2532.28	J
97B.53	Subsection 4 amended	HF 2532.29	J
97B.53B	Section amended	HF 2532.30	R 1/1/02
97B.80A	Subsections 1 & 3 amended	HF 2532.31	J
97B.80A	New subsection 7	HF 2532.32	J
97B.80C	New section	HF 2532.33	J
97B.82	Section rewritten	HF 2532.34	J
97C.21	New section	HF 2532.35	J
99B.5	Subsection 1, paragraph g amended	HF 2109.1	J
99B.5	Subsection 3, unnumbered paragraph 1 amended	HF 2109.2	J
99B.7	Subsection 1, paragraph d rewritten	HF 2109.3	J
99B.7	Subsection 1, paragraph e rewritten	HF 2109.4	J
99B.7	Subsection 1, paragraph l, subparagraph (2) rewritten	HF 2109.5	J
99B.7	Subsection 1, paragraph m, subparagraph (1) amended	HF 2109.6	J
99B.7	Subsection 1, paragraph o amended	HF 2109.7	J
99B.7	Subsection 1, paragraphs q & r stricken	HF 2109.8	J
99B.7	Subsection 3, paragraph a amended	HF 2109.9	J
99B.7	Subsection 7, paragraphs a & c stricken	HF 2109.10	J
99B.8	Subsection 1, paragraphs c & e amended	HF 2109.11	J
99B.8	Subsections 2 & 5 amended	HF 2109.12	J
99B.11	Subsection 2, paragraph a amended	HF 2109.13	J
99B.12	Subsection 2, paragraph a amended	HF 2109.14	J

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99B.18	Unnumbered paragraph 1 amended	HF 2109.15	J
99D.8A	Subsection 2 amended	HF 2249.5	E
99D.14A	New section	SF 2326.156	VETO
99D.14A	New section	HF 2627.167	J
99E.3	Subsection 3 amended	HF 2249.6	E
99E.9	Subsection 2 amended	HF 2249.7	E
99E.9	Subsection 3, paragraph m amended	HF 2249.8	E
99E.9	Subsection 3, paragraph o stricken	HF 2249.9	E
99F.4A	Subsection 8 amended	SF 2326.157	VETO
99F.4A	Subsection 8 amended	HF 2627.168	J
99F.6	Subsection 2 amended	HF 2249.10	E
99F.10A	New section	SF 2326.158	VETO
99F.10A	New section	HF 2627.169	J
100B.11	Subsection 3 amended	HF 2152.1	E
101.22	Subsection 4 amended	SF 2275.127	J
103A.8	Subsection 7 amended	SF 2325.33	J
103A.8A	Section amended	HF 2418.1	J
103A.8A	Section amended	SF 2325.34	J
103A.10	New subsection 5	HF 2418.2	J
123.14	Subsection 2 amended	SF 2275.11	J
123.39	Subsection 1, paragraph a amended	SF 2275.128	J
123.183*	Subsection 3, paragraph b amended	SF 2201.15	J
124.210	Subsection 3, new paragraph o, paragraphs relettered	HF 2547.1	J
124.401A	Section amended	HF 2623.25	J
124.409	Subsection 1 stricken	HF 2623.26	J
124B.2	Subsection 1, paragraph o amended	HF 2547.2	J
124B.2	Subsection 1, new paragraph w	HF 2547.3	J
124C.1	Unnumbered paragraph 1 amended	SF 2275.12	J
124C.4	Subsection 3 amended	HF 2365.2	J
125.13	Subsection 1, unnumbered paragraph 2 amended	HF 2547.4	J
125.13	Subsection 2, new paragraph j	HF 2547.5	J
125.14	Section amended	HF 2547.6	J
126.24	New section	HF 2507.1	J
135.11*	New subsection 9A	HF 2547.7	J
135.24*	Section amended	HF 2547.8	J
135.43	Subsection 5, paragraph d amended	SF 2275.129	J
135.43	Subsection 7, paragraph b amended	SF 2275.130	J
135.61	Subsection 2 rewritten	SF 2325.77	J
135.63	Subsection 4 amended	HF 2416.10	J
135.63	Subsection 4 stricken	SF 2275.13***	J
135.64	Subsection 4 stricken	HF 2416.11	J
135.78	Section amended	SF 2275.14	J
135.83*	Section amended	SF 2201.16	J
135.104	Subsection 3 amended	HF 2547.9	J
135.110	Subsection 2 amended	SF 2275.131	J
135.120	Section amended	SF 2318.1	J
135B.34	New section	SF 2231.1	J
135C.2*	Subsection 3, paragraph d amended	SF 2201.17	J
135C.6	Subsection 8 amended	HF 2416.1	J
135C.33*	Subsection 2 amended	SF 2201.18	J
135G.	Chapter repealed	SF 2325.79	J
136.3*	Subsection 7 amended	SF 2201.19	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
136C.4	Subsection 1 amended	HF 2547.10	J
137C.7	Section amended	SF 2275.132	J
137F.1*	Subsection 8, paragraph e amended	HF 2620.1	E
137F.6*	New subsection 7	HF 2620.2	E
139A.10	Section amended	SF 2275.133	J
139A.30	Section amended	SF 2275.134	J
142C.2*	Subsection 4 amended	SF 2195.1	J
142C.2*	New subsection 5A	SF 2195.2	J
142C.3	Subsections 2, 3, & 12 amended	SF 2195.3	J
142C.3	Subsection 8 rewritten	SF 2195.4	J
142C.4	Subsection 2, paragraph a amended	SF 2195.5	J
142C.6	Subsection 2 amended	SF 2195.6	J
142C.7	Section amended	SF 2195.7	J
142C.11	Subsection 3 amended	SF 2195.8	J
144.23	Subsection 3, unnumbered paragraph 2 stricken	HF 2190.1	E
144.25A	New section	HF 2190.2	E
144.26	New subsection 4	HF 2547.11	J
144.28	Subsection 1 amended	HF 2453.2	J
144A.2	Section amended	SF 2155.1	J
144A.3	Subsection 2, unnumbered paragraph 1 amended	SF 2155.2	J
144A.3	Subsect. 2, para. a, subpara. (1) & (2) amended	SF 2155.3	J
144A.7	Subsection 1, paragraph a amended	SF 2155.4	J
144A.7A	New section	SF 2155.5	J
144A.8	Section amended	SF 2155.6	J
144A.9	Subsection 1, unnumbered paragraph 1 amended	SF 2155.7	J
144A.9	New subsection 4	SF 2155.8	J
144A.10	Section amended	SF 2155.9	J
144A.11	Subsections 1, 2, 3, & 4 amended	SF 2155.10	J
146A.1	New section	HF 2264.1	VETO
146A.2	New section	HF 2264.2	VETO
146A.3	New section	HF 2264.3	VETO
146A.4	New section	HF 2264.4	VETO
146A.5	New section	HF 2264.5	VETO
146A.6	New section	HF 2264.6	VETO
147.10	Section amended	HF 2547.12	J
147.107*	Subsection 2, unnumbered paragraphs 1 & 2 amended	HF 2547.13	J
148B.5	Subsection 2 stricken	HF 2547.14	J
153.19	New section	HF 2547.15	J
153.21	Section rewritten	HF 2547.16	J
153.22	Section amended	HF 2547.17	J
153.23	Section repealed	HF 2547.31	J
153.24	Section repealed	HF 2547.31	J
153.25	Section repealed	HF 2547.31	J
153.26	Section repealed	HF 2547.31	J
153.27	Section repealed	HF 2547.31	J
153.28	Section repealed	HF 2547.31	J
153.29	Section repealed	HF 2547.31	J

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**VETO** - Entire bill section vetoed

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**\*** - 2001 Code Supplement

**\*\*** - Amended by subsequent bill

**\*\*\*** - Repealed by subsequent bill

<b><u>Section</u></b>	<b><u>Action Taken</u></b>	<b><u>Hse/Sen File #</u></b>	<b><u>Effective</u></b>
153.30	Section repealed	HF 2547.31	J
153.31	Section amended	HF 2547.18	J
153.33	Subsections 1 & 2 amended	HF 2547.19	J
153.33	Subsection 5, paragraph f amended	HF 2547.20	J
153.34	Section amended	HF 2547.21	J
153.37	Section amended	HF 2547.22	J
153.39	Subsection 3 amended	HF 2547.23	J
154.1	Unnumbered paragraph 3 amended	SF 374.1	J
154.6*	Section amended	SF 2275.15	J
154A.9*	Section amended	SF 2275.16	J
154A.20*	Subsection 3 amended	SF 2275.17	J
154A.20*	Subsection 5 amended	SF 2275.18	J
154A.23*	Unnumbered paragraph 1 amended	SF 2275.19	J
155A.3	Subsection 31 amended	HF 2547.24	J
155A.33*	Section amended	HF 2547.25	J
159.6	Subsection 8 amended	HF 2492.2	7/1/05
159A.7	Subsection 6 stricken	SF 2326.64	VETO
159A.7	Subsection 6 stricken	HF 2627.67	J
161.2	Subsection 4 amended	SF 2275.135	J
161.2	Subsection 9, unnumbered paragraph 1 amended	SF 2275.136	J
161.2	Subsection 14 stricken	SF 2275.137	J
161.6	Subsection 4, paragraph a amended	SF 2275.138	J
161.8	Subsection 3, paragraph b, subparagraph (1) amended	SF 2275.139	J
161B.1	Subsection 2 stricken	SF 2275.20	J
161B.1	Subsection 2, paragraphs a & b rewritten	SF 2325.35	J
163.6*	Subsection 1, paragraph a amended	SF 2275.21	J
163.15	Unnumbered paragraph 2 amended	HF 2514.1	J
163.51*	Subsection 4, paragraph b amended	SF 2275.22	J
165A.4*	Section amended	SF 2275.23	J
166D.7	Subsection 1, paragraph a amended	SF 2275.140	J
166D.10	Subsection 1, paragraph c amended	SF 2275.141	J
166D.10	Subsection 3, paragraph b amended	HF 2530.1	E
166D.10	Subsection 3, new paragraph bb, paragraphs relettered	HF 2530.2	E
166D.10	Subsect. 4, para. b, subpara. (2), subpara. subdiv. (a) amended	HF 2530.3	E
166D.10	Subsect. 4, para.b, subpara. (2), subpara. subdiv.(b), subpara. subdiv. parts (i) & (ii) amended	HF 2530.4	E
166D.10	Subsection 6 amended	HF 2530.5	E
166D.10B	Subsection 1, unnumbered paragraph 1 amended	SF 2275.142	J
166D.12*	Subsection 2, paragraph c amended	HF 2530.6	E
169A.13*	Section amended	SF 2275.24	J
172E.2*	Subsection 1 amended	HF 2510.1	J
173.1A*	Unnumbered paragraph 1 amended	SF 2275.25	J
173.3	Section amended	HF 2492.3	7/1/05
173.16*	Unnumbered paragraph 2 amended	SF 2325.36	J
175A.2*	Subsection 4 amended	SF 2275.26	J
175A.3*	Subsection 2, paragraph e amended	SF 2275.27	J
176.	Chapter repealed	HF 2492.7	7/1/05
183A.7	Unnumbered paragraph 3 amended	SF 2275.143	J
192.111	Subsection 1 amended	HF 2617.1	A E
192.111	Subsection 3, paragraph a amended	HF 2617.2	A E
192.112	Unnumbered paragraph 1 amended	HF 2617.3	A E
192.113	Subsection 1 amended	HF 2617.4	A E

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192.131	Section repealed	HF 2617.9	A E
192.132	Section repealed	HF 2617.9	A E
192.132	Section repealed	SF 2275.110	J
192.133	Section repealed	HF 2617.9	A E
192.134	Section repealed	HF 2617.9	A E
192.135	Section repealed	HF 2617.9	A E
192.136	Section repealed	HF 2617.9	A E
192.137	Section repealed	HF 2617.9	A E
192.142	Section repealed	HF 2617.9	A E
194.3	Section amended	HF 2617.5	A E
194.3A	New section	HF 2617.6	A E
194.12	Section repealed	HF 2617.9	A E
194.13	Section repealed	HF 2617.9	A E
194.14	Section repealed	HF 2617.9	A E
194.15	Section repealed	HF 2617.9	A E
194.16	Section repealed	HF 2617.9	A E
194.18	Section amended	HF 2617.7	A E
194.19	Section repealed	HF 2617.9	A E
194.25	Section amended	HF 2617.8	A E
202A.1	Subsection 3 amended	SF 2275.144	J
206.25	Section amended	SF 2325.37	J
207.13	Subsection 2 amended	SF 2201.20	J
207.22	Subsection 3, paragraph b amended	SF 2275.145	J
216A.102	Subsection 1 amended	SF 2275.146	J
216B.4	Unnumbered paragraph 1 amended	SF 2275.28	J
225.12	Section amended	SF 2275.29	J
225.30*	Section amended	SF 2275.30	J
225B.7*	Subsection 2 stricken	SF 2275.31	J
225C.5	Subsection 1 amended	HF 2430.1	J
225C.5	Subsection 1, paragraph d amended	HF 2627.238	J
225C.6*	Subsection 1, new paragraph q	HF 2430.2	J
225C.6*	New subsection 3	HF 2430.3	A J
229.1*	Section amended	SF 2275.107	J
229.14*	Subsection 2, paragraph d amended	SF 2275.32	J
229.24	Subsection 3, unnumbered paragraph 1 amended	HF 2430.4	J
229.26*	Section amended	SF 2275.108	J
229.42*	Section amended	SF 2201.21	J
229A.1	Unnumbered paragraph 2 amended	SF 2286.1	E
229A.2	New subsections 2A, 6A, & 10	SF 2286.2	E
229A.5	Subsection 3 amended	SF 2286.3	E
229A.5B*	Section amended	SF 2286.4	E
229A.5C	New section	SF 2286.5	E
229A.5D	New section	SF 2286.6	E
229A.6A	New section	SF 2286.7	E
229A.7	Subsection 2 amended	SF 2286.8	E
229A.7	Subsections 3, 4, & 5 amended	SF 2286.9	E
229A.8	Section amended	SF 2286.10	E

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<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
229A.8A	New section	SF 2286.11	E
229A.8B	New section	SF 2286.12	E
229A.9A	New section	SF 2286.13	E
229A.9B	New section	SF 2286.14	E
229A.10	Section amended	SF 2286.15	E
229A.11	Section amended	SF 2286.16	E
229A.12	Section amended	SF 2286.17	E
229A.12A	New section	SF 2286.18	E
229A.14	Section amended	SF 2286.19	E
229A.15A	New section	SF 2286.20	E
229A.15B	New section	SF 2286.21	E
231.51	Section amended	HF 2488.1	J
231.52	Section amended	HF 2488.2	J
231.53*	Section rewritten	HF 2488.3	J
232.2*	Subsection 4, paragraph f amended	HF 2399.1	J
232.2*	Subsection 9 amended	SF 2325.16	J
232.21*	Subsection 4 amended	SF 2201.22	J
232.52*	Subsection 6, unnumbered paragraph 2 amended	HF 2399.2	J
232.69*	Subsection 1, paragraph b, subparagraph (4) amended	HF 2394.2	7/1/03
232.69*	Subsection 1, paragraph b, subparagraph (5) amended	SF 2205.1	A 10/1/02
232.71B*	Subsection 4, paragraph e amended	HF 2552.1	J
232.89	Subsection 5 amended	SF 2325.17	J
232.102*	Subsection 1, unnumbered paragraph 2 amended	HF 2399.3	J
232.111*	Subsection 2, paragraph a, subparagraph (3) amended	SF 2201.23	J
232.126	Unnumbered paragraph 2 amended	SF 2325.18	J
232.141	Subsection 3, paragraphs c & d amended	SF 2275.147	J
232.190	Section repealed	HF 2627.108	VETO
233.1*	Subsection 2, paragraph a amended	SF 2275.33	J
233.6*	Subsection 2 amended	SF 2275.34	J
235A.13	Subsection 10, new paragraph g	HF 2552.2	J
235A.15*	Subsection 2, paragraph c, new subparagraph (11)	SF 2231.2	J
235A.15*	Subsection 2, paragraph e, subparagraph (7) amended	SF 2325.19	J
235B.6*	Subsection 2, paragraph c, new subparagraph (7)	SF 2231.3	J
235B.16*	Subsection 5, paragraph e amended	SF 2275.35	J
236.2	Subsection 2, new paragraph e	SF 2100.1	J
236.2	New subsection 4A	SF 2100.2	J
236.3*	Unnumbered paragraph 2 amended	SF 2275.36	J
236.3*	New unnumbered paragraph after subsection 7	SF 2100.3	J
237.1	Subsection 4, paragraph d amended	SF 2205.2	A 10/1/02
237.3*	Subsection 2, paragraph f, unnumbered paragraph 1 amended	HF 2518.1	J
237.3*	Subsection 2, paragraph f, new subparagraph (1)	HF 2518.2	J
237.5	Subsection 1 amended	HF 2518.3	J
237.5A	Section amended	HF 2518.4	J
237.15	New subsection 2A	SF 2325.20	J
237.15	Subsection 6 amended	SF 2325.21	J
237.16	Subsection 1 amended	SF 2325.22	J
237.16	Subsection 3 amended	HF 2627.239	J
237.18	Subsection 2, new paragraph g	SF 2325.23	J
237.18	New subsections 7 & 8	SF 2325.24	J
237A.1*	Subsection 2 amended	SF 2205.3	A 10/1/02
237A.1*	Subsection 3, paragraph h amended	SF 2205.4	A 10/1/02
237A.1*	Subsection 3, new paragraph n	SF 2205.5	A 10/1/02

