

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

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

Approved March 30, 2001

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## CHAPTER 24

### NONSUBSTANTIVE CODE CORRECTIONS

*H.F. 194*

**AN ACT** relating to nonsubstantive Code corrections and including effective and retroactive applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 12.32, subsections 1 and 3, Code 2001, are amended to read as follows:

1. "Eligible borrower" means any person who is in the business or is entering the business of producing, processing, or marketing horticultural crops or nontraditional crops in this state or any person in this state who is qualified to participate in one of the programs in this ~~division~~ section and sections 12.33 through 12.43B. "Eligible borrower" does not include a person who has been determined to be delinquent in making child support payments or any other payments due the state.

3. "Linked investment" means a certificate of deposit placed pursuant to this ~~division~~ section and sections 12.33 through 12.43B by the treasurer of state with an eligible lending institution, at an interest rate not more than three percent below current market rate on the condition that the institution agrees to lend the value of the deposit, according to the investment agreement provided in section 12.35, to an eligible borrower at a rate not to exceed four percent above the rate paid on the certificate of deposit. The treasurer of state shall determine and make available the current market rate which shall be used each month.

Sec. 2. Section 12.34, subsections 1 and 2, Code 2001, are amended to read as follows:

1. The treasurer of state may invest up to the lesser of one hundred eight million dollars or ten percent of the balance of the state pooled money fund in certificates of deposit in eligible lending institutions as provided in sections 12.32 and 12.33, this ~~division~~ section, and sections 12.35 through 12.43B. The moneys invested pursuant to this section shall be used as follows:

a. The treasurer of state may invest up to sixty-eight million dollars to support programs provided in sections 12.32 and 12.33, this ~~division~~ section, and sections 12.35 through 12.43B other than the traditional livestock producers linked investment loan program as

provided in section 12.43A and the value-added agricultural linked investment loan program as provided in section 12.43B.

b. The treasurer of state shall invest the remaining amount as follows:

(1) At least twenty million dollars shall be invested in order to support the traditional livestock producers linked investment loan program as provided in section 12.43A.

(2) At least twenty million dollars shall be invested in order to support the value-added agricultural linked investment loan program as provided in section 12.43B.

2. a. The treasurer of state shall adopt rules pursuant to chapter 17A to administer sections 12.32 and 12.33, this ~~division~~ section, and sections 12.35 through 12.43B.

b. The treasurer of state in cooperation with the board of directors of the agricultural development authority as established in section 175.3 shall adopt rules for the administration of the traditional livestock producers linked investment loan program as provided in section 12.43A. The treasurer of state in cooperation with the agricultural products advisory council established in section 15.203 shall adopt rules for the administration of the value-added agricultural linked investment loan program as provided in section 15.204.

Sec. 3. Section 12.35, subsection 1, Code 2001, is amended to read as follows:

1. An eligible lending institution that desires to receive a linked investment shall enter into an agreement with the treasurer of state, which shall include requirements necessary for the eligible lending institution to comply with sections 12.32 through 12.34, this ~~division~~ section, and sections 12.36 through 12.43B.

Sec. 4. Section 12.36, subsection 2, Code 2001, is amended to read as follows:

2. Upon acceptance of the linked investment loan package or any portion of the package, the treasurer of state shall place certificates of deposit with the eligible lending institution at a rate not more than three percent below the current market rate. The treasurer of state shall not place a certificate of deposit with an eligible lending institution pursuant to sections 12.32 through 12.35, this ~~division~~ section, and sections 12.37 through 12.43B, unless the certificate of deposit earns a rate of interest of at least two percent. Interest earned on the certificate of deposit and principal not renewed shall be remitted to the treasurer of state at the time the certificate of deposit matures. Certificates of deposit placed pursuant to sections 12.32 through 12.35, this ~~division~~ section, and sections 12.37 through 12.43B are not subject to a penalty for early withdrawal.

Sec. 5. Section 12.40, subsection 2, Code 2001, is amended to read as follows:

2. The treasurer of state shall adopt rules consistent with sections 12.32 through 12.39, this ~~division~~ section, and sections 12.41 through 12.43B to implement a rural small business transfer linked investment loan program to maintain and expand existing employment opportunities and the provision of retail goods on a local level in small rural communities by assisting in the transfer of ownership of retail-oriented businesses where, in the absence of sufficient financial assistance, the businesses may close.

