

Hansen  
Lamberti  
McKean

SSB-1065  
Judiciary  
ceded By

SENATE FILE (SE/HF 102)  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY CHAIRPERSON  
McKEAN)

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

**A BILL FOR**

1 An Act relating to nonsubstantive Code corrections.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 12D.5, subsection 2, paragraph a,  
2 unnumbered paragraph 1, Code 1999, is amended to read as  
3 follows:

4 Upon the occurrence of any of the following circumstances,  
5 no refund penalty shall be levied by the trust in the event of  
6 ~~termination~~ cancellation of a participation agreement:

7 Sec. 2. Section 12D.6, subsection 2, unnumbered paragraph  
8 2, Code 1999, is amended to read as follows:

9 No right to receive investment income shall exist in cases  
10 of voluntary participant ~~termination~~ cancellation except as  
11 provided in section 12D.5.

12 Sec. 3. Section 16.161, unnumbered paragraph 1, Code 1999,  
13 is amended to read as follows:

14 The authority shall assist the administrator, appointed  
15 pursuant to section 34A.2A ~~or~~, as provided in chapter 34A,  
16 subchapter II, and the authority shall have all of the powers  
17 delegated to it by a joint E911 service board or the  
18 department of public defense in a chapter 28E agreement with  
19 respect to the issuance and securing of bonds or notes and the  
20 carrying out of the purposes of chapter 34A.

21 Sec. 4. Section 18.183, subsection 2, Code 1999, is  
22 amended to read as follows:

23 2. The division of information technology services shall  
24 not have authority to determine whether an individual  
25 government agency should automate records of which the  
26 individual government agency is the lawful custodian.  
27 However, the division may encourage governmental agencies to  
28 implement electronic access to government records ~~as provided~~  
29 ~~in-section-18-182~~.

30 Sec. 5. Section 34A.7A, subsection 2, paragraph c,  
31 subparagraph (2), unnumbered paragraph 2, Code 1999, is  
32 amended to read as follows:

33 A joint E911 service board or the department of public  
34 safety, to receive funds from the wireless E911 emergency  
35 communications fund, must submit a written request for such

1 funds to the administrator in a form as approved by the  
 2 administrator. A request shall be for funding under an  
 3 approved E911 service plan for equipment which is directly  
 4 related to the reception and disposition of incoming wireless  
 5 E911 calls. The administrator may approve the distribution of  
 6 funds pursuant to such request if the administrator finds that  
 7 the requested funding is for equipment necessary for the  
 8 reception and disposition of such calls and that sufficient  
 9 funds are available for such distribution.

10 Sec. 6. Section 68.10, subsection 5, Code 1999, is amended  
 11 to read as follows:

12 5. To exercise the powers and privileges conferred upon  
 13 the senate for punishment as for contempts in the chapter  
 14 entitled-~~"General-Assembly"~~ 2.

15 Sec. 7. Section 85B.11, Code 1999, is amended to read as  
 16 follows:

17 85B.11 PREVIOUS HEARING LOSS EXCLUDED.

18 An employer is liable, as provided in this chapter and  
 19 subject to the provisions of chapter 85, for an occupational  
 20 hearing loss to which the employment has contributed, but if  
 21 previous hearing loss, whether occupational or not, is  
 22 established by an audiometric examination or other competent  
 23 evidence, whether or not the employee was ~~exposed~~ subjected to  
 24 excessive noise exposure within six months preceding the test,  
 25 the employer is not liable for the previous loss, nor is the  
 26 employer liable for a loss for which compensation has  
 27 previously been paid or awarded. The employer is liable only  
 28 for the difference between the percent of occupational hearing  
 29 loss determined as of the date of the audiometric examination  
 30 used to determine occupational hearing loss and the percentage  
 31 of loss established by the pre-employment audiometric  
 32 examination. An amount paid to an employee for occupational  
 33 hearing loss by any other employer shall be credited against  
 34 compensation payable by an employer for the hearing loss. An  
 35 employee shall not receive in the aggregate greater

1 compensation from all employers for occupational hearing loss  
2 than that provided in this section for total occupational  
3 hearing loss. A payment shall not be made to an employee  
4 unless the employee has worked in excessive noise exposure  
5 employment for a total period of at least ninety days for the  
6 employer from whom compensation is claimed.

7 Sec. 8. Section 88A.1, subsections 2 and 11, Code 1999,  
8 are amended to read as follows:

9 2. "Amusement ride" means any mechanized device, or  
10 combination of devices which carries passengers along, around,  
11 or over a fixed or restricted course for the purpose of giving  
12 its passengers amusement, pleasure, thrills, or excitement.

13 "Amusement ride" does not include a device or structure that  
14 is devoted principally to exhibitions related to agriculture,  
15 the arts, education, industry, religion, or science.

16 11. "Rider" means a person waiting in the immediate  
17 vicinity of an amusement ride to get on the amusement ride,  
18 getting on an amusement ride, using an amusement ride, getting  
19 off an amusement ride, or leaving an amusement ride and still  
20 in the immediate vicinity of the amusement ride. "Rider" does  
21 not include an employee, agent, or servant of the amusement  
22 ride owner while engaged in the duties of their employment.