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237A.1*	Subsections 4, 5, & 6 amended	SF 2205.6	A 10/1/02
237A.1*	New subsection 6A	SF 2205.7	A 10/1/02
237A.1*	Subsections 7 & 10 stricken	SF 2205.8	A 10/1/02
237A.2	Subsection 2 amended	SF 2205.9	A 10/1/02
237A.2	Subsection 5 amended	SF 2205.10	A 10/1/02
237A.3*	Section rewritten	SF 2205.11	A 10/1/02
237A.3A*	Section rewritten	SF 2205.12	A 10/1/02
237A.4	Section amended	SF 2205.13	A 10/1/02
237A.12	Subsection 1, unnumbered paragraph 1 amended	SF 2205.14	A 10/1/02
237A.12	Subsection 1, paragraph c amended	SF 2205.15	A 10/1/02
237A.12	Subsection 3 amended	SF 2205.16	A 10/1/02
237A.13	Subsection 2 amended	SF 2205.17	A 10/1/02
237A.13	New subsection 5A	SF 2205.18	A 10/1/02
237A.19	Section amended	SF 2205.19	A 10/1/02
237A.20	Section amended	SF 2205.20	A 10/1/02
237A.21	Subsection 1 amended	SF 2205.21	A 10/1/02
237A.21	Subsection 3, paragraphs a, e, & f amended	SF 2205.22	A 10/1/02
237A.26	Subsection 3, paragraph a amended	SF 2205.23	A 10/1/02
237A.26	Subsection 6, paragraph e amended	SF 2205.24	A 10/1/02
237A.26	Subsection 6, paragraph h amended	SF 2205.25	A 10/1/02
237A.26	New subsection 8	SF 2205.26	A 10/1/02
237A.27	Section repealed	SF 2205.29	A 10/1/02
237A.29	Section amended	SF 466.1	J
237A.30	Subsection 1 amended	SF 2205.27	A 10/1/02
237A.30	Subsection 4 amended	SF 2205.28	A 10/1/02
238.3	Section amended	HF 2518.5	J
238.9	Section amended	HF 2518.6	J
238.23	Section repealed	HF 2518.8	J
238.24	Section amended	HF 2518.7	J
239B.2B	New section	HF 2623.27	J
239B.9	Subsection 5 amended	HF 2340.1	E
249A.2	New subsection 11	HF 2539.1	E
249A.3*	Subsection 2, paragraph a amended	HF 2623.28	C
249A.5	Subsection 2, paragraphs b & c amended	HF 2539.2	E
249A.9	New section	HF 2625.34	VETO
249A.12*	Subsection 5, paragraph a, unnumbered paragraph 1 amended	HF 2430.5	J
249A.12*	Subsection 5, paragraph b, unnumbered paragraph 1 amended	HF 2430.6	J
249A.19	Section amended	SF 2201.24	J
249A.20	New unnumbered paragraph	HF 2416.2	E
249A.20A	New section	HF 2245.9	VETO
249A.20A	New section	SF 2326.131	VETO
249A.20A	New section	HF 2627.142	VETO
249A.21	New section	HF 2625.36	J
249A.26*	New subsection 4	HF 2416.3	E
249A.27	Subsection 2 amended	SF 2201.25	J
249A.29	Subsection 1, unnumbered paragraph 1 amended	HF 2416.4	J
249A.30	New section	HF 2416.5	J

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249A.31	New section	HF 2416.6	E
249A.32	New section	HF 2627.263	E
249H.4	Subsection 4 amended	SF 2201.26	J
249H.4	Subsection 4 amended	HF 2625.30	E
249H.4A	New section	HF 2625.31	E
249H.8	Subsection 1 amended	SF 2201.27	J
252A.2	Section amended	SF 2325.78	J
252B.4	Subsection 1 amended	SF 2326.132	VETO
252B.4	Subsection 1 amended	HF 2627.143	J
252D.18A	Subsection 1 amended	HF 2395.1	J
252D.18A	Subsection 3, paragraph b amended	HF 2395.2	J
252E.1	Section amended	HF 2395.3	J
252E.2	Subsection 2, unnumbered paragraph 1 amended	HF 2395.4	J
252E.4	Subsection 1 amended	HF 2395.5	J
252E.5	Subsections 1 & 3 amended	HF 2395.6	J
252E.5	New subsection 9	HF 2395.7	J
252E.6	Subsection 2 amended	HF 2395.8	J
252E.6A	Section amended	HF 2395.9	J
252H.2	Subsection 12 amended	HF 2395.10	J
252H.3	Subsection 1 amended	HF 2395.11	J
252H.8	Subsection 4, paragraph g amended	HF 2395.12	J
252H.9	Subsection 3, new paragraph h	HF 2395.13	J
252H.16	Subsection 1 amended	HF 2395.14	J
252H.22	New subsection 6	HF 2395.15	J
256.3	Section amended	HF 2515.1	J
256.4	Section amended	HF 2515.2	J
256.5A	New section	HF 2515.3	J
256.7*	Subsection 21, paragraph c amended	HF 2515.4	J
256.7*	New subsection 25	HF 2549.1	J
256.9*	Subsection 48 amended	HF 2627.92	E
256.9*	Subsection 50 amended	HF 2549.2	J
256.9*	New subsection 51	HF 2515.5	J
256.10	Section amended	HF 2515.6	J
256.11*	Subsection 10, unnumbered paragraph 3 amended	HF 2515.7	J
256.18	Section amended	HF 2454.1	J
256.34	Section repealed	HF 2515.44	J
256.44	Subsection 1, paragraph a amended	HF 2549.3	J
256.44	Subsect. 1, para. b, subpara. (2), unnumbered para. 1 amended	HF 2549.4	J
256.46	Section amended	SF 2259.1	J
256.67*	Subsection 1 amended	HF 2623.29	J
256D.1	Subsection 1, paragraph b, unnumbered paragraph 1 amended	SF 2275.148	J
256D.5	Subsection 2 stricken	SF 2326.182	J
256D.6*	Section repealed	SF 2326.183	J
256D.7*	Section repealed	SF 2326.183	J
256D.8*	Section repealed	SF 2326.183	J
256F.1	New section	SF 348.1	C
256F.2	New section	SF 348.2	C
256F.3	New section	SF 348.3	C
256F.4	New section	SF 348.4**	C
256F.4	New section, subsections 1 & 3 amended	HF 2623.81	J
256F.5	New section	SF 348.5	C
256F.6	New section	SF 348.6	C

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256F.7	New section	SF 348.7	C
256F.8	New section	SF 348.8	C
256F.9	New section	SF 348.9	C
256F.10	New section	SF 348.10	C
256F.11	New section	SF 348.11	C
256F.	New chapter repealed	SF 348.11	7/1/10
257.8*	Subsection 1 amended	SF 2315.1**	E
257.8*	Subsection 1 amended	SF 2328.1	A 7/1/03
257.8*	Subsection 1 amended	HF 2625.37	VETO
257.11*	Subsection 2, paragraph c, subparagraph (2) amended	HF 2515.8	J
257.11*	Subsect. 3, para. b, unnumbered para. 1 amended	HF 2394.3	7/1/03
257.11*	Subsection 3, paragraph b, subparagraph (5) amended	HF 2394.4	7/1/03
257.14	Subsection 1 amended (See '01 Acts, ch. 126, sec. 9)	SF 2201.59	R 5/9/01
257.14*	Subsection 2 amended	HF 2515.9	E
257.14*	Subsection 3, unnumbered paragraph 3 amended	HF 2515.10	E
257.16	Section amended	HF 2515.11	J
257.31	Subsection 5, paragraph d amended	SF 348.12	C
257.35	Section amended	SF 2315.2	E
257.37	New subsection 6	SF 2315.3	E
257.50	New section	HF 2515.12	J
260A.	Chapter repealed	HF 2627.94	J
260A.*	Chapter repealed	HF 2627.94	J
260C.5	Subsection 6 stricken	HF 2515.13	J
260C.14*	Subsection 1 amended	HF 2515.14	J
260C.36	Section amended	HF 2394.5	J
260C.38	Unnumbered paragraphs 1 & 3 amended	HF 2515.15	J
260C.47	Subsection 1, unnumbered paragraph 1 amended	HF 2394.6	7/1/03
260C.47	Subsection 1, paragraph b amended	HF 2394.7	7/1/03
260C.48	Subsection 1 amended	HF 2394.8	7/1/03
260C.48	New subsection 4	HF 2394.9	7/1/03
260C.70	Section repealed	HF 2515.44	J
260G.4B*	Subsection 1 amended	HF 2623.30**	J
260G.4B*	Subsection 1 amended	HF 2627.230	VETO
261.6	New section	HF 2138.1	R 9/11/01
261.17*	Subsection 4, paragraph a amended	HF 2139.1	J
261.23	New section	SF 2323.1	J
261.25	Subsections 1, 2, & 3 amended	SF 2326.85**	J
261.25	Subsection 1 amended	HF 2627.93	J
261.43A	New section	HF 2475.1	J
261C.6	Unnumbered paragraph 1 amended	SF 2259.2	J
262.100	New section	SF 2326.86	J
263.9*	Section amended	SF 2201.28	J
263.10*	Section amended	SF 2201.29	J
263.13*	Section amended	SF 2201.30	J
263A.2	Section amended	SF 2275.37	J
266.39C	Subsection 2, paragraph f amended	SF 2325.38	J
266.39C	Subsection 3 amended	HF 2587.1	J

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**\*\*\*** - Repealed by subsequent bill

**IV** - Part of bill section vetoed

**00/00/00R** - Retroactive applicability

<b><u>Section</u></b>	<b><u>Action Taken</u></b>	<b><u>Hse/Sen File #</u></b>	<b><u>Effective</u></b>
266.39C	Subsection 6 stricken	HF 2587.2	J
266.39F	New section	SF 2316.2	E
272.1	Subsection 11 amended	HF 2394.10	7/1/03
272.2*	Subsection 4 amended	HF 2482.1	J
272.2*	Subsection 14 rewritten	SF 2258.1	J
272.3	Subsection 5 stricken	HF 2394.11	7/1/03
272.6	Section repealed	SF 2258.3	J
272.12	Section amended	SF 2258.2	J
272.33	Unnumbered paragraph 1 amended	HF 2394.12	7/1/03
272.33	Section repealed	HF 2549.21	7/1/03
272C.3*	Subsection 1, paragraph d amended	HF 2547.26	J
272C.3*	Subsection 2, paragraph a amended	SF 2275.149	J
272C.4*	Unnumbered paragraph 2 amended	SF 2279.1	J
272C.4*	Subsection 6 amended	SF 2275.150	J
272C.4*	New subsection 10	HF 2467.1	J
272C.5*	Subsection 2, paragraph c amended	HF 2547.27	J
273.21*	Subsection 3, paragraph g amended	SF 2260.1	E
273.21*	Subsection 4 amended	SF 2260.2	E
273.22*	Subsections 1, 2, 5, & 6 amended	SF 2260.3	E
273.22*	New subsection 7	SF 2260.4	E
273.23*	Subsection 2 amended	SF 2260.5	E
273.23*	Subsection 8 amended	SF 2260.6	E
273.23*	New subsections 10 & 11	SF 2260.7	E
275.12*	Subsections 3 & 4 amended	HF 2472.81	1/1/03
275.23A	Subsection 2 amended	HF 2183.1	E
275.23A	Subsection 2 amended	HF 2515.16	E
275.25	Subsection 1, unnumbered paragraph 1 amended	HF 2472.82	1/1/03
275.35	Section amended	HF 2472.83	1/1/03
275.36	Section amended	HF 2472.84	1/1/03
275.37	Section amended	HF 2472.85	1/1/03
275.37A	New section	HF 2472.86	1/1/03
275.55	Unnumbered paragraph 1 amended	HF 2472.87	1/1/03
275.57	New section	HF 2472.88	1/1/03
277.23	Section amended	HF 2183.2	E
277.23	Section amended	HF 2472.89	1/1/03
278.1	Subsection 8 amended	HF 2472.90	1/1/03
279.6	Unnumbered paragraph 2 amended	HF 2472.91	1/1/03
279.12	Unnumbered paragraph 3 amended	HF 2394.13	7/1/03
279.13*	New subsection 4	HF 2394.14	7/1/03
279.18	New unnumbered paragraph	HF 2394.15	7/1/03
279.19*	Unnumbered paragraph 2 amended	HF 2549.5	J
279.19A	New subsection 10	HF 2394.16	7/1/03
279.19B	New unnumbered paragraph	HF 2394.17	7/1/03
279.46	Section amended	HF 2549.6	J
279.55	Section amended	HF 2394.18	7/1/03
280.4	Subsection 3 amended	HF 2404.1	J
280.13A	Unnumbered paragraph 1 amended	SF 2259.3	J
282.18	Subsection 2 amended	HF 2515.17	J
282.18	Subsection 3 amended	HF 2515.18	J
282.18	Subsections 4 & 5 rewritten	HF 2515.19	J
282.18	Subsection 6 amended	HF 2515.20	J
282.18	Subsection 7 amended	SF 2259.4	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
282.18	Subsection 14 amended	HF 2515.21	J
282.18	Subsection 16 rewritten	HF 2515.22	J
282.18	Subsection 16 amended	SF 348.13	C
282.18	Subsection 18 stricken	HF 2515.23	J
283A.2	Subsection 2, paragraph a amended	HF 2515.24	J
283A.2	Subsection 2, paragraphs b & c stricken	HF 2515.25	J
284.2*	Subsections 1, 2, 3, 7, & 10 amended	HF 2549.7	J
284.2*	New subsections 6A & 7A	HF 2549.8	J
284.3*	Subsection 2 rewritten	HF 2549.9	J
284.3*	New subsection 3	HF 2549.10	J
284.4*	Subsection 1, paragraphs c & e amended	HF 2549.11	J
284.4*	Subsection 2 amended	HF 2549.12	J
284.5*	Section amended	HF 2549.13	J
284.6*	Subsection 4 amended	HF 2549.14	J
284.7*	Subsection 2, unnumbered paragraph 1 amended	HF 2549.15	J
284.7*	Subsection 6, paragraph a amended	HF 2549.16	J
284.8*	Section rewritten	HF 2549.17	J
284.10*	Subsections 4, 5, & 6 amended	HF 2549.18	J
284.13*	Subsection 1, paragraphs b, c, d, & e amended	HF 2549.19	J
284.13*	Subsection 1, paragraph g, unnumbered paragraph 1 amended	HF 2549.20	J
285.3	Section rewritten	HF 2515.26	J
285.8	New subsection 9	HF 2515.27	J
285.12	Section amended	HF 2515.28	J
290.1	Section amended	HF 2515.29	J
292.2	Subsection 1, paragraph d amended	SF 2259.5	J
294A.6	Unnumbered paragraph 1 amended	SF 2259.6	J
294A.14*	Unnumbered paragraph 12 amended	SF 2275.38	J
294A.16	Unnumbered paragraphs 4 & 5 amended	SF 2259.7	J
296.3	Section amended	HF 2472.92	1/1/03
297.7	Subsection 1 amended	HF 2515.30	J
298.3	Subsection 3 amended	SF 2228.1	J
301.1	Section amended	HF 2515.31	J
301.29	Section repealed	HF 2515.44	J
301.30	Section repealed	HF 2515.44	J
303.1A	New subsection 6	HF 2571.1	J
303.2*	Subsection 2, paragraph k amended	SF 2275.39	J
303.86	Section amended	SF 2275.151	J
303A.1	New section	HF 2571.2	J
303A.2	New section	HF 2571.3	J
303A.3	New section	HF 2571.4	J
303A.4	New section	HF 2571.5	J
303A.5	New section	HF 2571.6	J
303A.6	New section	HF 2571.7	J
303A.7	New section	HF 2571.8**	J
303A.7	New section, subsection 1 amended	HF 2623.82	J
306B.2	Subsection 4 amended	HF 2317.1	7/1/04
307.22	New subsections 6, 7, & 8	SF 2192.6	E