Sec. 6. Section 12.43A, subsection 3, unnumbered paragraph 1, Code 2001, is amended to read as follows:

In order to qualify for a loan in accordance with an investment agreement under sections 12.32 through 12.43, this ~~division~~ section, and section 12.43B, all of the following requirements must be satisfied:

Sec. 7. Section 12.72, subsection 1, Code 2001, is amended to read as follows:

1. A vision Iowa fund is created and established as a separate and distinct fund in the state treasury. The moneys in the fund are appropriated to the vision Iowa board for purposes of the vision Iowa program established in section 15F.302. Moneys in the fund shall not be subject to appropriation for any other purpose by the general assembly, but shall be used only for the purposes of the vision Iowa fund. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund as directed by the vision

Iowa board, including automatic disbursements of funds received pursuant to the terms of bond indentures and documents and security provisions to trustees. The fund shall be administered by the vision Iowa board which shall make expenditures from the fund consistent with the purposes of the vision Iowa program without further appropriation. An applicant under the vision Iowa program shall not receive more than seventy-five million dollars in financial assistance from the fund.

Sec. 8. Section 12.72, subsection 2, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Revenue for the vision Iowa fund shall include, but is not limited to, the following, which shall be deposited with the treasurer of state or ~~its~~ the treasurer's designee as provided by any bond or security documents and credited to the fund:

Sec. 9. Section 12.74, subsection 2, Code 2001, is amended to read as follows:

2. The state pledges to and agrees with the holders of bonds or notes issued under section 12.71 that the state will not limit or alter the rights and powers vested in the vision Iowa board or the treasurer of state to fulfill the terms of a contract made with respect to the bonds or notes, or in any way impair the rights and remedies of the holders until the bonds and notes, together with the interest on them including interest on unpaid installments of interest, are fully met and discharged.

Sec. 10. Section 14B.101, subsection 3, Code 2001, is amended to read as follows:

3. "Governmental entity" means any unit of government in the executive, legislative, or judicial branch of government; an agency or political subdivision; any unit of another state government, including its political subdivisions; ~~and~~ or any unit of the United States government.

Sec. 11. Section 14B.109, subsection 2, paragraph a, Code 2001, is amended to read as follows:

a. Standards established by the information technology council, unless waived pursuant to section 14B.105, shall apply to all information technology procurements for participating agencies.

Sec. 12. Section 14B.109, subsection 3, Code 2001, is amended to read as follows:

3. The information technology department, by rule, may implement a prequalification procedure for contractors with which the department has entered or intends to enter into agreements regarding the procurement of information technology.

Sec. 13. Section 14B.109, subsection 5, Code 2001, is amended to read as follows:

5. The department shall adopt rules pursuant to chapter 17A to implement the procurement methods and procedures provided for in subsections 2 through 4.

Sec. 14. Section 14B.201, subsection 2, paragraph b, Code 2001, is amended to read as follows:

b. The advisory council shall also advise the information technology council and the director with respect to the operation of lowAccess and encourage and ~~implementing~~ implement access to government and its public records by the citizens of this state.

Sec. 15. Section 16.92, subsection 7, paragraph b, Code 2001, is amended to read as follows:

b. For purposes of this subsection, an effective release has not been filed of record if ~~there~~ it appears that a mortgagee in the record chain of title to the mortgage has not, either on the mortgagee's own behalf or by the mortgagee's duly appointed servicer or attorney in fact as established of record by a filed servicing agreement or power of attorney, filed of record either an assignment of the mortgage to another mortgagee in the record chain of title to the mortgage or a release of the mortgagee's interest in the mortgage. For the purposes of this

subsection and subsection 2, paragraph “c”, “mortgage servicer” includes a mortgagee for which an effective release has not been filed of record as provided in this paragraph.

Sec. 16. Section 18.22, subsection 4, paragraph c, subparagraph (1), Code 2001, is amended to read as follows:

(1) “Bio-based hydraulic fluids, greases, and other industrial lubricants” means the same as defined by the United States department of agriculture, if the department has adopted such a definition. If the United States department of agriculture has not adopted a definition, “bio-based hydraulic fluids, greases, and other industrial lubricants” means hydraulic fluids, greases, and other lubricants containing a minimum of fifty-one percent soybean oil.

Sec. 17. Section 22.7, subsection 20, Code 2001, is amended to read as follows:

20. Information concerning the nature and location of any archaeological resource or site if, in the opinion of the state archaeologist, disclosure of the information will result in unreasonable risk of damage to or loss of the resource or site where the resource is located. This subsection shall not be construed to interfere with the responsibilities of the federal government or the state ~~historical~~ historic preservation officer pertaining to access, disclosure, and use of archaeological site records.

Sec. 18. Section 50.16, Code 2001, is amended by striking the words “Election board member’s name” and the words “Tally keeper’s name” and inserting the following: “Name”.

Sec. 19. Section 68B.22, subsection 4, paragraph p, Code 2001, is amended to read as follows:

p. Gifts other than food, beverages, travel, and lodging received by a public official or public employee which are received from a person who is a citizen of a country other than the United States and ~~is~~ are given during a ceremonial presentation or as a result of a custom of the other country and is of personal value only to the donee.