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**A** - Applicability provisions

**E** - Effective upon enactment

**C** - Conditional effective date

**IV** - Part of bill section vetoed

**J** - Effective July 1, 2002

**VETO** - Entire bill section vetoed

**00/00/00** - Specified effective date

**00/00/00R** - Retroactive applicability

**\*** - 2001 Code Supplement

**\*\*** - Amended by subsequent bill

**\*\*\*** - Repealed by subsequent bill

<b><u>Section</u></b>	<b><u>Action Taken</u></b>	<b><u>Hse/Sen File #</u></b>	<b><u>Effective</u></b>
307A.2	Subsection 11 amended	SF 2192.7	E
307A.2	Subsections 14 & 14A stricken	SF 2192.8	E
309.1	New subsections 1A, & 1B	SF 2275.40	J
309.41	Unnumbered paragraph 1 amended	SF 2275.41	J
309.57	Unnumbered paragraph 5 amended	SF 2192.10	J
309.75	Section repealed	SF 2275.110	J
312.2*	Subsection 14 amended	HF 2612.4	VETO
312.2*	Subsection 14 amended	HF 2626.3	7/1/04
312.3	Subsection 1, unnumbered paragraph 2 amended	SF 2192.9	E
312.3B	New section	SF 2192.11	E
312.3C	New section	SF 2192.12	E
312.5	Subsection 4, unnumbered paragraph 2 amended	SF 2192.13	E
314.8	Section amended	SF 2192.14	J
314.12A	New section	SF 144.1	J
317.25*	Section amended	SF 2201.31	J
321.1*	New subsection 20B	SF 2192.17	J
321.1*	Subsection 40, paragraph b amended	SF 2192.18	J
321.20B*	Subsect. 4, para. b, subpara. (2), subpara. subdivis. (a) & (b) amended	SF 2201.32	J
321.34*	Subsection 12A, unnumbered paragraph 1 amended	SF 2275.42	J
321.40*	Unnumbered paragraph 2 amended	HF 2246.1	J
321.45*	Subsection 4 amended	SF 2275.43	J
321.46*	Subsection 2 amended	SF 2275.44	J
321.49*	Subsection 3 amended	SF 2275.45	J
321.52A*	Subsection 2 amended	HF 2554.1	J
321.56*	Subsection 1, unnumbered paragraph 1 amended	SF 2275.46	J
321.57*	Subsections 1, 2, & 4 amended	SF 2192.19	J
321.57*	Subsections 1, 2, 4, & 5 amended	SF 2275.47	J
321.58*	Section amended	SF 2192.20	J
321.58*	Section amended	SF 2275.48	J
321.69	Subsection 7, new unnumbered paragraph	SF 2192.21	J
321.104*	Subsection 6 amended	SF 2275.49	J
321.127	Subsection 4 amended	SF 2192.22	J
321.134	Subsection 1 amended	HF 2246.2	J
321.178*	Subsection 1, unnumbered paragraph 1 amended	HF 2515.32	J
321.178*	Subsection 1, unnumbered paragraphs 3, 4, & 5 amended	HF 2515.33	J
321.182*	Subsections 1 & 3 amended	SF 2192.23	E
321.186	Unnumbered paragraph 1 amended	SF 2156.1	J
321.190*	Subsection 1, paragraphs a & d amended	SF 2192.24	E
321.191	Subsections 2, 3, & 4 amended	SF 2192.25	J
321.191	Subsection 7 stricken	SF 2192.26	J
321.191	Subsection 8 amended	SF 2192.27	J
321.196*	Section amended	SF 2192.28	E
321.208*	Subsection 7, paragraphs a, b, & c amended	SF 2192.29	J
321.215*	Subsection 2, unnumbered paragraph 1 amended	SF 2201.33	J
321.219*	Unnumbered paragraph 1 amended	SF 2275.152	J
321.234A*	Section rewritten	SF 2079.1	J
321.235A	New section	SF 2192.30	J
321.236*	New subsection 14	SF 2192.31	J
321.266	Subsection 2 amended	SF 2192.32	J
321.279	Subsection 1 amended	SF 2275.153	J
321.323A	New section	HF 2112.1	J
321.375	Subsection 1, paragraph d rewritten	HF 2515.34	7/1/03

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
321.375	Subsection 2, paragraph c amended	HF 2515.35	J
321.376	Section amended	HF 2515.36	J
321.445*	Subsection 2, unnumbered paragraph 3 stricken	SF 2275.50	J
321.463*	Subsection 5, paragraph c, new unnumbered paragraph	SF 2192.33	E
321.500	Section amended	SF 2275.106	J
321.560*	Subsection 1, paragraph b amended	SF 2275.154	J
321A.17	Subsection 4 stricken	SF 2192.34	J
321A.17	New subsection 9	SF 2192.35	J
321E.8*	Section amended	SF 2192.36	E
321E.14*	Section amended	SF 2192.37	J
321G.1	Subsection 1, unnumbered paragraph 2 amended	SF 437.1	J
321G.2	Subsection 1 amended	SF 437.2	J
321G.3*	Section amended	SF 437.3	J
321G.5*	Section rewritten	SF 437.4	J
321G.6	Unnumbered paragraph 6 amended	SF 437.5	J
321G.8	New subsection 6	SF 437.6	J
321G.13*	New unnumbered paragraph	SF 437.8	J
321G.13*	Subsection 9 stricken	SF 2079.2	J
321G.13*	Subsection 10 stricken	SF 437.7	J
321G.21	Subsection 9 amended	SF 437.9	J
321G.29	Subsections 1, 4, & 7 amended	SF 437.10	J
321G.29	New subsection 10	HF 2365.3	J
321G.33	New section	SF 437.11	J
321J.2	Subsection 2, paragraph c rewritten	HF 2230.1	J
321J.17	Subsection 2, unnumbered paragraph 2 amended	SF 2275.155	J
321J.22	Subsection 2, paragraph d amended	HF 2515.37**	J
321J.22	Subsection 2, paragraph d amended	HF 2627.240	J
321L.3*	Unnumbered paragraph 3 amended	SF 2201.34	J
321M.1*	Section amended	SF 2156.2	J
321M.3	Section rewritten	SF 2156.3	J
321M.4	Section rewritten	SF 2156.4	J
321M.5	Subsection 2, paragraphs e & f stricken	SF 2156.5	J
321M.6	Subsection 2, paragraph c amended	SF 2156.6	J
321M.6	Subsection 4 amended	SF 2156.7	J
321M.8	Section repealed	SF 2156.10	J
321M.9	Subsection 2, paragraph b amended	SF 2156.8	J
321M.10	Subsection 1 amended	SF 2156.9	J
322.5*	Subsection 5, new unnumbered paragraph	SF 2192.38	J
322A.12	Section amended	SF 2192.39	J
322C.2	Subsections 4 & 7 stricken	SF 2275.156	J
322D.1	New subsection 01	SF 2084.1	J
322D.1	Subsection 1 amended	SF 2084.2	J
322D.1	Subsection 3, paragraphs b & e amended	SF 2084.3	J
322D.1	Subsections 4, 5, & 6 amended	SF 2084.4	J
322D.2	Section amended	SF 2084.5	J
322D.3	Subsections 7 & 9 amended	SF 2084.6	J
322D.9	New section	SF 2084.7	J

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<b><u>Section</u></b>	<b><u>Action Taken</u></b>	<b><u>Hse/Sen File #</u></b>	<b><u>Effective</u></b>
322F.1	New subsection 01	SF 2084.8	J
322F.1	Subsections 1 & 3 amended	SF 2084.9	J
322F.9	Section amended	SF 2084.10	J
324A.2	Unnumbered paragraphs 2 & 3 stricken	HF 2193.1	J
324A.4	Subsection 1 amended	HF 2193.2	J
324A.4	Subsection 2, unnumbered paragraph 2 amended	HF 2193.3	J
324A.5	Subsection 1 stricken	HF 2193.4	J
324A.5	Subsection 3, paragraph c stricken	HF 2193.5	J
326.10	Section repealed	SF 2192.54	J
326.10A	Section amended	SF 2192.40	J
326.11	Unnumbered paragraph 1 amended	SF 2192.41	J
326.12	Section amended	SF 2192.42	J
326.14	Section amended	SF 2192.43	J
326.15	Subsection 2 amended	SF 2192.44	J
326.15	Subsection 4 stricken	SF 2192.45	J
326.15	Subsection 5 amended	SF 2192.46	J
326.15	Unnumbered paragraph 4 amended	SF 2192.47	J
326.16	Section amended	SF 2192.48	J
326.19	Section amended	SF 2192.49	J
326.22*	Section amended	SF 2192.50	J
326.23*	Subsection 2 amended	SF 2192.51	J
326.31	Section amended	SF 2192.52	J
326.45	Section repealed	SF 2192.54	J
328.21	Subsection 6 amended	HF 2193.6	J
328.27	Section amended	HF 2193.7	J
328.28	Section amended	HF 2193.8	J
328.29	Section amended	HF 2193.9	J
328.30	Section amended	HF 2193.10	J
328.31	Section repealed	HF 2193.15	J
328.32	Section amended	HF 2193.11	J
328.33	Section amended	HF 2193.12	J
328.35	Subsection 1, new paragraph f	HF 2193.13	J
328.37	Section amended	HF 2193.14	J
331.207	Subsection 2 amended	HF 2472.93	1/1/03
331.207	New subsection 4A	HF 2472.94	1/1/03
331.401	Subsection 1, paragraph k amended	SF 2305.1	J
331.424A*	Subsection 1 amended	HF 2430.7	J
331.424A*	Subsection 4 amended	SF 2275.157	J
331.424B	Section amended	SF 2275.158	J
331.438*	Subsection 1, paragraph c amended	HF 2430.8	J
331.438*	Subsection 4, paragraph a amended	HF 2430.9	J
331.438*	Subsection 4, paragraph b stricken	HF 2430.10	J
331.438*	Subsection 4, paragraph c amended	HF 2430.11	J
331.439	Subsection 1, unnumbered paragraph 1 amended	HF 2430.12	J
331.439	Subsection 1, paragraph b, unnumbered paragraph 1 amended	HF 2430.13	J
331.439	Subsection 1, paragraph b, subparagraph (1) amended	HF 2430.14	J
331.439	Subsect. 1, para. c, subpara. (2), unnumbered para. 1 amended	HF 2430.15	J
331.439	Subsection 1, paragraph d amended	HF 2430.16	J
331.439	Subsection 3, paragraph b amended	HF 2430.17	J
331.440	Subsection 4 amended	HF 2430.18	J
331.512	Subsection 8 stricken	SF 2305.2	J
331.553	Subsection 3 amended	HF 2246.3	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
331.559*	Subsection 20 amended	HF 2246.4	J
331.602*	Subsection 4 stricken	HF 2365.5	J
331.602	Subsection 13 stricken	HF 2492.4	7/1/05
331.606A	New section	HF 2365.4	J
331.651	Subsection 1, unnumbered paragraph 1 amended	HF 2472.95	1/1/03
331.652	New subsection 7A	SF 2141.1	J
331.754	Section amended	SF 2288.1	E
331.756	Subsection 5 amended	SF 2275.159	J
331.802	Subsection 3, paragraph g rewritten	HF 2453.3	J
331.804	Subsection 1 amended	HF 2453.4	J
331.805	Subsection 3, paragraph b amended	HF 2453.5	J
336.2*	Unnumbered paragraphs 3, 4 & 5 amended	HF 2472.96	1/1/03
336.16*	Unnumbered paragraph 1 amended	SF 2275.51	J
336.16*	Unnumbered paragraph 4 amended	HF 2472.97	1/1/03
336.18*	Subsection 2 amended	HF 2472.98	1/1/03
336.18*	Subsection 4, paragraphs a, b, & c amended	HF 2472.99	1/1/03
346.27	Subsection 10 amended	HF 2472.100	1/1/03
346.27	Subsection 25 amended	HF 2472.101	1/1/03
351.37	Section amended	SF 2268.1	J
354.8	Unnumbered paragraph 1 amended	HF 582.1	A J
354.8	New unnumbered paragraph	HF 582.2	A J
354.9	Subsections 1 & 2 amended	HF 582.3	A J
354.16	Subsection 2, paragraph c amended	HF 2365.6	J
356.36A	New section	SF 2278.1**	E
356.36A	New section amended	HF 2623.83	J
359.17*	Section amended	HF 2472.102	1/1/03
359.49	New subsection 7A	HF 2448.1**	J
359.49	New subsection 7A, unnumbered paragraph 1 amended	HF 2623.84	J
368.4	Section amended	HF 582.4**	A J
368.4	Section amended	HF 2623.31	J
368.7	Subsection 1 amended	HF 582.5	A J
368.7	Subsection 1, new unnumbered paragraph	HF 582.6	A J
368.7	Subsection 2 amended	HF 582.7	A J
368.7	Subsection 3 amended	HF 582.8	A J
368.11	Unnumbered paragraph 4 amended	HF 582.9	A J
368.26	New section	HF 582.10**	A J
368.26	New section amended	HF 2623.32	J
372.9	Subsection 2 amended	HF 2472.103	1/1/03
372.13	Subsection 2, paragraph b amended	HF 2472.104	1/1/03
376.2	Unnumbered paragraph 2 amended	HF 2472.105	1/1/03
376.6	Unnumbered paragraph 2 amended	HF 2472.106	1/1/03
384.59	New unnumbered paragraph	HF 2289.1	J
384.84A*	Subsection 2, unnumbered paragraph 1 amended	SF 2275.52	J
394.2	Unnumbered paragraph 1 amended	HF 2472.107	1/1/03
400.1	Unnumbered paragraph 1 amended	HF 2472.108	1/1/03
400.3	Unnumbered paragraph 2 amended	HF 2472.109	1/1/03
403.6	Subsection 17 amended	SF 2275.160	J

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**A** - Applicability provisions

**J** - Effective July 1, 2002

**\*** - 2001 Code Supplement

**E** - Effective upon enactment

**VETO** - Entire bill section vetoed

**\*\*** - Amended by subsequent bill

**C** - Conditional effective date

**00/00/00** - Specified effective date

**\*\*\*** - Repealed by subsequent bill

**IV** - Part of bill section vetoed

**00/00/00R** - Retroactive applicability



<b><u>Section</u></b>	<b><u>Action Taken</u></b>	<b><u>Hse/Sen File #</u></b>	<b><u>Effective</u></b>
403.17	Subsection 10 amended	SF 2275.161	J
404.4*	Unnumbered paragraph 2 amended	HF 2622.1	R 1/1/01
404A.1	Subsection 1 amended	HF 2035.1	R 1/1/01
404A.2	Unnumbered paragraph 3 rewritten	HF 2035.2	R 1/1/01
404A.3	Subsection 2, unnumbered paragraph 1 amended	SF 2275.162	J
411.1*	New subsection 11A	HF 2532.41	J
411.6	Subsection 3 amended	HF 2532.42	J
411.6	Subsection 5, paragraph a amended	HF 2532.43	J
411.6	Subsection 5, new paragraph d	HF 2532.44	J
411.6	Subsection 7, paragraph b amended	HF 2532.45	J
411.6	Subsection 8, paragraph b amended	HF 2532.46	J
411.6	Subsection 9, paragraph b amended	HF 2532.47	J
411.6	Subsection 9, paragraph c amended	HF 2532.48	J
411.6	Subsection 11, paragraph a amended	HF 2532.49	J
411.6	Subsection 12, paragraph a amended	HF 2532.50	J
411.6	Subsection 13 amended	HF 2532.51	J
411.31	Subsection 2 amended	HF 2532.52	R 7/1/96
414.23	Unnumbered paragraph 2 amended	HF 2135.1	J
420.207	Section amended	SF 2305.3	J
421.17*	Subsection 31 amended	HF 2623.33	VETO
421.17*	Subsection 34, paragraph f amended	HF 2623.34	VETO
421.17B	New section	HF 2622.2	J
421.31	Subsection 3 rewritten	HF 2622.3	J
421.46*	Subsection 2 stricken	HF 2623.15	J
421.47	New section	HF 2622.4	J
421.60	Subsection 2, paragraph m, subparagraphs (2) & (3) amended	HF 2585.2	R 1/1/96
421.70	New section	SF 2321.1	E
421.70	New section repealed	SF 2321.1	3/1/05
422.3*	Subsection 5 amended	HF 2116.3	R 1/1/01
422.4	Subsection 2, paragraph c stricken	SF 2275.163	J
422.6	Unnumbered paragraph 1 amended	HF 2378.8	J
422.7*	Subsection 4 amended	SF 2305.4	J
422.7*	Subsection 37, new unnumbered paragraph	HF 2116.4	R 1/1/02
422.7*	New subsection 38	HF 2622.5	R 1/1/02
422.8	Subsection 2, paragraph b, subparagraph (2) amended	HF 2078.10	R 1/1/02
422.8	Subsection 5 amended	HF 2116.5	R 1/1/02
422.9*	New subsection 7	HF 2116.6	R 1/1/02
422.10*	Subsection 3 amended	HF 2116.7	R 1/1/01
422.11A	New unnumbered paragraph	HF 2627.231	VETO
422.11C*	Subsection 1, paragraph b amended	SF 2201.35	J
422.11F	New section	HF 2271.7	R 1/1/02
422.11G	New section	HF 2586.2	R 1/1/02
422.16	Subsection 2, new unnumbered paragraph	HF 2622.6	J
422.21	Unnumbered paragraph 7 amended	HF 2116.8	R 1/1/02
422.24A	New section	HF 2592.1	R 1/1/02
422.25	Subsection 5 amended	SF 2305.5	J
422.33*	Subsection 5, paragraph d amended	HF 2116.9	R 1/1/01
422.33*	Subsection 6, new unnumbered paragraph	HF 2627.232	VETO
422.33*	New subsection 12	HF 2271.8	R 1/1/02
422.33*	New subsection 13	HF 2586.3	R 1/1/02
422.42*	New subsections 3A & 6A	SF 335.1	R 4/1/95
422.42*	Subsections 15 & 16 amended	HF 2622.7	1/1/03