Sec. 20. Section 68B.38, subsection 1, Code 2001, is amended to read as follows:

1. On or before January 31 and July 31 of each year, a lobbyist’s client shall file with the general assembly or board a report that contains information on all salaries, fees, and retainers paid by the lobbyist’s client to the lobbyist for lobbying purposes during the preceding six calendar months. Reports by a lobbyist’s clients shall be filed with the same entity with which the lobbyist filed the lobbyist’s registration.

Sec. 21. Section 84A.1A, subsection 4, Code 2001, is amended to read as follows:

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

Sec. 22. Section 84A.1B, subsections 5 through 8, Code 2001, are amended to read as follows:

5. Approve the budget of the department of workforce development related to workforce development as prepared by the director.

6. Establish guidelines, procedures, and policies for the awarding of grants for workforce development services by the department of workforce development.

7. Review grants or contracts awarded by the department of workforce development, with respect to the department’s adherence to the guidelines and procedures and the impact on the five-year strategic plan for workforce development.

8. Make recommendations concerning the use of federal funds received by the department of workforce development with respect to the five-year and twenty-year workforce development plans.

Sec. 23. Section 84A.4, subsections 2 and 3, Code 2001, are amended to read as follows:

2. Each regional advisory board shall identify workforce development needs in its region, assist the workforce development board and the department of workforce development in the awarding of grants or contracts administered by the department of workforce development in that region and in monitoring the performance of the grants and contracts awarded, make annual reports as required by section 84A.1B, and make recommendations to the workforce development board and department of workforce development concerning workforce development.

3. Section 84A.1A, subsections 2, 3, and 5, apply to the members of a regional advisory board except that the board shall meet if a majority of the members of the board, and not five, file a written request with the chairperson for a meeting. Members of a regional advisory board shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses shall be paid from appropriations for those purposes and the department of workforce development is subject to the budget requirements of chapter 8.

Sec. 24. Section 88.3, subsection 8, Code 2001, is amended to read as follows:

8. "Occupational safety and health standard" means a standard which requires conditions or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safety safe or healthful employment and places of employment.

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

7. SPECIAL VARIANCE. Where there are conflicts with standards, rules or regulations promulgated by any federal agency other than the United States department of labor, special variances from standards, rules or regulations promulgated under this chapter may be granted to avoid such regulatory conflicts. Such variances shall take into consideration the safety of the employees involved. Notwithstanding any other provision of this chapter, and with respect to this paragraph, any employer seeking relief under this provision must file an application ~~therefor~~ with the commissioner and the commissioner shall forthwith hold a hearing at which employees or other interested persons, including representatives of the federal regulatory agencies involved, may appear and upon the showing that such a conflict indeed exists the commissioner may issue a special variance until the conflict is resolved.

Sec. 26. Section 89.2, subsection 5, paragraph a, Code 2001, is amended as follows:

a. A building or structure primarily used as a theater, motion picture theater, museum, arena, exhibition hall, school, college, dormitory, bowling alley, physical fitness center, family entertainment center, lodge hall, union hall, pool hall, casino, place of worship, funeral home, institution of health and custodial care, hospital, or child care or adult day care facility.

Sec. 27. Section 92.1, subsection 1, Code 2001, is amended to read as follows:

1. No person under ten years of age shall be employed or permitted to work with or without compensation at any time within this state in street occupations of peddling, ~~bootblackening~~ shoe polishing, the distribution or sale of newspapers, magazines, periodicals or circulars, nor in any other occupations in any street or public place. The labor commissioner shall, when ordered by a judge of the juvenile court, issue a work permit as provided in this chapter to a person under ten years of age.

Sec. 28. Section 124.101, subsection 17, Code 2001, is amended to read as follows:

17. "Marijuana" means all parts of the plants of the genus ~~cannabis~~ Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin, including tetrahydrocannabinols. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (ex-

cept the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.

Sec. 29. Section 139A.2, subsection 14, Code 2001, is amended to read as follows:

14. "Isolation" means the separation of persons or animals presumably or actually ~~affected~~ infected with a communicable disease or who are disease carriers for the usual period of communicability of that disease in such places, marked by placards if necessary, and under such conditions as will prevent the direct or indirect conveyance of the infectious agent or contagion to susceptible persons.

Sec. 30. Section 139A.22, subsection 3, Code 2001, is amended to read as follows:

3. The department shall establish an expert review panel to determine on a case-by-case basis under what circumstances, if any, a health care provider determined to be infected with HIV or HBV practicing outside the hospital setting or referred to the panel by a hospital or health care facility ~~setting~~ may perform exposure-prone procedures. If a health care provider determined to be infected with HIV or HBV does not comply with the determination of the expert review panel, the panel shall report the noncompliance to the examining board with jurisdiction over the health care provider. A determination of an expert review panel pursuant to this section is a final agency action appealable pursuant to section 17A.19.