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
422.43*	Subsection 11, unnumbered paragraph 1 amended	SF 2305.6	J
422.43*	Subsection 11, new unnumbered paragraph	HF 2622.8	J
422.43*	Subsection 11, new unnumbered paragraph repealed	HF 2622.8	6/30/03
422.43*	Subsection 15, unnumbered paragraph 2 stricken	SF 2321.2	E
422.45*	Subsection 3, unnumbered paragraph 1 amended	SF 2305.7	J
422.45*	New subsection 16	SF 335.2	R 4/1/95
422.45*	Subsection 24, unnumbered paragraph 2 stricken	SF 2275.164	J
422.45*	New subsection 63	HF 2622.9	J
422.47*	New subsection 5	HF 2622.10	1/1/03
422.51	Subsection 5, new unnumbered paragraph	SF 2305.8	J
422.52	Subsection 4 amended	SF 2275.165	J
422.54	Subsection 1, new unnumbered paragraph	HF 2622.11	J
422.60	New subsection 4	HF 2035.3	R 1/1/01
422.60	New subsection 4	HF 2271.9	R 1/1/02
422.60	New subsection 5	HF 2586.4	R 1/1/02
422.101	Section repealed	SF 2305.22	J
422.102	Section repealed	SF 2305.22	J
422.103	Section repealed	SF 2305.22	J
422.104	Section repealed	SF 2305.22	J
422A.1*	Unnumbered paragraph 4 amended	HF 2472.110	1/1/03
422A.2*	Subsection 4, paragraph f, unnumbered paragraph 2 amended	SF 2275.53	J
422B.1	Subsection 6, paragraph b amended	SF 2275.166	J
422B.10	Subsection 2, paragraph a amended	HF 2622.12	J
422E.2*	Subsection 4, paragraph b, unnumbered paragraph 1 rewritten	HF 2472.111	1/1/03
422E.3*	Subsection 5, paragraph a amended	HF 2622.13	J
423.1*	Subsection 13, unnumbered paragraph 2 stricken	SF 2321.3	E
423.13	New unnumbered paragraph	HF 2622.14	J
423.14	Section amended	SF 2305.9	J
424.11	Unnumbered paragraph 4 stricken	HF 2365.7	J
424.11	Unnumbered paragraph 5 amended	HF 2365.8	J
425.7*	Subsection 3, unnumbered paragraph 2 amended	HF 2622.15	J
425.15	Section amended	HF 2622.16	R 1/1/02
426.6*	Unnumbered paragraph 1 amended	SF 2275.54	J
426A.6	Section amended	HF 2622.17	J
426A.11*	Subsection 3 amended	HF 2622.18	J
426B.1	Subsection 2, paragraphs a & b stricken	SF 2275.167	J
426B.4	Section amended	HF 2430.19	J
426B.5*	Subsect. 1, para. c, unnumbered para. 1 amended	SF 2201.36	J
426B.5*	Subsection 2, paragraph c amended	HF 2430.20	J
427.1*	Subsection 5 amended	HF 2622.19	J
427.1*	Subsection 14, unnumbered paragraph 1 amended	SF 2275.55	J
427.1*	Subsection 16 amended	SF 2275.56	J
427.1*	Subsection 19, unnumbered paragraphs 5 & 6 amended	SF 2325.39	J
427.1*	Subsection 20, unnumbered paragraph 1 amended	SF 2325.40	J
427.2A	Unnumbered paragraph 3 stricken	SF 2275.168	J
427A.1*	Subsection 1, paragraph h amended	SF 2305.10	J
427B.17	Subsection 5, unnumbered paragraph 1 amended	SF 2305.11	J

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**\*\*** - Amended by subsequent bill

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<b><u>Section</u></b>	<b><u>Action Taken</u></b>	<b><u>Hse/Sen File #</u></b>	<b><u>Effective</u></b>
429.1	Section amended	SF 2305.12	J
432.1	Unnumbered paragraph 1 amended	SF 2275.169	J
432.1	Subsection 1, paragraph a amended	SF 2318.2	J
432.1	New subsection 1A	SF 2318.3	J
432.1	Subsection 2 amended	SF 2318.4	J
432.1	New subsection 2A	SF 2318.5	J
432.1	Subsection 4 amended	SF 2318.6	J
432.2	Section amended	SF 2318.7	J
432.11*	Section repealed	SF 2275.111	J
432.12A	New section	HF 2035.4	R 1/1/01
432.12A	New section	HF 2271.10	R 1/1/02
432.12B	New section	HF 2586.5	R 1/1/02
435.27*	Subsection 1 amended	SF 2275.57	J
436.	Chapter repealed	SF 2305.23	J
437A.3*	Subsection 17, paragraph d amended	SF 2275.58	J
437A.15*	Subsection 3, paragraph c amended	SF 2201.37	J
441.17*	Subsection 1 amended	HF 2009.1	E
441.21*	Subsections 5, 9, & 10 amended	SF 2305.13	J
441.21*	New subsection 12	HF 2584.1	R 1/1/02
441.73	Subsection 1 amended	SF 2305.14	J
444.25A	Section repealed	SF 2275.199	J
444.25B	Section repealed	SF 2275.199	J
444.26	Section repealed	SF 2275.199	J
444.27	Section repealed	SF 2275.199	J
445.36	Subsection 2 amended	HF 2246.5	J
445.37*	Unnumbered paragraphs 1, 3, & 4 amended	HF 2246.6	J
446.9	Subsections 1 & 2 amended	HF 2246.7	J
446.9	New subsection 5	HF 2246.8	J
446.10	Section amended	HF 2246.9	J
450.4*	Subsection 4 amended	SF 2201.38	J
452A.2*	New subsection 1A	HF 2622.20	J
452A.2*	Subsection 18, paragraphs a & b amended	SF 2201.39	J
452A.2*	Subsection 20 amended	SF 2201.40	J
452A.3*	Subsection 3 amended	SF 2305.15	J
452A.3*	New subsection 3A	SF 2305.16	J
452A.6	Section amended	HF 2622.21	J
452A.8	Subsection 3 amended	HF 2622.22	J
452A.9	Section amended	HF 2622.23	J
452A.15	Subsection 1, unnumbered paragraph 1 amended	HF 2622.24	J
452A.15	New subsection 2A	HF 2622.25	J
452A.15	New subsection 4	HF 2622.26	J
452A.15	New subsection 4	SF 2305.17	J
452A.17*	Subsection 3, paragraph a amended	SF 2305.18	J
452A.19	Unnumbered paragraph 2 amended	SF 2305.19	J
452A.21	Unnumbered paragraph 3 amended	SF 2305.20	J
452A.60	Unnumbered paragraph 1 amended	HF 2622.27	J
452A.62	Subsection 2, unnumbered paragraph 1 amended	HF 2622.28	J
452A.72	Unnumbered paragraph 2 amended	SF 2305.21	J
453A.22	Subsection 1 amended	SF 2317.1	VETO
453A.42	Subsection 14 amended	SF 2275.59	J
453A.44	Subsection 10 amended	SF 2317.2	VETO
453A.57	New section	SF 2317.3	VETO

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
453A.58	New section	SF 2317.4**	VETO
453A.58	New section, subsection 1, paragraph a amended	HF 2623.85	J
453A.58	New section, subsection 2 amended	HF 2623.86	J
453A.59	New section	SF 2317.5**	VETO
453A.59	New section, subsection 1, paragraph a amended	HF 2623.87	J
453A.60	New section	SF 2317.6	VETO
453A.61	New section	SF 2317.7	VETO
453A.62	New section	SF 2317.8	VETO
455A.4	Subsection 5 amended	HF 2623.35	VETO
455A.6	Subsection 6, paragraph d amended	SF 2325.41	J
455A.7*	Subsection 1 rewritten	SF 2325.42	J
455A.8	Subsection 1 amended	SF 2325.43	J
455A.10	Section amended	SF 2325.44	J
455A.19*	Subsection 1, unnumbered paragraph 1 amended	HF 2515.38	J
455A.21	New section	HF 2515.39	J
455B.109	Subsection 4 amended	SF 2293.2	E
455B.110	Subsection 3 stricken	SF 2293.3	E
455B.125	New section	SF 2293.4	E
455B.126	New section	SF 2293.5	E
455B.127	New section	SF 2293.6**	E
455B.127	New section, subsection 3 amended	HF 2627.247	E
455B.133	New subsection 10	SF 2325.45**	J
455B.133	New subsection 10 amended	HF 2627.241	J
455B.161	Subsection 2, paragraph b amended	SF 503.1	J
455B.161	Subsections 2, 3, 4, 5, 9, 11, 16, 21, & 24 amended	SF 2293.7	E
455B.161	New subsections 6A, 6B, 8A, 18A, 18B, & 19A	SF 2293.8	E
455B.161	New subsection 18A	SF 503.2	J
455B.161	Subsection 22 stricken	HF 2627.248	E
455B.161A	Subsection 1 rewritten	SF 2293.9	E
455B.161A	Subsection 2 amended	SF 2293.67	E
455B.161A	Subsection 2, paragraph c amended	SF 2293.67	E
455B.161A	New subsections 3, 4, & 5	SF 2293.10	E
455B.162	Section amended	SF 2293.67	E
455B.162	Unnumbered paragraph 1 amended	SF 2293.67	E
455B.162	Subsection 1, unnumbered paragraphs 1 & 2 amended	SF 2293.11	3/1/03
455B.162	Subsection 2, unnumbered paragraph 1 amended	SF 2293.12	3/1/03
455B.162	Subsection 3 amended	SF 2293.67	E
455B.162	Subsection 3, unnumbered paragraph 1 amended	SF 2293.13	3/1/03
455B.162	New subsections 3A & 3B	SF 2293.14	3/1/03
455B.162	Subsection 4 amended	SF 2293.15	3/1/03
455B.162	Subsection 6, paragraphs a & c stricken	SF 2293.16	3/1/03
455B.162	Subsection 6, paragraph b amended	SF 2293.17	3/1/03
455B.163	Unnumbered paragraph 1 amended	SF 2293.67	E
455B.163	Subsections 1 & 2 amended	SF 2293.18	3/1/03
455B.163	Subsection 3, unnumbered paragraph 1 amended	SF 2293.19	3/1/03
455B.163	Subsection 3, paragraph a amended	SF 2293.20	3/1/03
455B.163	Subsection 3, paragraph c amended	SF 2293.67	E

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455B.163	Subsection 3, paragraph d amended	SF 2293.67	E
455B.164	Section repealed	SF 2293.69	E
455B.165	Subsections 1, 4, & 5 stricken	SF 2293.21	E
455B.165	Subsection 3, paragraph a amended	SF 2293.22	E
455B.165	Subsection 3, paragraph b amended	SF 2293.67	E
455B.165	Subsection 6 amended	SF 2293.67	E
455B.165	Subsections 6 & 8 amended	SF 2293.67	E
455B.166	New section	SF 2293.23	E
455B.167	New section	SF 2293.24	E
455B.171	Subsections 2, 3, 4, 5, 6, 8, 20, 43, & 47 stricken	SF 2293.25	E
455B.171	Subsection 13 stricken	HF 2627.249	E
455B.171	New subsections 23A, 38A, & 38B	SF 503.3	J
455B.190A	Subsection 1 amended	HF 583.1	J
455B.190A	Subsection 1, paragraph e stricken	SF 2275.170***	J
455B.190A	Subsection 2, paragraphs d, e, & g amended	HF 583.2	J
455B.190A	Subsection 2, paragraphs f & g amended	SF 2275.171***	J
455B.190A	Subsection 3 rewritten	HF 583.3	J
455B.190A	Subsections 3 & 6 stricken	SF 2275.172***	J
455B.190A	Subsection 4 amended	SF 2275.173***	J
455B.190A	Subsection 4 amended	HF 583.4	J
455B.190A	Subsection 5, unnumbered paragraph 1 amended	SF 2275.174***	J
455B.190A	New subsection 7	HF 583.5	J
455B.191	Subsection 7 amended	SF 2293.67	E
455B.191	Subsection 8 amended	SF 2293.26	E
455B.200	Section amended	SF 2293.27**	E
455B.200	New subsection 3 amended	HF 2627.250	E
455B.200A	Subsections 1, 2, 3, & 4 amended	SF 2293.28**	E
455B.200A	Subsection 1, unnumbered paragraph 1 amended	HF 2627.251	E
455B.200A	Subsections 5, 6, 7, & 8 stricken	SF 2293.29	E
455B.200B	Unnumbered paragraph 1 amended	SF 2293.30	E
455B.200B	Subsection 1 rewritten	SF 2293.31	E
455B.200B	Subsection 2 amended	SF 2293.67	E
455B.200B	Subsection 2 amended	SF 2293.67	E
455B.200B	New subsections 3, 4, 5, & 6	SF 2293.32**	E
455B.200B	New subsection 5, paragraph a amended	HF 2627.252	E
455B.200B	New subsection 5, paragraph b, subparagraphs (2) & (3) amended	HF 2627.253	E
455B.200C	New section	SF 2293.33**	3/1/03
455B.200C	New section, subsection 2, paragraph c amended	HF 2627.254	3/1/03
455B.200D	New section	SF 2293.34	E
455B.200E	New section	SF 2293.35**	3/1/03
455B.200E	New section, subsection 3, paragraph b amended	HF 2627.255	3/1/03
455B.200F	New section	SF 2293.36	E
455B.201	New subsection 2A	SF 2293.37	E
455B.202	Subsection 2 amended	SF 2293.67	E
455B.202	Subsection 2, paragraphs c & d amended	SF 2293.67	E
455B.203	Subsections 1 & 2 amended	SF 2293.38**	E
455B.203	New subsection 2B, paragraph b amended	HF 2627.256	E
455B.203	Subsection 3, paragraph a amended	SF 2293.39**	E
455B.203	Subsect. 3, para. a, subpara. (2), unnumbered para. 1 amended	HF 2627.257	E
455B.203	Subsection 4 amended	SF 2293.40	E
455B.203	Subsection 7 amended	SF 2293.41	E
455B.203A	Subsection 6, paragraph b stricken	SF 2293.42	E