Sec. 31. Section 147.80, subsection 13, Code 2001, is amended to read as follows:

13. License to practice nursing issued upon the basis of an examination given by the board of ~~nurse examiners~~ nursing, license to practice nursing based on an endorsement from another state, territory or foreign country, renewal of a license to practice nursing.

Sec. 32. Section 161A.15, Code 2001, is amended to read as follows:

161A.15 NOTICE AND HEARING.

Within thirty days after a petition has been filed with the soil and water conservation district commissioners, they shall fix a date, hour, and place for a hearing and direct the secretary to cause notice to be given to the owners of each tract of land, or lot, within the proposed subdistrict as shown by the transfer books of the auditor's office, and to each lienholder, or encumbrancer, of any such lands as shown by the county records, and to all other persons whom it may concern, and without naming individuals all actual occupants of land in the proposed subdistrict, of the pendency and purpose of the petition and that all objections to establishment of the subdistrict for any reason must be made in writing and filed with the secretary of the soil and water conservation district at, or before, the time set for hearing. The soil and water conservation district commissioners shall consider and determine whether the operation of the subdistrict within the defined boundaries as proposed is desirable, practicable, feasible, and of necessity in the interest of health, safety, and public welfare. All interested parties may attend the hearing and be heard. The soil and water conservation district commissioners may for good cause adjourn the hearing to a day certain which shall be announced at the time of adjournment and made a matter of record. If the soil and water conservation district commissioners determine that the petition meets the requirements set forth in this section and in section 161A.5, they shall declare that the subdistrict is duly organized and shall record such action in their official minutes together with an appropriate official name or designation for the subdistrict.

Sec. 33. Section 161A.18, Code 2001, is amended to read as follows:

161A.18 AUTHENTICATION.

Following the entry in the official minutes of the soil and water conservation district commissioners of the creation of the subdistrict, the commissioners shall certify this fact on a separate form, authentic copies of which shall be recorded with the county recorder of each county in which any portion of the subdistrict lies, and with the division of soil conservation.

Sec. 34. Section 166D.2, subsection 2, Code 2001, is amended to read as follows:

2. "Approved premises" means a dry lot facility located in an area with confirmed cases of pseudorabies infection, which is certified by the department to receive, ~~and~~ feed, and move or relocate infected swine as provided in section 166D.10B.

Sec. 35. Section 166D.12, subsection 2, paragraph c, Code 2001, is amended to read as follows:

c. A person shall not move swine subject to restricted movement to or from a fixed concentration point ~~subject to restricted movement~~ or receive swine subject to restricted movement at a fixed concentration point, unless the swine is moved and received in compliance with section 166D.10A.

Sec. 36. Section 200.7, Code 2001, is amended to read as follows:

#### 200.7 FERTILIZER-PESTICIDE MIXTURE.

Only those persons licensed under section 200.4 shall be permitted to add pesticides to commercial fertilizers. These persons shall at all times produce a uniform mixture of fertilizer and pesticide and shall register and label their product in compliance with both ~~the Iowa Pesticide Act~~ chapter 206 and this chapter.

Sec. 37. Section 205.5, Code 2001, is amended to read as follows:

#### 205.5 REGULATIONS AS TO SALES OF CERTAIN POISONS.

It shall be unlawful for any person except a licensed pharmacist to sell at retail any of the poisons enumerated in this section: Ammoniated mercury, mercury bichloride, red mercuric iodide, and other poisonous salts and compounds of mercury; salts and compounds of arsenic; salts of antimony; salts of barium except the sulphate; salts of thallium; hydrocyanic acid and its salts; chromic, glacial acetic, and picric acids; chloral hydrate, croton oil, creosol, chloroform, dinitrophenol, ether, oil of bitter almonds, phenol, phosphorus and sodium fluoride; aconitine, arecoline, ~~atropine~~ atropine, brucine, homatropine, hyoscyamine, nicotine, strychnine, and the salts of these alkaloids; aconite, belladonna, cantharides, digitalis, nux vomica, veratrum, and the preparations of these poisonous drugs.

Sec. 38. Section 216.15A, subsection 13, Code 2001, is amended to read as follows:

13. If a provision of this section ~~216.15A~~ applies under the terms of ~~section 216.15A~~, subsection 12, and the provision of this section ~~216.15A~~ conflicts with a provision of section 216.15, then the provision contained within this section ~~216.15A~~ shall prevail. Similarly, if a provision of section 216.16A or 216.17A conflicts with a provision of section 216.16 or 216.17, then the provision contained in section 216.16A or 216.17A shall prevail.

Sec. 39. Section 232.52, subsection 7, Code 2001, is amended to read as follows:

7. If the court orders the transfer of the custody of the child to the department of human services or to another agency for placement in ~~foster~~ group ~~foster~~ care, the department or agency shall make every reasonable effort to place the child within the state, in the least restrictive, most family-like, and most appropriate setting available and in close proximity to the parents' home, consistent with the child's best interests and special needs, and shall consider the placement's proximity to the school in which the child is enrolled at the time of placement.

Sec. 40. Section 232.102, subsection 7, Code 2001, is amended to read as follows:

7. In any order transferring custody to the department or an agency, or in orders pursuant to a custody order, the court shall specify the nature and category of disposition which will serve the best interests of the child, and shall prescribe the means by which the placement shall be monitored by the court. If the court orders the transfer of the custody of the child to the department of human services or other agency for placement, the department or agency shall submit a case permanency plan to the court and shall make every reasonable effort to return the child to the child's home as quickly as possible consistent with the best interest of

the child. When the child is not returned to the child's home and if the child has been previously placed in a licensed foster care facility, the department or agency shall consider placing the child in the same licensed foster care facility. If the court orders the transfer of custody to a parent who does not have physical care of the child, other relative, or other suitable person, the court may direct the department or other agency to provide services to the child's parent, guardian, or custodian in order to enable them to resume custody of the child. If the court orders the transfer of custody to the department of human services or to another agency for placement in ~~foster~~ group foster care, the department or agency shall make every reasonable effort to place the child within Iowa, in the least restrictive, most family-like, and most appropriate setting available, and in close proximity to the parents' home, consistent with the child's best interests and special needs, and shall consider the placement's proximity to the school in which the child is enrolled at the time of placement.

Sec. 41. Section 252F.7, Code 2001, is amended to read as follows:

252F.7 REPORT TO VITAL ~~STATISTICS~~ RECORDS.

Upon the filing of an order with the district court pursuant to this chapter, the clerk of the district court shall report the information from the order to the bureau of vital ~~statistics~~ records in the manner provided in section 600B.36.

Sec. 42. Section 261.9, subsection 1, paragraph c, Code 2001, is amended to read as follows:

c. Is a school of nursing accredited by the national league for nursing and approved by the board of ~~nurse examiners~~ nursing, including such a school operated, controlled, and administered by a county public hospital.

Sec. 43. Section 275.8, subsection 1, Code 2001, is amended to read as follows:

1. Preparation of a written joint plan in which contiguous territory in two or more area education agencies is considered as a part of a potential school district in the area education agency on behalf of which such plan is filed with the ~~state department of public instruction~~ education by the area education agency board.

Sec. 44. Section 275.8, subsection 3, unnumbered paragraphs 1 and 2, Code 2001, are amended to read as follows:

Filing said plan with the ~~state department of public instruction~~ education.

For purposes of subsection 1 hereof, joint planning shall be evidenced by filing the following items with the ~~state department of public instruction~~ education:

Sec. 45. Section 303.21, unnumbered paragraph 2, Code 2001, is amended to read as follows:

The petition shall contain a description of the property suggested for inclusion in the district; and the reasons justifying the creation of the district.

Sec. 46. Section 321.502, Code 2001, is amended to read as follows:

321.502 NOTIFICATION TO NONRESIDENT — FORM.

The notification, provided for in section 321.501, shall be in substantially the following form, to wit:

To ..... (Here insert the name of each defendant and the defendant's residence or last known place of abode as definitely as known.)

You will take notice that an original notice of suit against you, a copy of which is hereto attached, was duly served upon you at Des Moines, Iowa, by filing a copy of said notice on the ..... day of ....., ~~19~~....., with the director of transportation of the state of Iowa.

Dated at ....., Iowa, this ..... day of ....., ~~19~~.....

.....  
Plaintiff.

By .....  
Attorney for plaintiff.



Sec. 47. Section 357A.11, subsection 9, Code 2001, is amended to read as follows:

9. Finance all or part of the cost of the construction or purchase of a project necessary to carry out the purposes for which the district is incorporated or to refinance all or part of the original cost of that project, including, but not limited to, obligations originated by the district as a nonprofit corporation under chapter 504A and assumed by the district reorganized under this chapter. Financing or refinancing carried out under this subsection shall be in accordance with the terms and procedures set forth in the applicable provisions of sections 384.24A, 384.83 through 384.88, 384.92, and 384.93. References in these sections to a city shall be applicable to a rural water district operating under this chapter, and references in ~~that~~ that division V of chapter 384 to a city council shall be applicable to the board of directors of a rural water district. This subsection shall not create a lien against the property of a person who is not a rural water subscriber.