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455B.203C	New section	SF 2293.43	E
455B.204	Subsection 1 stricken	SF 2293.44	3/1/03
455B.204	Subsections 2, 3, & 4 amended	SF 2293.45	3/1/03
455B.204A	Section amended	SF 2293.46	3/1/03
455B.205	Subsection 1 amended	SF 2293.47	E
455B.205	Subsection 2, unnumbered paragraph 1 amended	SF 2293.48	E
455B.205	New subsection 2A	SF 2293.49	E
455B.205	Subsection 3, paragraph b amended	SF 2293.67	E
455B.205A	New section	SF 503.4	J
455B.205A	New section	SF 2293.50	C
455B.207	New section	SF 2293.51	E
455B.291	Section amended	SF 2145.1	J
455B.292	Section amended	SF 2145.2	J
455B.293	Section amended	SF 2145.3	J
455B.294	Section amended	SF 2145.4	J
455B.295	Subsections 1, 2, & 4 amended	SF 2145.5	J
455B.296	Subsection 3 amended	SF 2145.6	J
455B.297	Section amended	SF 2145.7	J
455B.298	Subsections 2, 4, 6, & 7 amended	SF 2145.8	J
455B.473*	Subsection 8, unnumbered paragraph 1 amended	SF 2275.60	J
455B.480*	Section amended	SF 2325.46	J
455B.481*	Subsection 2 amended	SF 2325.47	J
455B.482*	Subsection 4 stricken	SF 2325.48	J
455B.483*	Section rewritten	SF 2325.49	J
455B.484*	Unnumbered paragraph 1 amended	SF 2325.50	J
455B.484*	Subsections 2 & 9 amended	SF 2325.51	J
455B.484*	Subsection 3 amended	SF 2201.41	J
455B.484*	Subsections 10, 12, & 13 stricken	SF 2275.61	J
455B.484*	Subsection 13, paragraph c amended	SF 2325.52	J
455B.485*	Subsections 3, 4, & 5 amended	SF 2325.53	J
455B.486	Section amended	SF 2325.54	J
455B.516*	Subsection 3 stricken	SF 2325.55	J
455B.517*	Unnumbered paragraph 1 amended	SF 2325.56	J
455B.517*	Subsection 4 amended	SF 2325.57	J
455B.518	Subsection 2, unnumbered paragraph 1 amended	SF 2325.58	J
455B.601	Subsection 2, paragraph b amended	SF 2275.175	J
455D.6	New subsection 6A	SF 2325.59	J
455D.11	Subsection 7, paragraphs a & c amended	HF 2554.2	J
455D.11C	Section repealed	HF 2554.3	7/1/07
455D.11D	Section repealed	HF 2554.3	7/1/07
455D.11E	Section repealed	HF 2554.3	7/1/07
455D.11F	Section repealed	HF 2554.3	7/1/07
455D.11H	Section amended	HF 2554.3	E
455D.11H	Section repealed	HF 2554.3	7/1/07
455D.11I	New section	HF 2554.4	J
455E.11*	Subsect. 2, para. a, subpara. (1), subpara. subdiv. (b) amended	SF 2325.60	J
455E.11*	Subsect. 2, para. a, subpara. (2), subpara. subdiv. (a), subpara. subdiv. part (iv) amended	SF 2325.61	J

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455E.11*	Subsection 2, paragraph b, subparagraph (1) amended	SF 2275.176	J
455E.11*	Subsect. 2, para. b, subpara. (3), subpara. subdiv. (b), unnumbered para. 1 amended	SF 2325.62	J
455G.3*	Subsection 6, unnumbered paragraph 1 amended	SF 2201.42	J
455H.203	Subsection 2 amended	HF 2417.1	J
455H.204	Subsection 2, paragraph f amended	HF 2417.2	J
455H.208	New section	HF 2417.3	J
455I.1	Unnumbered paragraph 1 stricken	SF 2293.52	E
455J.1	Subsections 1, 2, 3, 4, 5, 7, & 8 stricken	SF 2293.53	E
455J.3	Subsection 1, unnumbered paragraph 1 amended	SF 2293.54	E
455J.3	Subsection 2, unnumbered paragraph 1 amended	SF 2293.55	E
455J.3	Subsection 3, unnumbered paragraph 1 amended	SF 2293.56	E
455J.4	Section amended	SF 2293.57	E
456A.16	Unnumbered paragraph 5 amended	SF 2325.63	J
456A.17	Unnumbered paragraph 2 amended	SF 2325.64	J
456A.17	Unnumbered paragraph 7 amended	HF 2627.242	J
456A.19	Unnumbered paragraphs 1 & 2 amended	SF 2325.65	J
456A.21	Subsection 1 amended	SF 2325.66	J
457A.1	Section amended	SF 2207.1	J
457A.2	Section amended	SF 2207.2	J
462A.2	New subsection 27A	HF 2447.1	J
462A.5*	Subsection 1, unnumbered paragraph 2 amended	HF 2365.9	J
462A.5A	New section	HF 2365.10	J
462A.12*	Subsection 6 rewritten	HF 2447.2	J
462A.12*	New subsections 12 & 13	HF 2447.3	J
462A.15*	Subsection 2 amended	SF 2201.43	J
462A.44	Section amended	HF 2082.1	J
462A.48	Section amended	HF 2082.2	J
473.11	Subsection 3, unnumbered paragraph 1 amended	SF 2325.67	J
473.11	Subsection 3, paragraphs c & f amended	SF 2325.68	J
473.11	Subsection 4 amended	SF 2325.69	J
476.6*	Subsection 19, paragraph b amended	SF 2325.70	J
476.6*	Subsection 25, paragraph a, subparagraphs (2) & (3) amended	SF 2325.71	J
476.10A	Section amended	HF 2587.3	J
476.27*	Subsection 1, paragraph g, subparagraph (2) amended	SF 2275.62	J
476.46	Subsection 2 amended	HF 2587.4	J
476.53*	New subsection 4	SF 2326.30	VETO
476.53*	New subsection 4	HF 2627.31	J
476.66	Subsections 1 & 7 amended	SF 2275.177	J
476.97	Subsect. 11, para. e, subpara. (1) rewritten	SF 429.1	E
476.97	Subsection 11, paragraph g, subparagraph (4) rewritten	SF 429.2**	E
476.97	Subsection 11, paragraph g, subparagraph (4) rewritten	HF 2623.36	J
476.97	Subsection 11, paragraph h amended	SF 429.3	E
476.97	Subsection 11, new paragraphs j & k	SF 429.4	E
478.1	Section amended	SF 2086.1	E
478.2	Section amended	SF 2086.2	E
478.3*	Subsection 2, unnumbered paragraph 1 amended	SF 2086.3	E
478.13	Section amended	HF 2341.1	J
478.13	Unnumbered paragraph 2 amended	SF 2086.4	E
478.18	Section amended	HF 2341.2	J
478.21	Section amended	HF 2341.3	J
480.3	Subsection 1, paragraph a amended	HF 2310.1	J
481A.32	Unnumbered paragraph 1 amended	HF 2616.1	J

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481A.57	Section amended	HF 2616.2	J
481A.151	New section	SF 2293.58	E
481C.1	Section amended	SF 2325.72	J
483A.1*	Subsection 1, paragraph c amended	HF 2591.1	J
483A.7*	Subsection 3 amended	SF 2275.63	J
483A.8*	Subsections 3 & 5 amended	SF 2275.64	J
483A.25	New section	HF 2591.2	J
486A.1102	Subsection 2 amended	SF 2275.178	J
490.120	Subsections 4, 7, 9, & 10 amended	HF 2509.1	1/1/03
490.120	New subsection 11	HF 2509.2	1/1/03
490.123	Subsection 1 amended	HF 2509.3	1/1/03
490.124	Subsections 1 & 2 amended	HF 2509.4	1/1/03
490.125	Subsection 2 amended	HF 2509.5	1/1/03
490.127	Section amended	HF 2509.6	1/1/03
490.140*	Subsection 6 amended	HF 2509.7	1/1/03
490.140*	New subsections 8A, 23A, & 28	HF 2509.8	1/1/03
490.141	Subsections 1, 2, 3, & 5 amended	HF 2509.9	1/1/03
490.202	Subsection 2 amended	HF 2509.10	1/1/03
490.621	New subsection 6	HF 2509.11	1/1/03
490.631	Subsections 2 & 3 amended	HF 2509.12	1/1/03
490.640	New subsection 7	HF 2509.13	1/1/03
490.702	Subsection 1 amended	HF 2509.14	1/1/03
490.704	Subsection 2 amended	HF 2509.15	1/1/03
490.708	New section	HF 2509.16	1/1/03
490.722	Subsections 2, 3, 4, & 8 amended	HF 2509.17	1/1/03
490.724	Subsections 4 & 5 amended	HF 2509.18	1/1/03
490.727	Subsection 1 amended	HF 2509.19	1/1/03
490.728	Subsection 1 amended	HF 2509.20	1/1/03
490.729	New section	HF 2509.21	1/1/03
490.732	New section	HF 2509.22**	1/1/03
490.732	New section, subsection 4 amended	HF 2623.88	J
490.740	Section rewritten	HF 2509.23	1/1/03
490.741	New section	HF 2509.24	1/1/03
490.742	New section	HF 2509.25	1/1/03
490.743	New section	HF 2509.26	1/1/03
490.744	New section	HF 2509.27	1/1/03
490.745	New section	HF 2509.28	1/1/03
490.746	New section	HF 2509.29	1/1/03
490.747	New section	HF 2509.30	1/1/03
490.801	Section amended	HF 2509.31	1/1/03
490.803	Subsections 2, 3, & 4 amended	HF 2509.32	1/1/03
490.809	Section amended	HF 2509.33	1/1/03
490.821	Section amended	HF 2509.34	1/1/03
490.824	Subsection 1, unnumbered paragraph 1 amended	HF 2509.35	1/1/03
490.825	Section amended	HF 2509.36	1/1/03
490.830	Section amended	HF 2509.37	1/1/03
490.831	Section rewritten	HF 2509.38	1/1/03

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**\*\*** - Amended by subsequent bill

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<b>Section</b>	<b>Action Taken</b>	<b>Hse/Sen File #</b>	<b>Effective</b>
490.832	Section rewritten	HF 2509.39	1/1/03
490.833	Section amended	HF 2509.40	1/1/03
490.840	Section amended	HF 2509.41	1/1/03
490.842	Section amended	HF 2509.42	1/1/03
490.843	Section amended	HF 2509.43	1/1/03
490.850	Section amended	HF 2509.44	1/1/03
490.851	Section amended	HF 2509.45	1/1/03
490.852	Section amended	HF 2509.46	1/1/03
490.853	Section amended	HF 2509.47**	1/1/03
490.853	Subsection 3, unnumbered paragraph 1 amended	HF 2623.89	J
490.854	Section amended	HF 2509.48	1/1/03
490.855	Section amended	HF 2509.49	1/1/03
490.856	Section amended	HF 2509.50	1/1/03
490.857	Section amended	HF 2509.51	1/1/03
490.858	Section rewritten	HF 2509.52	1/1/03
490.859	New section	HF 2509.53	1/1/03
490.1001	Subsection 1 amended	HF 2509.54	1/1/03
490.1002	Section rewritten	HF 2509.55	1/1/03
490.1003	Section amended	HF 2509.56**	1/1/03
490.1003	Subsection 2 amended	HF 2623.90	J
490.1004	Subsections 1, 2, & 3 amended	HF 2509.57	1/1/03
490.1005	Section rewritten	HF 2509.58	1/1/03
490.1006	Section amended	HF 2509.59	1/1/03
490.1007	Section amended	HF 2509.60	1/1/03
490.1008	Subsections 1, 3, & 4 amended	HF 2509.61	1/1/03
490.1009	Section amended	HF 2509.62	1/1/03
490.1020	Section rewritten	HF 2509.63	1/1/03
490.1021	Section amended	HF 2509.64	1/1/03
490.1022	Section repealed	HF 2509.123	1/1/03
490.1101	Section rewritten	HF 2509.65	1/1/03
490.1102	Section rewritten	HF 2509.66	1/1/03
490.1103	Section rewritten	HF 2509.67	1/1/03
490.1104	Section rewritten	HF 2509.68	1/1/03
490.1105	Section rewritten	HF 2509.69	1/1/03
490.1106	Section rewritten	HF 2509.70	1/1/03
490.1107	Section rewritten	HF 2509.71	1/1/03
490.1108	Section rewritten	HF 2509.72	1/1/03
490.1108A	New section	HF 2509.73	1/1/03
490.1110	Subsect. 2, para. f, subpara. (2), subpara. subdiv. (a) amended	HF 2509.74	1/1/03
490.1110	Subsect. 3, para. c, subpara. (3), subpara. subdiv. (b) amended	HF 2509.75	1/1/03
490.1201	Section amended	HF 2509.76	1/1/03
490.1202	Section amended	HF 2509.77	1/1/03
490.1301	Section rewritten	HF 2509.78	1/1/03
490.1302	Section amended	HF 2509.79	1/1/03
490.1303	Section amended	HF 2509.80**	1/1/03
490.1303	Subsection 2, paragraph b amended	HF 2623.91	J
490.1320	Section amended	HF 2509.81	1/1/03
490.1321	Section amended	HF 2509.82	1/1/03
490.1322	Section amended	HF 2509.83	1/1/03
490.1323	Section amended	HF 2509.84	1/1/03
490.1324	Section rewritten	HF 2509.85	1/1/03
490.1325	Section rewritten	HF 2509.86	1/1/03

<b>Section</b>	<b>Action Taken</b>	<b>Hse/Sen File #</b>	<b>Effective</b>
490.1326	Section rewritten	HF 2509.87	1/1/03
490.1327	Section repealed	HF 2509.123	1/1/03
490.1328	Section repealed	HF 2509.123	1/1/03
490.1330	Section amended	HF 2509.88	1/1/03
490.1331	Section amended	HF 2509.89	1/1/03
490.1402	Subsections 4 & 5 amended	HF 2509.90	1/1/03
490.1403	Section amended	HF 2509.91	1/1/03
490.1404	Subsection 3, paragraph f amended	HF 2509.92	1/1/03
490.1406	Subsections 1 & 2 amended	HF 2509.93	1/1/03
490.1407	Section amended	HF 2509.94	1/1/03
490.1408	New section	HF 2509.95	1/1/03
490.1409	New section	HF 2509.96	1/1/03
490.1431	New subsection 4	HF 2509.97	1/1/03
490.1434	New section	HF 2509.98	1/1/03
490.1603	Section amended	HF 2509.99	1/1/03
490.1605	New section	HF 2509.100	1/1/03
490.1606	New section	HF 2509.101	1/1/03
490.1621	Section repealed	HF 2509.123	1/1/03
490.1701	Subsection 2 amended	HF 2492.5	7/1/05
491.3	Subsection 8 amended	HF 2509.102	1/1/03
491.16	Section amended	HF 2509.103	1/1/03
497.34	Section amended	HF 2509.104	1/1/03
498.36	Section amended	HF 2509.105	1/1/03
499.59A	Section amended	HF 2509.106	1/1/03
499.69A	Subsections 4 & 7 amended	HF 2509.107	1/1/03
502.102*	Subsection 19 amended	SF 2279.2	J
502.102*	Subsection 21 rewritten	SF 2279.3	J
502.304*	Subsection 3 amended	SF 2279.4	J
502.608	Subsection 2 amended	SF 2279.5	J
502.612	Section repealed	SF 2275.110	J
504A.4	Subsection 14 amended	HF 2509.109	1/1/03
504A.100	Subsection 1 amended	HF 2492.6	7/1/05
504A.102	New section	HF 2492.1	J
504A.102	New section repealed	HF 2492.1	7/1/05
505.7	Subsection 4 rewritten	SF 2326.31	VETO
505.7	Subsection 4 rewritten	HF 2627.32	J
505.8*	New subsection 7	SF 2279.6	J
505.11*	Section amended	SF 2201.44	J
507C.60	New section	SF 2279.7	J
507E.7	Subsection 3 stricken	SF 2279.9	J
508.31A	Subsection 2, paragraph a, new subparagraph (3)	SF 2279.8	J
508.38	Subsection 3, paragraph a, unnumbered paragraph 1 amended	SF 2279.10***	J
508B.2	Unnumbered paragraph 2 amended	HF 2509.108	1/1/03
508B.13	Section amended	HF 2509.110	1/1/03
508C.16	Unnumbered paragraph 2 amended	HF 2509.111	1/1/03
508E.3A	New section	SF 2279.11	J
509.19	Section amended	SF 2279.12	J

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511.8	Subsection 22, paragraph d amended	SF 2275.179	J
513B.4*	Subsection 1, new paragraph d	SF 2279.13	J
513C.3	Subsection 14, new paragraph d	SF 2279.14	J
513C.5*	Subsection 2 amended	SF 2275.65	J
513C.10*	Subsection 2, unnumbered paragraph 1 amended	SF 2275.66	J
513C.11	Subsection 1 amended	SF 2275.67	J
514.3	Section amended	SF 2275.180	J
514A.3*	Subsection 1, paragraph m amended	SF 2275.68	J
514A.3*	Subsection 2, paragraph k rewritten	SF 2279.15	J
514B.31	Section amended	SF 2318.8	J
514E.1*	Subsection 6, new paragraph l	SF 2279.16	J
514I.3	Subsection 3 amended	SF 2201.45	J
514I.5	Subsection 3 amended	HF 2623.37	J
514J.5*	Subsection 3 amended	SF 2275.69	J
514J.7*	Subsection 1, paragraph b amended	SF 2275.70	J
514J.7*	Subsection 2 amended	SF 2275.71	J
514J.7*	Subsection 6 amended	SF 2275.72	J
515.24	Section amended	SF 2275.181	J
515.80	Section amended	SF 2279.17	J
515.81B	Section amended	SF 2279.18	J
515.125A	New section	SF 2279.19	J
515B.5*	Subsection 1, paragraph c, unnumbered paragraph 2 amended	SF 2279.20	J
515B.5*	Subsection 1, paragraph d rewritten	SF 2279.21	J
515D.4	Section amended	SF 2279.22	J
515D.7	Section amended	SF 2279.23	J
515F.3	Subsection 6 amended	SF 2275.182***	J
515F.3	Subsection 6 amended	SF 2279.24	J
516D.3	Subsection 6, paragraphs a & b amended	HF 2622.29	J
518.16A	New section	SF 2279.25	J
518.17	Unnumbered paragraph 2 amended	SF 2275.183	J
518.17	Unnumbered paragraph 2 amended	SF 2279.26	J
518.25	Section amended	SF 2279.27	J
518A.2	Section amended	SF 2279.28	J
518A.35*	Section amended	SF 2201.46	J
518A.37	Section amended	SF 2279.29	J
518A.41	Section amended	SF 2275.73	J
518A.42	New section	SF 2279.30	J
518A.43	Section amended	SF 2275.74	J
518A.44	Unnumbered paragraph 2 amended	SF 2279.31	J
519A.2	Subsection 3 amended	SF 2279.32	J
519A.5	Subsection 2 amended	SF 2279.33	J
519A.9	Subsection 2, unnumbered paragraph 1 amended	SF 2279.34	J
522B.1*	New subsection 2A	SF 2279.35	J
522B.1*	Subsections 6 & 9 amended	SF 2275.75	J
522B.3*	Subsection 2, unnumbered paragraph 1 amended	SF 2201.47	J
522B.3*	Subsection 2, paragraph b, subparagraph (1) amended	SF 2275.76	J
522B.6*	Subsection 2, paragraph e amended	SF 2201.48	J
522B.6*	Subsection 7 amended	SF 2275.77	J
522B.16*	Unnumbered paragraph 1 amended	SF 2201.49	J
523A.102*	Subsection 3 amended	SF 2275.78	J
523A.202*	Subsection 2 amended	SF 2275.79	J
523A.302*	Section amended	SF 2275.80	J

<b>Section</b>	<b>Action Taken</b>	<b>Hse/Sen File #</b>	<b>Effective</b>
523A.402*	Subsection 5, paragraph a amended	SF 2275.81	J
523A.501*	Subsection 6 amended	SF 2275.82	J
523A.502*	Subsection 8 amended	SF 2275.83	J
523A.601*	Subsection 4 amended	SF 2275.84	J
523A.901*	Subsection 5, paragraph c amended	SF 2275.85	J
523A.901*	Subsection 8, paragraph a amended	SF 2275.86	J
523A.901*	Subsection 9, paragraph g amended	SF 2201.50	J
524.213	Section amended	HF 681.15	J
524.223	Section amended	HF 681.16	J
524.801	Subsection 7 amended	HF 2509.112	1/1/03
524.805	Subsection 8 amended	SF 2134.1	J
524.814	Section amended	HF 2623.92	J
524.1213*	Subsection 2 amended	HF 2509.113	1/1/03
524.1309	Subsection 8 amended	HF 2509.114	1/1/03
524.1402	Subsection 2 amended	HF 2509.115	1/1/03
524.1406	Section amended	HF 2509.116	1/1/03
524.1408	Section amended	HF 2509.117	1/1/03
524.1417	Section amended	HF 2509.118	1/1/03
533.4	Subsection 27 amended	HF 2509.119	1/1/03
533.24	New unnumbered paragraph	HF 2271.11	R 1/1/02
533.24	New unnumbered paragraph	HF 2586.6	R 1/1/02
534.504	Section amended	HF 2509.120	1/1/03
534.605*	Subsection 4 amended	HF 2509.121	1/1/03
534.607	Section amended	HF 2509.122	1/1/03
536A.12	Subsection 1 amended	SF 2275.184	J
536A.30	Subsection 4 amended	SF 2275.185	J
537.2502	Subsections 3 & 6 amended	HF 608.1	VETO
537A.10*	Subsection 5, paragraph b, subparagraph (2) amended	SF 2275.186	J
541A.1	Subsection 7 amended	HF 2623.38	J
541A.3	Subsection 1, unnumbered paragraph 1 amended	HF 2623.39	J
541A.3	Subsection 5 amended	HF 2623.40	J
543B.3	New subsection 9	SF 2133.1	J
543B.15	Subsection 8 amended	SF 2133.2	J
543B.47	Subsections 1, 2, & 6 amended	SF 2133.3	J
543B.48	New section	SF 2133.4	J
544B.1	Subsection 2 amended	HF 2281.1	J
544B.1	Subsection 3 amended	HF 2281.2	J
544B.2	Section rewritten	HF 2281.3	J
544B.3	Unnumbered paragraph 1 amended	HF 2281.4	J
544B.5	Section amended	HF 2281.5	J
544B.8	Unnumbered paragraph 1 amended	HF 2281.6	J
544B.9	Section amended	HF 2281.7	J
544B.10	Section amended	HF 2281.8	J
544B.11	Section amended	HF 2281.9	J
544B.12	Section amended	HF 2281.10	J
544B.13	Section amended	HF 2281.11	J
544B.14*	Unnumbered paragraph 1 amended	HF 2281.12	J

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544B.15	Section amended	HF 2281.13	J
544B.16	Section amended	HF 2281.14	J
544B.18	Section amended	HF 2281.15	J
544B.20	Subsection 5 amended	HF 2281.16	J
544B.21	Section rewritten	HF 2281.17	J
546.10*	Subsection 3, new unnumbered paragraph	SF 2326.32**	VETO
546.10	Subsection 3, new unnumbered paragraph 2 amended	HF 2623.41	J
546.10*	Subsection 3, new unnumbered paragraph	HF 2627.33	J
554.8106*	Subsection 6 amended	SF 2275.87	J
554.9109*	Subsection 1, paragraph e amended	SF 2275.88	J
554.9521*	Subsection 2 amended	SF 2275.89	J
554.9525*	Subsection 1, unnumbered paragraph 1 amended	SF 2275.90	J
554.9525*	Subsection 3 amended	SF 2275.91	J
554.9602*	Subsection 3 amended	SF 2275.92	J
554D.120	Subsection 2 amended	SF 2275.187	J
554D.120	Subsection 3, unnumbered paragraph 1 amended	SF 2275.188	J
556.9	Section amended	HF 2497.1	J
556.12	Subsection 1 amended	HF 2623.42	VETO
558.46	New subsection 7	HF 2565.3	A J
558.70	New section	HF 2565.1	A J
558.71	New section	HF 2565.2	A J
558A.4	New subsection 3	HF 2565.4	A J
567.1	Subsection 5 amended	SF 2272.1	J
570.1*	Subsection 2, unnumbered paragraph 2 amended	SF 2212.1	J
579A.3*	Unnumbered paragraph 1 amended	SF 2275.93	J
579B.1*	Subsection 13 amended	SF 2275.94	J
579B.3*	Subsection 2 amended	SF 2275.95	J
595.13	Section amended	SF 2275.189	J
598.7A*	New subsection 6	HF 678.1	VETO
598.21*	Subsection 4, new paragraph f	HF 2395.16	J
598.21*	Subsection 5A, new paragraph e	HF 2395.17	R 7/1/97
598.22	Unnumbered paragraph 1 amended	HF 2395.18	J
598.22C	New section	HF 2395.19	J
598.41	Subsection 2, paragraph d amended	HF 678.2	VETO
598.41	Subsection 5 amended	HF 678.3	VETO
598.41	Subsection 8 amended	HF 678.4	VETO
598.41	New subsection 9	HF 678.5	VETO
600.11	Subsection 2, new paragraph f	HF 2395.20	J
600.13*	Subsection 5 amended	HF 2190.3	E
600.15*	Section amended	HF 2190.4	E
602.1302	Subsection 3 amended	HF 2623.43	J
602.6306	Subsection 2 amended	SF 415.1	J
602.8102*	Subsection 15 amended	HF 2472.112	1/1/03
602.8102*	Subsections 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 154, 155, 156, 157, 158, 159, 160, 161, 162, & 163 amended	SF 2275.107	J
602.8103	Subsection 4, paragraph d amended	SF 2275.106	J
602.8105	Subsections 1 & 2 amended	SF 2320.1	J
602.8107*	Subsection 2, paragraph b amended	SF 2275.96	J
602.8108*	Subsection 5 amended	HF 2623.44	J
602.9107	Subsection 1, paragraph a amended	HF 2532.54	J
602.9107C	New section	HF 2532.55	J
602.9202	Subsection 1 amended	HF 2532.56	J

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602.9203	Subsection 1 amended	HF 2532.57	J
602.9204	Subsection 2, paragraph b amended	HF 2532.58	J
614.1	Subsection 2A, paragraph b amended	SF 2201.51	J
617.3	Section amended	SF 2275.106	J
624.23	New subsections 5 & 6	HF 2291.1	J
625.8	Subsection 1 amended	SF 2320.2	J
625A.9	Section amended	HF 2339.1	VETO
631.1*	Subsection 1, unnumbered paragraph 2 amended	HF 518.1	J
631.1*	Subsections 3, 4, & 5 amended	HF 518.2	J
631.6	Subsection 1, paragraph a amended	SF 2320.3	J
633.231*	Section amended	SF 2275.97	J
633.304	Unnumbered paragraph 2 amended	SF 2275.98	J
633.304A*	Section amended	SF 2275.99	J
633.305	Unnumbered paragraph 2 amended	SF 2275.100	J
633.518	New section	HF 2547.28	J
633.519	New section	HF 2547.29	J
633.520	New section	HF 2547.30	J
633.556	Subsection 1 amended	HF 2472.113	1/1/03
633.568	Section amended	SF 2275.190	J
633.647	New subsection 6A	HF 2539.3	E
633.704	Subsection 3, paragraph c amended	HF 2539.4	E
633.801	Subsection 7 amended	SF 2134.2	J
633.1102	New subsection 12A	HF 2531.1	J
633.2102	Section amended	HF 2531.2	J
633.2201	Subsection 3 stricken	HF 2531.3	J
633.2205	Subsection 2 amended	HF 2531.4	J
633.2206	Subsection 1 rewritten	HF 2531.5	J
633.3109	Subsection 1 amended	SF 2275.101	J
633.4105	Subsect. 2, para. b, subpara. (1) & (2) amended	HF 2531.6	J
633.4105	Subsection 3 stricken	HF 2531.7	J
633.4106	Subsection 1, paragraph c amended	HF 2531.8	J
633.4111	Subsection 2, paragraph a amended	HF 2531.9	J
633.4202	Subsections 2, 3, & 5 amended	HF 2531.10	J
633.4211	Section amended	HF 2531.11	J
633.4213*	Section rewritten	HF 2531.12**	J
633.4213*	Rewritten section, subsection 1 amended	HF 2623.93	J
633.4214	New subsections 3 & 4	HF 2531.13	J
633.4402	Subsections 3, 6, 16, 25, & 27 amended	HF 2531.14	J
633.4402	New subsections 31 & 32	HF 2531.15	J
633.4502	New subsection 8	HF 2531.16	J
633.4506	Subsection 2 amended	HF 2531.17	J
633.4506	New subsection 3	HF 2531.18	J
633.4601	Subsection 2 amended	HF 2531.19	J
633.6101	Section rewritten	HF 2531.20	J
633.6105	Section rewritten	HF 2531.21	J
633.6202	Subsection 2, paragraph o amended	SF 2275.191	J
633.6301	New subsections 4 & 5	HF 2531.22	J

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633.7101	New section	HF 2531.23	J
637.601	Section rewritten	HF 2539.5	E
637.602	New section	HF 2539.6	E
637.603	New section	HF 2539.7	E
637.604	New section	HF 2539.8	E
637.605	New section	HF 2539.9	E
637.606	New section	HF 2539.10	E
637.607	New section	HF 2539.11	E
637.608	New section	HF 2539.12	E
637.609	New section	HF 2539.13	E
637.610	New section	HF 2539.14	E
637.611	New section	HF 2539.15	E
637.612	New section	HF 2539.16	E
637.613	New section	HF 2539.17	E
637.614	New section	HF 2539.18	E
637.615	New section	HF 2539.19	E
637.701	New section	HF 2539.20	E
672.1*	Subsection 2 amended	SF 2201.52	J
691.5*	Section amended	HF 2453.6***	J
692A.1*	New subsection 1A	SF 2197.1	J
692A.1*	Subsection 4, paragraph m amended	SF 2275.102	J
692A.2A	New section	SF 2197.3	J
692A.3A	New section	HF 2338.1	J
692A.5	Subsection 1, new paragraph g	HF 2338.2	J
692A.5	Subsection 1, new paragraph g	SF 2197.2	J
692A.7	Subsection 1 amended	HF 2338.3	J
692A.7	Subsection 1 amended	SF 2275.192	J
692A.13	Subsection 3, paragraph c, subparagraph (1) amended	SF 2275.193	J
707.2	New subsection 6	SF 2146.1	J
707B.1	New section	SF 2118.1	J
707B.2	New section	SF 2118.2	J
707B.3	New section	SF 2118.3	J
707B.4	New section	SF 2118.4	J
708.1	Unnumbered paragraph 1, subsections 1, 2, & 3 amended	HF 2546.1	J
708.2A	Subsection 1 amended	SF 2100.4	J
708.2B	Section amended	SF 2100.5	J
708.6	Section amended	SF 2146.8	J
708.11	Subsection 5 amended	SF 2275.106	J
708A.1	New section	SF 2146.2	J
708A.1A	New section	SF 2146.3	J
708A.2	New section	SF 2146.4	J
708A.3	New section	SF 2146.5	J
708A.4	New section	SF 2146.6	J
708A.5	New section	SF 2146.7	J
709.19	New section	HF 2495.1	J
709.19	New section	HF 2506.1	J
713.6A*	Subsection 2 amended	SF 2201.53	J
713.6B*	Subsection 2 amended	SF 2201.54	J
714.8	New subsection 20	HF 2565.5	A J
714.16*	Subsect. 2, para. n, subpara. (1), unnumbered para. 1 amended	SF 2275.194	R 7/1/00
714.18	Unnumbered paragraph 1 amended	HF 2515.40	J
714.18	Subsections 1 & 2 amended	HF 2515.41	J

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714.18	Subsection 4 amended	HF 2515.42	J
714.22	Subsection 1 amended	HF 2515.43	J
716.1	Section amended	SF 2098.1	J
716.6B	Section amended	SF 2098.2	J
717B.1	New subsections 3A, 7, & 8	SF 2268.2	J
717B.4	Section amended	SF 2268.3	J
717B.5	Section amended	SF 2268.4	J
717B.7	Section repealed	SF 2268.10	J
717D.1	New section	SF 2268.5	J
717D.2	New section	SF 2268.6	J
717D.4	New section	SF 2268.7	J
717D.5	New section	SF 2268.8	J
717D.6	New section	SF 2268.9	J
722.4	Section repealed	HF 2409.15	J
722.5	Section repealed	HF 2409.15	J
722.7*	Section repealed	HF 2409.16	J
722.8	Section repealed	HF 2409.15	J
723A.1	Subsection 1, paragraph c amended	SF 2146.9	J
724.10	Section amended	HF 2363.1	J
724.17	Section amended	HF 2363.2	J
724.19	Section amended	HF 2363.3	J
724.24	Section repealed	HF 2363.5	J
724.26	Section amended	HF 2363.4**	J
724.26	Section amended	HF 2623.94	J
726.3*	Section amended	SF 2275.103	J
726.6*	Subsection 2 amended	SF 2275.104	J
802.6	Subsection 1 amended	SF 2034.1	J
805.1*	Subsection 4 amended	SF 2275.109	J
805.8A*	New subsection 9A	SF 2192.53	J
805.8A*	Subsection 11, paragraph b amended	HF 2112.2	J
805.8B*	Subsection 2, paragraph b amended	SF 2079.3	J
805.8B*	Subsection 3, paragraph e amended	HF 2616.3	J
811.1	Subsections 1 & 2 amended	SF 2286.22	E
814.11	Section amended	SF 2301.14	J
815.9	Subsection 8 amended	SF 2301.15	J
815.10	Section amended	SF 2301.16	J
815.10A	New section	SF 2301.17	J
815.11	Section amended	SF 2301.18	J
815.14	New section	SF 2301.19	J
901.5*	Subsection 8A amended	HF 2201.2	C
901A.1*	New subsection 3	SF 2286.23	E
901A.2	New subsection 5A	SF 2286.24	E
902.3	Section amended	HF 2230.2	J
902.3A*	Subsection 1, paragraph d amended	SF 2275.105	J
902.9*	Unnumbered paragraph 2 amended	SF 2201.55	J
902.9*	Subsection 5 amended	HF 2230.3	J
902.13	New section	HF 2201.3	C