Sec. 48. Section 357E.9, unnumbered paragraph 2, Code 2001, is amended to read as follows:

If the state owns at least four hundred acres of land contiguous to a lake within the district, the natural ~~resources~~ resource commission shall appoint two members of the board of trustees in addition to the three members provided in this section. The additional two members must be citizens of the state, not less than eighteen years of age, and property owners within the district. The two additional members have voting and other authority equal to the other members of the board and hold office at the pleasure of the natural ~~resources~~ resource commission.

Sec. 49. Section 392.5, unnumbered paragraph 2, Code 2001, is amended to read as follows:

In order for the board to function in the same manner, the council shall retain all applicable ordinances, and shall adopt as ordinances all applicable state statutes repealed by ~~64GA 1972 Iowa Acts~~, chapter 1088.

Sec. 50. Section 422E.2, subsection 4, paragraph b, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Within ten days of the election at which a majority of those voting on the question favors the imposition, repeal, or change in the rate of the tax, the county auditor shall give written notice of the result of the election by sending a copy of the abstract of the votes from the favorable election to the director of revenue and finance ~~of the result of the election~~. Election costs shall be apportioned among school districts within the county on a pro rata basis in proportion to the number of registered voters in each school district and the total number of registered voters in all of the school districts within the county.

Sec. 51. Section 425.21, Code 2001, is amended to read as follows:

**425.21 SATISFACTION OF OUTSTANDING TAX LIABILITIES.**

The amount of any claim for credit or reimbursement payable under this division may be applied by the department of revenue and finance against any tax liability, delinquent accounts, charges, loans, fees, or other indebtedness due the state or state agency that ~~have~~ has a formal agreement with the department for central debt collection, outstanding on the books of the department against the claimant, or against a spouse who was a member of the claimant's household in the base year.

Sec. 52. Section 446.38, Code 2001, is amended to read as follows:

**446.38 SUSPENDED TAXES OF OLD-AGE ASSISTANCE RECIPIENTS.**

In cases where taxes were suspended one year or more upon the parcel of a deceased old-age assistance recipient and no estate was opened within ninety days after the death of the recipient and the surviving spouse of the recipient is not occupying the parcel, the county may apply to the probate court to have the parcel conveyed to it for satisfaction of the suspended taxes. The probate court shall prescribe the manner and notices to be given. The

probate court shall order the parcel conveyed to the county for satisfaction of the suspended taxes if an estate is not opened within a time specified by the court. The probate court shall make and enter all appropriate orders to effect this conveyance to the county if an estate is not opened within the time specified. The parcel, at the election of the county treasurer, may be offered at tax sale in accordance with this chapter 446 in lieu of the county making application to the probate court.

Sec. 53. Section 455A.19, subsection 1, paragraph a, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Twenty-eight percent shall be allocated to the open spaces account. At least ten percent of the allocations to the account shall be made available to match private funds for open space projects on the cost-share basis of not less than twenty-five percent private funds pursuant to the rules adopted by the natural resources resource commission. Five percent of the funds allocated to the open spaces account shall be used to fund the protected waters program. This account shall be used by the department to implement the statewide open space acquisition, protection, and development programs.

Sec. 54. Section 455E.11, subsection 2, paragraph a, subparagraph (2), subparagraph subdivision (f), Code 2001, is amended to read as follows:

(f) Eight and one-half percent to the department to provide additional toxic cleanup days or other efforts of the department to support permanent household hazardous material collection systems and special events for household hazardous material collection, and for the natural resource geographic information system required under section 455E.8, subsection 6. Departmental rules adopted for implementation of toxic cleanup days shall provide sufficient flexibility to respond to the household hazardous material collection needs of both small and large communities. Repayment of moneys from the Iowa business loan program for waste reduction and recycling pursuant to section 455B.310, subsection 2, paragraph "b", Code 1993, and discontinued pursuant to 1993 Iowa Acts, chapter 176, section 45, shall be placed into this account to support household hazardous materials programs of the department.

Sec. 55. Section 515B.2, subsection 5, Code 2001, is amended to read as follows:

5. "Insurer" means an insurer licensed to transact insurance business in this state under either chapter 515 or chapter 520, either at the time the policy was issued or when the insured event occurred. It does not include county or state mutual insurance associations licensed under chapter 518 or chapter 518A, or fraternal ~~beneficiary benefit~~ societies, orders, or associations licensed under chapter 512B, or corporations operating nonprofit service plans under chapter 514, or life insurance companies or life, accident, or health associations licensed under chapter 508, or those professions under chapter 519.

Sec. 56. Section 518.28, Code 2001, is amended to read as follows:

518.28 FAILURE TO FILE COPY.

Upon the failure of a county mutual insurance association to file a copy of its forms of policies or contracts pursuant to section 518.27, the commissioner of insurance may suspend its authority to transact business within the state until such forms of policies or contracts have been filed and approved.

Sec. 57. Section 518A.35, Code 2001, is amended to read as follows:

518A.35 ANNUAL TAX.