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**E** - Effective upon enactment

**C** - Conditional effective date

**IV** - Part of bill section vetoed

**J** - Effective July 1, 2002

**VETO** - Entire bill section vetoed

**00/00/00** - Specified effective date

**00/00/00R** - Retroactive applicability

**\*** - 2001 Code Supplement

**\*\*** - Amended by subsequent bill

**\*\*\*** - Repealed by subsequent bill



<b>Section</b>	<b>Action Taken</b>	<b>Hse/Sen File #</b>	<b>Effective</b>
904.108*	Subsection 1, paragraph o amended	HF 2623.47	J
906.4	Unnumbered paragraph 2 amended	HF 2201.4	C
907.3*	Subsection 1, paragraph m amended	SF 2201.56	J
907.3*	Subsection 2, paragraph g amended	SF 2201.57	J
908.2	Unnumbered paragraph 1 amended	SF 2301.20	J
908.4	Section amended	SF 2301.21	J
910.1	Subsection 4 amended	SF 2275.195	J
910.2	Section amended	SF 2275.196	J
910.3	Section amended	SF 2275.197	J
910.9	Unnumbered paragraph 3 amended	SF 2275.198	J
915.13	Subsection 1, paragraph d amended	HF 2153.1	J
915.21	Subsection 1, paragraph a amended	HF 2153.2	J
915.21	Subsection 1, new paragraphs bb & bc	HF 2153.3	J
915.21	New subsections 3 & 4	HF 2153.4	J

### 2002 ACTS - Listed by Bill Number

<b>Bill/Section</b>	<b>Action Taken</b>	<b>Hse/Sen File #</b>	<b>Effective</b>
HF 582.4	Section amended	HF 2623.31	J
HF 582.10	Section amended	HF 2623.32	J
HF 2075.1	Section amended	HF 2623.73	J
HF 2075.1	Section amended	HF 2625.25	7/1/103
HF 2075.1	Section amended	HF 2625.26	E
HF 2078.4	Section amended	HF 2623.77	J
HF 2078.	New section 12	HF 2271.14	E
HF 2271.2	Section amended	HF 2623.75	J
HF 2271.3	Section amended	HF 2623.76	J
HF 2363.4	Section amended	HF 2623.94	J
HF 2378.10	Subsection 1 amended	HF 2623.99	J
HF 2409.11	Section amended	HF 2623.80	J
HF 2430.1	Section amended	HF 2627.238	J
HF 2448.1	Section amended	HF 2623.84	J
HF 2453.6	Section repealed	HF 2623.101	J
HF 2509.22	Section amended	HF 2623.88	J
HF 2509.47	Section amended	HF 2623.89	J
HF 2509.56	Section amended	HF 2623.90	J
HF 2509.80	Section amended	HF 2623.91	J
HF 2515.37	Section amended	HF 2627.240	J
HF 2531.12	Section amended	HF 2623.93	J
HF 2571.8	Section amended	HF 2623.82	J
HF 2613.2	Subsection 1 amended	HF 2627.191	J
HF 2614.2	Unnumbered paragraph 2 amended	HF 2625.44	J
HF 2614.2	Unnumbered paragraph 2 amended	HF 2627.226	J
HF 2614.3	Unnumbered paragraph 2 amended	HF 2627.227	J
HF 2614.4	Unnumbered paragraph 2 amended	HF 2627.228	J
HF 2614.10	Subsection 1, unnumbered paragraph 1 amended	HF 2627.195	J
HF 2614.10	Subsection 3, paragraph a, unnumbered paragraph 1 amended	HF 2627.196	J
HF 2614.10	Subsection 3, paragraph b amended	HF 2627.197	J
HF 2614.10	Subsection 4, paragraphs a & b amended	HF 2627.198	J
HF 2614.10	Subsection 5, paragraphs a & b amended	HF 2627.199	IV
HF 2614.10	Subsection 5, paragraph c, unnumbered paragraph 1 amended	HF 2627.200	J
HF 2614.10	Subsection 5, paragraph d amended	HF 2627.201	J
HF 2614.10	Subsection 6, paragraph a, unnumbered paragraph 1 amended	HF 2627.202	J

<u>Bill/Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
HF 2614.10	Subsection 7, unnumbered paragraph 1 amended	HF 2627.203	J
HF 2614.10	Subsection 9, paragraph a, unnumbered paragraph 1 amended	HF 2627.204	J
HF 2614.10	Subsection 9, paragraph b, unnumbered paragraph 1 amended	HF 2627.205	J
HF 2614.10	Subsection 11, unnumbered paragraph 1 amended	HF 2627.206	J
HF 2614.20	Subsection 1, paragraphs c & d amended	HF 2627.207	J
HF 2614.20	Subsection 1, paragraph e, unnumbered paragraph 1 amended	HF 2627.208	J
HF 2614.20	Subsection 1, paragraphs f, g, & h amended	HF 2627.209	J
HF 2614.20	Subsection 2, unnumbered paragraph 1 amended	HF 2627.210	J
HF 2614.20	Subsection 3, paragraphs a & d amended	HF 2627.211	J
HF 2614.21	Section amended	HF 2627.212	J
HF 2615.4	Unnumbered paragraph 3 amended	HF 2627.244	J
HF 2623.30	Section amended	HF 2627.230	VETO
HF 2623.72	Section amended	HF 2627.245	E
HF 2627.217	Subsection 2, paragraph a rewritten	HF 2625.41	J
HF 2627.221	Section amended	HF 2625.43	J
HF 2627.226	Section amended	HF 2625.44	J
HF 2627.229	Section amended	HF 2625.35	J
SF 348.4	Section amended	HF 2623.81	J
SF 348.14	Section amended	HF 2623.96	E
SF 429.2	Section rewritten	HF 2623.36	J
SF 2124.24	Section amended	HF 2623.78	E
SF 2201.26	Section amended	HF 2625.30	E
SF 2210.3	Section amended	HF 2623.74	J
SF 2275.5	Section amended	HF 2625.47	R 1/1/02
SF 2275.13	Section repealed	HF 2627.246	J
SF 2275.170	Section repealed	HF 2623.100	J
SF 2275.171	Section repealed	HF 2623.100	J
SF 2275.172	Section repealed	HF 2623.100	J
SF 2275.173	Section repealed	HF 2623.100	J
SF 2275.174	Section repealed	HF 2623.100	J
SF 2275.182	Section repealed	HF 2627.246	J
SF 2278.1	Section amended	HF 2623.83	J
SF 2279.10	Section repealed	SF 2279.36	7/1/104
SF 2293.6	Subsection 3 amended	HF 2627.247	E
SF 2293.27	Section amended	HF 2627.250	E
SF 2293.28	Section amended	HF 2627.251	E
SF 2293.32	Section amended	HF 2627.252	E
SF 2293.32	Section amended	HF 2627.253	E
SF 2293.33	Section amended	HF 2627.254	3/1/103
SF 2293.35	Section amended	HF 2627.255	3/1/103
SF 2293.38	Section amended	HF 2627.256	E
SF 2293.39	Section amended	HF 2627.257	E
SF 2293.66	Section amended	HF 2627.258	E
SF 2293.68	Subsection 1, paragraph c amended	HF 2627.259	E
SF 2293.68	New subsections 3 & 4	HF 2627.260	E
SF 2293.70	Subsection 1, paragraph b amended	HF 2627.261	E
SF 2304.15	Section amended	HF 2625.1	E

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**IV** - Part of bill section vetoed

**J** - Effective July 1, 2002

**VETO** - Entire bill section vetoed

**00/00/00** - Specified effective date

**00/00/00R** - Retroactive applicability

**\*** - 2001 Code Supplement

**\*\*** - Amended by subsequent bill

**\*\*\*** - Repealed by subsequent bill

<b>Bill/Section</b>	<b>Action Taken</b>	<b>Hse/Sen File #</b>	<b>Effective</b>
SF 2304.21	Subsection 3 amended	HF 2623.13	J
SF 2304.25	Subsections 3 & 4 amended	HF 2623.14	J
SF 2315.1	Section amended	SF 2328.1	A 7/1/03
SF 2315.1	Section amended	HF 2625.37	VETO
SF 2315.4	Section amended	HF 2623.95	J
SF 2317.4	Section amended	HF 2623.85	J
SF 2317.4	Section amended	HF 2623.86	J
SF 2317.5	Section amended	HF 2623.87	J
SF 2325.45	Section amended	HF 2627.241	J
SF 2326.23	Subsection 2 amended	HF 2623.105	J
SF 2326.25	Unnumbered paragraph 4 amended	HF 2623.54	J
SF 2326.32	Section amended	HF 2623.41	J
SF 2326.38	Subsection 2 amended	HF 2623.97	J
SF 2326.39	New subsection 5	HF 2623.55	J
SF 2326.76	Subsection 3, paragraph a stricken	HF 2627.80	J
SF 2326.76	Subsection 5 stricken	HF 2627.81	J
SF 2326.78	Subsection 1, unnumbered paragraph 1 amended	HF 2627.82	J
SF 2326.78	Subsections 2, 3, & 5 amended	HF 2627.83	J
SF 2326.79	Subsections 1, 2, & 3 amended	HF 2627.84	J
SF 2326.79	Subsection 4, paragraph a, unnumbered paragraph 1 amended	HF 2627.85	J
SF 2326.79	Subsection 4, paragraph b, unnumbered paragraph 1 amended	HF 2627.86	J
SF 2326.79	Subsection 5, paragraph a amended	HF 2627.87	J
SF 2326.79	Subsection 5, paragraph b, unnumbered paragraph 1 amended	HF 2627.88	J
SF 2326.79	Subsections 6 & 7 amended	HF 2627.89	J
SF 2326.79	Subsection 11, unnumbered paragraph 1 amended	HF 2627.90	J
SF 2326.79	Subsections 13, 14, 15, & 16 stricken	HF 2627.91	J
SF 2326.79	Subsections 17 & 18 amended	HF 2623.106	J
SF 2326.81	Subsections 2, 3, & 4 amended	HF 2623.107	J
SF 2326.81	Subsection 5 amended	HF 2623.56	J
SF 2326.85	Section amended	HF 2627.93	J
SF 2326.91	Subsection 10, paragraph a amended	HF 2623.57	VETO
SF 2326.92	Subsection 6, new unnumbered paragraph	HF 2623.58	VETO
SF 2326.98	Section repealed	HF 2623.59	VETO
SF 2326.99	Subsection 1 amended	HF 2623.60	J
SF 2326.99	Subsection 11, unnumbered paragraph 2 amended	HF 2623.61	J
SF 2326.104	Unnumbered paragraph 2 amended	HF 2623.108	J
SF 2326.104	Subsection 12 amended	HF 2623.64	J
SF 2326.106	Unnumbered paragraph 2 amended	HF 2623.109	J
SF 2326.127	Subsection 1, paragraph a amended	HF 2623.62	J
SF 2326.134	Section amended	HF 2623.63	J
SF 2326.154	Subsection 2, unnumbered paragraph 2 amended	HF 2623.65	VETO
SF 2326.168	Section amended	HF 2627.179	J
SF 2326.169	Section amended	HF 2627.180	J
SF 2326.172	Section amended	HF 2623.110	J
SF 2326.175	Subsection 2, unnumbered paragraph 2 amended	HF 2623.98	J
SF 2326.175	Subsections 6, 7, 9, 10, & 11 amended	HF 2627.181	J
SF 2326.175	Subsection 14 stricken	HF 2627.183	J
SF 2326.175	Subsection 14 stricken	HF 2623.66	VETO
SF 2326.176	Section amended	HF 2627.182	J
SF 2328.1	Section amended	HF 2625.37	VETO

**2001 ACTS (SECOND EXTRAORDINARY SESSION) AMENDED**

<b><u>Chap/Sec</u></b>	<b><u>Action Taken</u></b>	<b><u>Hse/Sen File #</u></b>	<b><u>Effective</u></b>
6.16	Section amended	SF 2304.19	E
6.17	Section amended	SF 2304.20	E

**2001 ACTS (FIRST EXTRAORDINARY SESSION) AMENDED**

<b><u>Chap/Sec</u></b>	<b><u>Action Taken</u></b>	<b><u>Hse/Sen File #</u></b>	<b><u>Effective</u></b>
1.2	Section amended	HF 2623.79	J
5.1	Section repealed	SF 2326.33	VETO
5.1	Section repealed	HF 2627.34	J

**2001 ACTS AMENDED**

<b><u>Chap/Sec</u></b>	<b><u>Action Taken</u></b>	<b><u>Hse/Sen File #</u></b>	<b><u>Effective</u></b>
34.1	Section amended	HF 2446.1	J
34.2	Section amended	HF 2446.2	J
55.4	Section amended	SF 2201.58	J
55.7	Section amended	SF 2275.112	J
55.13	Section amended	SF 2275.113	J
126.9	Section amended	SF 2201.59	R 5/9/01
153.16	Section amended	SF 2201.60	R 7/1/01
161.21	Section amended	HF 2549.21	E
174.1	Section amended	HF 2615.8	J
174.1	Subsection 1 amended	SF 2315.4	E
174.1	Subsection 1, unnumbered paragraph 3 amended	HF 2623.95	J
176.1	Section amended	SF 2326.133	VETO
176.1	Section amended	HF 2627.144	J
176.20	Unnumbered paragraph 2 amended	HF 2627.222	E
176.21	Unnumbered paragraph 2 amended	HF 2627.223	E
176.22	Unnumbered paragraph 2 amended	HF 2627.224	E
176.24	Unnumbered paragraph 2 amended	HF 2627.225	E
179.1	Unnumbered paragraph 2 amended	SF 2304.19	E
179.2	Section amended	SF 2304.20	E
182.7	Subsection 2, new paragraph g	HF 2623.45	E
183.20	Section amended	SF 2201.61	R 7/1/01
185.1	Unnumbered paragraph 2 amended	HF 2614.12	E
185.7	Subsections 1 & 2 amended	HF 2614.13	E
185.10	Unnumbered paragraph 2 amended	HF 2614.15	E
185.11	Subsections 1, 2, & 3 amended	HF 2614.14	E
185.23	Section amended	HF 2614.16	E
185.24	Section amended	HF 2614.17	E
185.25	Subsection 1, paragraph d amended	HF 2614.6	E
185.25	Subsection 6, paragraph b amended	HF 2614.7	E
185.48	Subsection 2 amended	SF 2201.62	J
186.6	Subsection 6 stricken	SF 2326.160	VETO
186.6	Subsection 6 stricken	HF 2627.171	E
186.21	Section amended	SF 2326.159	VETO
186.21	Section amended	HF 2627.170	E

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**J** - Effective July 1, 2002

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**00/00/00** - Specified effective date

**00/00/00R** - Retroactive applicability

**\*** - 2001 Code Supplement

**\*\*** - Amended by subsequent bill

**\*\*\*** - Repealed by subsequent bill

188.13	Section amended	HF 2625.38	E
188.19	Section amended	SF 2326.65	VETO
188.19	Section amended	HF 2627.68	J
189.11	Section rewritten	SF 2201.63	R 7/1/01
189.11A	New section	SF 2201.64	R 7/1/01
191.14	Subsection 2, new paragraph f	HF 2623.46	J
192.2	Subsection 1, new unnumbered paragraph	HF 2613.6	E

**2000 ACTS AMENDED**

<b><u>Chap/Sec</u></b>	<b><u>Action Taken</u></b>	<b><u>Hse/Sen File #</u></b>	<b><u>Effective</u></b>
1148.1	Section amended	SF 2275.200	J
1148.	New sections 1A & 1B	SF 2275.201	J
1189.32	Subsection 2 amended	HF 2446.1	J
1189.33	Section amended	HF 2446.2	J
1225.15	Subsections 2 & 3 amended	HF 2614.16	E
1225.18	Unnumbered paragraph 2 amended	HF 2614.17	E
1228.37	Section amended	SF 2275.202	R 5/17/00
1229.25	Section amended	SF 2326.159	VETO
1229.25	Section amended	HF 2627.170	E
1230.11	Unnumbered paragraph 3 amended	SF 2326.65	VETO
1230.11	Unnumbered paragraph 3 amended	HF 2627.68	J
1232.98	Section repealed	HF 2152.2	E

**1999 ACTS AMENDED**

<b><u>Chap/Sec</u></b>	<b><u>Action Taken</u></b>	<b><u>Hse/Sen File #</u></b>	<b><u>Effective</u></b>
202.25	Section amended	SF 2326.159	VETO
202.25	Section amended	HF 2627.170	E

**1998 ACTS AMENDED**

<b><u>Chap/Sec</u></b>	<b><u>Action Taken</u></b>	<b><u>Hse/Sen File #</u></b>	<b><u>Effective</u></b>
1101.15	Subsection 2 amended	SF 2326.159	VETO
1101.15	Subsection 2 amended	HF 2627.170	E
1209.40	Section repealed	SF 2293.64	J

**1995 ACTS AMENDED**

<b><u>Chap/Sec</u></b>	<b><u>Action Taken</u></b>	<b><u>Hse/Sen File #</u></b>	<b><u>Effective</u></b>
195.37	Section repealed	SF 2293.64	J

## 2002 SENATE COMMITTEES

### STANDING COMMITTEES

#### **AGRICULTURE**

**Behn, Chair**  
**Houser, Vice Chair**  
**Fraise, Ranking Member**  
 Angelo  
 Bottger  
 Fiegen  
 Gaskill  
 Greiner  
 Kibbie  
 Ragan  
 Sexton  
 Shearer  
 Soukup  
 Veenstra  
 Zieman

#### **APPROPRIATIONS**

**Lamberti, Chair**  
**Kramer, Vice Chair**  
**Flynn, Ranking Member**  
 Angelo  
 Black  
 Bolkcom  
 Connolly  
 Deluhery  
 Dvorsky  
 Fiegen  
 Gaskill  
 Hammond  
 Horn  
 Jensen  
 King  
 Lundby  
 McKibben  
 McKinley  
 Redfern  
 Rehberg  
 Schuerer  
 Soukup  
 Tinsman  
 Veenstra  
 Zieman

#### **BUSINESS & LABOR RELATIONS**

**Freeman, Chair**  
**Greiner, Vice Chair**  
**Dearden, Ranking Member**  
 Behn  
 Fraise  
 Hammond  
 Horn  
 King  
 Lundby  
 McKibben  
 Schuerer

#### **COMMERCE**

**Jensen, Chair**  
**Schuerer, Vice Chair**  
**Deluhery, Ranking Member**  
 Bolkcom

Flynn  
 Freeman  
 Gronstal  
 Hansen  
 King  
 Lord  
 Lundby  
 Maddox  
 McCoy  
 Redfern  
 Redwine

#### **EDUCATION**

**Boettger, Chair**  
**Rehberg, Vice Chair**  
**Connolly, Ranking Member**  
 Angelo  
 Dvorsky  
 Fink  
 Harper  
 Kramer  
 McKinley  
 Redfern  
 Redwine  
 Shearer  
 Soukup  
 Tinsman  
 Veenstra

#### **ETHICS**

**Drake, Chair**  
**McKean, Vice Chair**  
**Kibbie, Ranking Member**  
 Connolly  
 Dearden  
 Rittmer

#### **HUMAN RESOURCES**

**Redwine, Chair**  
**Tinsman, Vice Chair**  
**Hammond, Ranking Member**  
 Behn  
 Boettger  
 Dvorsky  
 Holveck  
 McKibben  
 Miller  
 Ragan  
 Schuerer  
 Shearer  
 Veenstra

#### **JUDICIARY**

**Maddox, Chair**  
**Redfern, Vice Chair**  
**Holveck, Ranking Member**  
 Angelo  
 Boettger  
 Fiegen  
 Fraise  
 Hammond  
 Hansen  
 Horn

King  
 Lamberti  
 McKean  
 Miller  
 Tinsman

#### **LOCAL GOVERNMENT**

**Miller, Chair**  
**Angelo, Vice Chair**  
**Hansen, Ranking Member**  
 Black  
 Fraise  
 Gaskill  
 Houser  
 Lord  
 McCoy  
 McKibben  
 Ragan  
 Tinsman  
 Zieman

#### **NATURAL RESOURCES & ENVIRONMENT**

**Sexton, Chair**  
**Freeman, Vice Chair**  
**Fink, Ranking Member**  
 Black  
 Bolkcom  
 Dearden  
 Deluhery  
 Drake  
 Houser  
 Kibbie  
 Lord  
 Lundby  
 McKean  
 Miller  
 Rittmer

#### **RULES & ADMINISTRATION**

**Iverson, Chair**  
**Kramer, Vice Chair**  
**Gronstal, Ranking Member**  
 Boettger  
 Dvorsky  
 Fink  
 Gaskill  
 Harper  
 Lord  
 McKean  
 Rittmer

#### **SMALL BUSINESS, ECONOMIC DEVELOPMENT & TOURISM**

**Rehberg, Chair**  
**Zieman, Vice Chair**  
**Shearer, Ranking Member**  
 Behn  
 Fiegen  
 Flynn  
 Gaskill

Greiner  
 Holveck  
 Lamberti  
 McKinley  
 Ragan  
 Veenstra

#### **STATE GOVERNMENT**

**King, Chair**  
**Lamberti, Vice Chair**  
**Kibbie, Ranking Member**  
 Bolkcom  
 Connolly  
 Dearden  
 Deluhery  
 Drake  
 Fink  
 Jensen  
 Maddox  
 McKean  
 Rittmer  
 Schurer  
 Sexton

#### **TRANSPORTATION**

**Rittmer, Chair**  
**Drake, Vice Chair**  
**McCoy, Ranking Member**  
 Dearden  
 Fink  
 Fraise  
 Freeman  
 Houser  
 Jensen  
 Kibbie  
 McKinley  
 Sexton  
 Zieman

#### **WAYS & MEANS**

**McKibben, Chair**  
**McKinley, Vice Chair**  
**Harper, Ranking Member**  
 Bolkcom  
 Connolly  
 Deluhery  
 Drake  
 Flynn  
 Greiner  
 Holveck  
 Lamberti  
 Maddox  
 Miller  
 Redwine  
 Rehberg

**SENATE APPROPRIATIONS SUBCOMMITTEES****ADMINISTRATION &  
REGULATION**

**Schuerer, Chair**  
**Zieman, Vice Chair**  
**Flynn, Ranking Member**  
 Drake  
 Hansen

**AGRICULTURE & NATURAL  
RESOURCES**

**Gaskill, Chair**  
**Sexton, Vice Chair**  
**Black, Ranking Member**  
 Fink  
 Greiner

**ECONOMIC  
DEVELOPMENT**

**McKinley, Chair**

**Miller, Vice Chair**  
**Fiegen, Ranking Member**  
 Behn  
 Holveck

**EDUCATION**

**Redfern, Chair**  
**Rehberg, Vice Chair**  
**Horn, Ranking Member**  
 Boettger  
 Kibbie

**HEALTH & HUMAN  
RIGHTS**

**Tinsman, Chair**  
**Rittmer, Vice Chair**  
**Bolkcom, Ranking Member**  
 Lord  
 Ragan

**HUMAN SERVICES**

**Veenstra, Chair**  
**Houser, Vice Chair**  
**Hammond, Ranking Member**  
 Harper  
 Redwine

**JUSTICE SYSTEM**

**Angelo, Chair**  
**McKean, Vice Chair**  
**Dvorsky, Ranking Member**  
 Fraise  
 Maddox

**OVERSIGHT &  
COMMUNICATIONS**

**Lundby, Chair**  
**King, Vice Chair**  
**Deluhery, Ranking Member**

Freeman  
 Shearer

**TRANSPORTATION,  
INFRASTRUCTURE &  
CAPITALS**

**Jensen, Chair**  
**Lamberti, Vice Chair**  
**Soukup, Ranking Member**  
 Connolly  
 McKibben

## 2002 HOUSE COMMITTEES

### STANDING COMMITTEES

#### **ADMINISTRATION & RULES**

**Carroll, Chair**  
**Dix, Vice Chair**  
**Jochum, Ranking Member**  
 Bukta  
 Falck  
 Gipp  
 Huser  
 Jacobs  
 Myers  
 Rants  
 Siegrist  
 Sukup  
 Teig  
 Warnstadt

#### **AGRICULTURE**

**Klemme, Chair**  
**De Boef, Vice Chair**  
**Kuhn, Ranking Member**  
 Alons  
 Atteberry  
 Baudler  
 Boggess  
 Fallon  
 Frevert  
 Huseman  
 Johnson  
 Jones  
 Kreiman  
 Manternach  
 May  
 Mertz  
 Rayhons  
 Rekow  
 Scherrman  
 Schrader  
 Teig

#### **APPROPRIATIONS**

**Millage, Chair**  
**Brunkhorst, Vice Chair**  
**Murphy, Ranking Member**  
 Alons  
 Bell  
 Boggess  
 Dix  
 Dolecheck  
 Drake  
 Gipp  
 Hatch  
 Heaton  
 Horbach  
 Jacobs  
 Jenkins  
 Mascher  
 Mertz  
 Raecker  
 Roberts  
 Seng  
 Smith  
 Taylor, T.

Teig  
 Warnstadt  
 Wise

#### **COMMERCE & REGULATION**

**Hansen, Chair**  
**Hoffman, Vice Chair**  
**Chiodo, Ranking Member**  
 Bradley  
 Dix  
 Jacobs  
 Jenkins  
 Johnson  
 Kettering  
 Metcalf  
 Osterhaus  
 Petersen  
 Quirk  
 Raecker  
 Schrader  
 Seng  
 Shey  
 Taylor, D.  
 Van Fossen  
 Wise

#### **ECONOMIC DEVELOPMENT**

**Cormack, Chair**  
**Hoversten, Vice Chair**  
**Hatch, Ranking Member**  
 Atteberry  
 Boggess  
 Cohoon  
 Dotzler  
 Elgin  
 Hoffman  
 Horbach  
 Jenkins  
 Lensing  
 Manternach  
 Metcalf  
 O'Brien  
 Quirk  
 Roberts  
 Seng  
 Stevens  
 Tieg  
 Van Fossen

#### **EDUCATION**

**Grundberg, Chair**  
**Boal, Vice Chair**  
**Wise, Ranking Member**  
 Broers  
 Brunkhorst  
 Bukta  
 Carroll  
 Cohoon  
 Dolecheck  
 Eddie

Finch  
 Foege  
 Hansen  
 Greimann  
 Lensing  
 Mascher  
 Petersen  
 Roberts  
 Sievers  
 Stevens  
 Sukup  
 Tymeson  
 Winckler

#### **ENVIRONMENTAL PROTECTION**

**Hahn, Chair**  
**Bradley, Vice Chair**  
**Witt, Ranking Member**  
 Brunkhorst  
 Cormack  
 De Boef  
 Drake  
 Elgin  
 Finch  
 Foege  
 Gipp  
 Greimann  
 Hatch  
 Huseman  
 Kettering  
 Lensing  
 Mascher  
 Schrader  
 Schoultz  
 Sievers  
 Stevens

#### **ETHICS**

**Huseman, Chair**  
**Garman, Vice Chair**  
**Warnstadt, Ranking Member**  
 Cormack  
 Mascher  
 Scherrman

#### **HUMAN RESOURCES**

**Boddicker, Chair**  
**Broers, Vice Chair**  
**Smith, Ranking Member**  
 Atteberry  
 Boal  
 Brunkhorst  
 Carroll  
 De Boef  
 Foege  
 Ford  
 Grundberg  
 Hoversten  
 Larson  
 Kreiman  
 Murphy  
 Reynolds

Roberts  
 Tremmel  
 Tymeson  
 Wilderdyke  
 Witt

#### **JUDICIARY**

**Larson, Chair**  
**Baudler, Vice Chair**  
**Kreiman, Ranking Member**  
 Bell  
 Boddicker  
 Broers  
 Chiodo  
 Eichhorn  
 Ford  
 Grundberg  
 Jochum  
 Kettering  
 Mertz  
 Millage  
 Raecker  
 Shey  
 Shoultz  
 Sukup  
 Tremmel  
 Wilderdyke  
 Witt

#### **LABOR & INDUSTRIAL RELATIONS**

**Tyrrell, Chair**  
**Sukup, Vice Chair**  
**Winckler, Ranking Member**  
 Boddicker  
 Connors  
 Dolecheck  
 Dotzler  
 Ford  
 Grundberg  
 Hansen  
 Hoffman  
 Horbach  
 Jochum  
 Metcalf  
 Millage  
 Murphy  
 Raecker  
 Smith  
 Taylor, D.  
 Taylor, T.  
 Wilderdyke

#### **LOCAL GOVERNMENT**

**Van Engelhoven, Chair**  
**Jones, Vice Chair**  
**Richardson, Rank. Member**  
 Alons  
 Arnold  
 Brauns  
 Carroll  
 Connors  
 Dix



Eddie  
Fallon  
Hahn  
Huser  
Klemme  
Kuhn  
Petersen  
Reynolds  
Sievers  
Taylor, D.  
Warnstadt  
Weidman

#### **NATURAL RESOURCES**

**Arnold, Chair**  
**Rekow, Vice Chair**  
**O'Brien, Ranking Member**  
Alons  
Baudler  
Bell  
Brauns  
Bukta  
Dotzler  
Drake  
Frevert  
Garman  
Greimann  
Hahn

Huseman  
May  
Rayhons  
Richardson  
Scherrman  
Tyrrell  
Weidman

#### **STATE GOVERNMENT**

**Metcalf, Chair**  
**Elgin, Vice Chair**  
**Larkin, Ranking Member**  
Boddicker  
Bradley  
Brauns  
Chiodo  
Connors  
Cormack  
Eichhorn  
Garman  
Gipp  
Jacobs  
Jochum  
Millage  
O'Brien  
Reynolds  
Taylor, T.

Tremmel  
Van Engelenhoven

#### **TRANSPORTATION**

**Brauns, Chair**  
**Rayhons, Vice Chair**  
**May, Ranking Member**  
Arnold  
Bukta  
Cohoon  
Eddie  
Garman  
Heaton  
Huser  
Johnson  
Klemme  
Larkin  
Manternach  
Osterhaus  
Quirk  
Rekow  
Scherrman  
Van Engelenhoven  
Warnstadt  
Weidman

#### **WAYS & MEANS**

**Van Fossen, Chair**  
**Shey, Vice Chair**  
**Shoultz, Ranking Member**  
Boal  
Eichhorn  
Fallon  
Finch  
Frevert  
Hansen  
Hoffman  
Hoversten  
Huser  
Jochum  
Jones  
Kuhn  
Larkin  
Larson  
Osterhaus  
Richardson  
Sievers  
Sukup  
Taylor, D.  
Teig  
Tymeson  
Winckler

### ***HOUSE APPROPRIATIONS SUBCOMMITTEES***

#### **ADMINISTRATION & REGULATION**

**Raecker, Chair**  
**Sievers, Vice Chair**  
**Connors, Ranking Member**  
Chiodo  
Elgin  
Klemme  
O'Brien  
Taylor, T.  
Tyrrell

#### **AGRICULTURE & NATURAL RESOURCES**

**Drake, Chair**  
**Kettering, Vice Chair**  
**Mertz, Ranking Member**  
Baudler  
Eddie  
Hahn  
May  
Quirk  
Schrader

#### **ECONOMIC DEVELOPMENT**

**Boggess, Chair**  
**Wilderdyke, Vice Chair**  
**Dotzler, Ranking Member**

Boal  
Hoffman  
Petersen  
Reynolds  
Teig  
Winckler

#### **EDUCATION**

**Dolecheck, Chair**  
**Roberts, Vice Chair**  
**Mascher, Ranking Member**  
Brunkhorst  
Carroll  
Frevert  
Scherrman  
Tymeson  
Witt

#### **HEALTH & HUMAN RIGHTS**

**Alons, Chair**  
**Finch, Vice Chair**  
**Ford, Ranking Member**  
Atteberry  
Broers  
De Boef  
Seng  
Shoultz  
Van Engelenhoven

#### **HUMAN SERVICES**

**Heaton, Chair**  
**Johnson, Vice Chair**  
**Osterhaus, Ranking Member**  
Arnold  
Foege  
Greimann  
Hoversten  
Jones  
Smith

#### **JUSTICE SYSTEM**

**Horbach, Chair**  
**Eichhorn, Vice Chair**  
**Bell, Ranking Member**  
Cormack  
Jacobs  
Larkin  
Marternach  
Richardson  
Tremmel

#### **OVERSIGHT & COMMUNICATIONS**

**Jenkins, Chair**  
**Grundberg, Vice Chair**  
**Stevens, Ranking Member**  
Bradley  
Garman

Hatch  
Lensing  
Metcalf

#### **TRANSPORTATION, INFRASTRUCTURE & CAPITALS**

**Gipp, Chair**  
**Weidman, Vice Chair**  
**Cohoon, Ranking Member**  
Fallon  
Huseman  
Kuhn  
Rayhons  
Rekow  
Warnstadt

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