A state mutual insurance association doing business under this chapter shall on or before the first day of March, each year, pay to the director of the department of revenue and finance, or a depository designated by the director, a sum equivalent to two percent of the gross receipts from premiums and fees for business done within the state, including all insurance upon property situated in the state without including or deducting any amounts received or paid for reinsurance. However, a company reinsuring windstorm or hail risks

written by county mutual insurance associations is required to pay a two percent tax on the gross amount of reinsurance premiums received upon such risks, but after deducting the amount returned upon canceled policies and rejected applications covering property situated within the state, and dividends returned to policyholders on property situated within the state.

Sec. 58. Section 537.3102, Code 2001, is amended to read as follows:  
537.3102 SCOPE.

Part 2 applies to disclosure with respect to consumer credit transactions, other than consumer rental purchase agreements, and the provision in section 537.3201 applies to a sale of an interest in land or a loan secured by an interest in land, without regard to the rate of finance charge, if the sale or loan is otherwise a consumer credit sale or consumer loan. Parts 3 and 4 apply, respectively, to disclosure, limitations on agreements and practices, and limitations on consumer's liability with respect to certain consumer credit transactions. Part 5 applies to home solicitation sales. Part 6 applies to consumer rental purchase agreements.

Sec. 59. Section 714.19, subsection 2, Code 2001, is amended to read as follows:

2. Schools of nursing accredited by the board of ~~nurse examiners~~ nursing or an equivalent public board of another state or foreign country.

Sec. 60. Section 805.1, subsection 4, Code 2001, is amended to read as follows:

4. The issuance of a citation in lieu of arrest or in lieu of continued custody does not affect the officer's authority to conduct an otherwise lawful search. The issuance of a citation in lieu of arrest shall be deemed an arrest for the purpose of the speedy indictment requirements of R.Cr.P. ~~section 27, subsection 2, paragraph "a"(2)(a)~~, Ia. Ct. Rules, 3rd ed.

Sec. 61. Section 805.8, subsection 2, paragraph ah, Code 2001, is amended to read as follows:

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

Sec. 62. Sections 496B.11, 496B.12, 496C.3, 496C.14, 496C.20, 496C.22, and 544A.21, Code 2001, are amended by adding after the words "Iowa business corporation Act", the following: ", chapter 490,".

Sec. 63. Section 496B.3, Code 2001, is amended by adding after the words "Iowa business corporation Act," the following: "chapter 490,".

Sec. 64. Sections 496B.6, 496B.8, 496B.17, 496C.4, 496C.9, 496C.19, 496C.21, and 504A.6, Code 2001, are amended by adding after the words "Iowa business corporation Act", the following: ", chapter 490".

Sec. 65. 2000 Iowa Acts, chapter 1029, section 1, is amended by striking the amending phrase to the section and inserting in lieu thereof the following: "Section 249A.4, subsection 8, unnumbered paragraph 1, Code Supplement 1999, is amended to read as follows:".

Sec. 66. 2000 Iowa Acts, chapter 1098, section 1, is amended by striking the amending phrase to the section and inserting in lieu thereof the following: "Section 256.7, Code Supplement 1999, is amended by adding the following new subsection:".

Sec. 67. 2000 Iowa Acts, chapter 1145, sections 10, 12, 18, and 23, are amended by striking the word and figure "Code 1999" in the amending phrase to the section and inserting in lieu thereof the following: "Code Supplement 1999".

Sec. 68. 2000 Iowa Acts, chapter 1145, section 11, is amended by striking the section and inserting in lieu thereof the following:

SEC. 11. Section 600.8, subsections 4, 7, 8, 9, and 12, Code Supplement 1999, are amended to read as follows:

4. A postplacement investigation and the report of the investigation shall be completed and filed with the juvenile court or court prior to the holding of the adoption hearing prescribed in section 600.12. Upon the filing of an adoption petition pursuant to section 600.5, the juvenile court or court shall immediately appoint the department, an agency, or an investigator to conduct and complete the postplacement report. Any person, ~~including a juvenile court,~~ who has gained relevant background information concerning a minor person subject to an adoption petition shall, upon request, fully cooperate with the conducting of the postplacement investigation by disclosing any relevant information requested, whether contained in sealed records or not.

7. Any investigation or report required under this section shall not apply when the person to be adopted is an adult or when the prospective adoption petitioner or adoption petitioner is a stepparent of the person to be adopted. However, in the case of a stepparent adoption, the juvenile court or court, upon the request of an interested person or on its own motion stating the reasons therefor of record, may order an investigation or report pursuant to this section.

8. Any person designated to make an investigation and report under this section may request an agency or state agency, within or outside this state, to conduct a portion of the investigation or the report, as may be appropriate, and to file a supplemental report of such investigation or report with the juvenile court or court. In the case of the adoption of a minor person by a person domiciled or residing in any other jurisdiction of the United States, any investigation or report required under this section which has been conducted pursuant to the standards of that other jurisdiction shall be recognized in this state.

9. The department may investigate, on its own initiative or on order of the juvenile court or court, any placement made or adoption petition filed under this chapter or chapter 600A and may report its resulting recommendation to the juvenile court or court.

12. Any investigation and report required under subsection 1 of this section may be waived by the juvenile court or court if the adoption petitioner is related within the fourth degree of consanguinity to the person to be adopted.

Sec. 69. 2000 Iowa Acts, chapter 1145, section 17, is amended by striking the section and inserting in lieu thereof the following:

SEC. 17. Section 600.13, subsections 1, 2, 3, and 5, Code Supplement 1999, are amended to read as follows:

1. At the conclusion of the adoption hearing, the juvenile court or court shall:

a. Issue a final adoption decree;

b. Issue an interlocutory adoption decree; or,

c. Dismiss the adoption petition if the requirements of this Act have not been met or if dismissal of the adoption petition is in the best interest of the person whose adoption has been petitioned. Upon dismissal, the juvenile court or court shall determine who is to be guardian or custodian of a minor child, including the adoption petitioner if it is in the best interest of the minor person whose adoption has been petitioned.

2. An interlocutory adoption decree automatically becomes a final adoption decree at a date specified by the juvenile court or court in the interlocutory adoption decree, which date shall not be less than one hundred eighty days nor more than three hundred sixty days from the date the interlocutory decree is issued. However, an interlocutory adoption decree may be vacated prior to the date specified for it to become final. Also, the juvenile court or court may provide in the interlocutory adoption decree for further observation, investigation, and

report of the conditions of and the relationships between the adoption petitioner and the person petitioned to be adopted.

3. If an interlocutory adoption decree is vacated under subsection 2, it shall be void from the date of issuance and the rights, duties, and liabilities of all persons affected by it shall, unless they have become vested, be governed accordingly. Upon vacation of an interlocutory adoption decree, the juvenile court or court shall proceed under the provisions of subsection 1, paragraph "c".

5. An interlocutory or a final adoption decree shall be entered with the clerk of court. Such decree shall set forth any facts of the adoption petition which have been proven to the satisfaction of the juvenile court or court and any other facts considered to be relevant by the juvenile court or court and shall grant the adoption petition. If so designated in the adoption decree, the name of the adopted person shall be changed by issuance of that decree. The clerk of the court shall, within thirty days of issuance, deliver one certified copy of any adoption decree to the petitioner, one copy of any adoption decree to the department and any agency or person making an independent placement who placed a minor person for adoption, and one certification of adoption as prescribed in section 144.19 to the state registrar of vital statistics. Upon receipt of the certification, the state registrar shall prepare a new birth certificate pursuant to section 144.23 and deliver to the parents named in the decree and any adult person adopted by the decree a copy of the new birth certificate. The parents shall pay the fee prescribed in section 144.46. If the person adopted was born outside the state, the state registrar shall forward the certification of adoption to the appropriate agency in the state or foreign nation of birth. A copy of any interlocutory adoption decree vacation shall be delivered and another birth certificate shall be prepared in the same manner as a certification of adoption is delivered and the birth certificate was originally prepared.

Sec. 70. 2000 Iowa Acts, chapter 1183, section 1, is amended by striking the amending phrase to the section and inserting in lieu thereof the following: "Section 169.5, Code Supplement 1999, is amended by adding the following new subsection:".

Sec. 71. 2000 Iowa Acts, chapter 1231, section 33, unnumbered paragraph 3, is amended to read as follows:

Of the moneys remaining on June 30, 2000, in the administrative fund established in section ~~12D.4A~~ 12D.4, \$150,000 shall not revert to the general fund of the state but shall be carried forward to the fiscal year beginning July 1, 2000, and may be expended for establishing an automated distribution system for educational savings plan benefits.

Sec. 72. 2000 Iowa Acts, chapter 1231, section 39, is amended to read as follows:

SEC. 39. Chapter 8A and section 12D.4A, Code ~~and Code~~ Supplement 1999, are repealed.

Sec. 73. 1999 Iowa Acts, chapter 7, section 9, is amended by striking the amending phrase to the section and inserting in lieu thereof the following: "Section 321.34, subsection 12, Code 1999, is amended by adding the following new paragraph:".

Sec. 74. EFFECTIVE DATES.

1. Sections 66, 67, 68, 69, 71, and 72, being deemed of immediate importance, take effect upon enactment and apply retroactively to July 1, 2000.

2. Section 65 of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to March 31, 2000.

3. Section 70 takes effect July 1, 2001.

4. Section 73, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 1999.