23 Sec. 9. Section 97B.73A, subsection 1, Code 1999, is  
24 amended to read as follows:

25 1. A part-time county attorney may elect in writing to the  
26 department to make contributions to the system for the county  
27 attorney's previous service as a county attorney and receive  
28 credit for membership service in the system for the applicable  
29 period of service as a part-time county attorney for which  
30 employee contributions are made. A member making  
31 contributions pursuant to this section may make the  
32 contributions either for the entire applicable period of  
33 service, or for portions of the period of service, and if  
34 contributions are made for portions of the period of service,  
35 the contributions shall be in increments of one or more

1 calendar quarters.

2 Sec. 10. Section 124.502, subsection 1, paragraph c, Code  
3 1999, is amended to read as follows:

4 c. A warrant issued pursuant to this section must be  
5 executed and returned within ten days after its date unless,  
6 upon a showing of a need for additional time, the court so  
7 instructs otherwise in the warrant. If property is seized  
8 pursuant to a warrant, the person executing the warrant shall  
9 give to the person from whom the property is seized, or the  
10 person in charge of the premises from which the property is  
11 seized, a copy of the warrant and a receipt for the property  
12 seized or shall leave the copy and receipt at the place from  
13 which the property is seized. The return of the warrant shall  
14 be made promptly and shall be accompanied by a written  
15 inventory of any property seized. The inventory shall be made  
16 in the presence of the person executing the warrant and of the  
17 person from whose possession or premises the property was  
18 seized, if they are present, or in the presence of at least  
19 one credible person other than the person executing the  
20 warrant. A copy of the inventory shall be delivered to the  
21 person from whom or from whose premises the property was  
22 seized and to the applicant for the warrant.

23 Sec. 11. Section 135C.33, subsection 5, paragraph e,  
24 unnumbered paragraph 2, Code 1999, is amended to read as  
25 follows:

26 In substantial conformance with the provisions of this  
27 section, prior to the employment of such an employee, the  
28 provider shall request the performance of the criminal and  
29 dependent adult abuse record checks and may request the  
30 performance of the child abuse record checks. The provider  
31 shall inform the prospective employee and obtain the  
32 prospective employee's signed acknowledgment. The department  
33 of human services shall perform the evaluation of any criminal  
34 record or founded child or dependent adult abuse record and  
35 shall make the determination of whether a prospective employee

1 of a provider shall not be employed by the provider.

2 Sec. 12. Section 136B.5, Code 1999, is amended to read as  
3 follows:

4 136B.5 PENALTY FOR VIOLATION.

5 A person who violates a provision of this ~~division~~ chapter  
6 is guilty of a serious misdemeanor.

7 Sec. 13. Section 144.13A, Code 1999, is amended to read as  
8 follows:

9 144.13A FEES -- USE OF FUNDS.

10 The county registrar or state registrar shall charge the  
11 parent a ten dollar fee for the registration of a certificate  
12 of birth and a separate fee established under section 144.46  
13 for a certified copy of the certificate except as otherwise  
14 provided in section 331.605, subsection 6 5. The certified  
15 copy shall be mailed to the parent by the state registrar. If  
16 the person responsible for the filing of the certificate of  
17 birth under section 144.13 is not the parent, the person is  
18 entitled to collect the fee from the parent. The fee shall be  
19 remitted to the appropriate registrar. If the expenses of the  
20 birth are reimbursed under the medical assistance program  
21 established by chapter 249A, or paid for under the statewide  
22 indigent patient care program established by chapter 255, or  
23 paid for under the obstetrical and newborn indigent patient  
24 care program established by chapter 255A, or if the parent is  
25 indigent and unable to pay the expenses of the birth and no  
26 other means of payment is available to the parent, the  
27 registration fee and certified copy fee are waived. If the  
28 person responsible for the filing of the certificate is not  
29 the parent, the person is discharged from the duty to collect  
30 and remit the fee under this section if the person has made a  
31 good faith effort to collect the fee from the parent. The  
32 fees collected by the county registrar and state registrar  
33 shall be remitted to the treasurer of state for deposit in the  
34 general fund of the state. It is the intent of the general  
35 assembly that the funds generated from the registration fees

1 be appropriated and used for primary and secondary child abuse  
2 prevention programs. It is the intent of the general assembly  
3 that the funds generated from the fees as established under  
4 section 144.46 for the mailing of the certified copy of the  
5 birth certificate be appropriated and used to support the  
6 distribution of the automatic birth certificate and the  
7 implementation of the electronic birth certificate system.

8 Sec. 14. Section 147.14, subsection 1, Code 1999, is  
9 amended to read as follows:

10 1. For barbering, three members ~~each~~, licensed to practice  
11 ~~the-profession-for-which-the-board-conducts-examinations~~  
12 barbering, and two members who are not licensed to practice  
13 ~~the-profession-for-which-the-board-conducts-examinations~~  
14 barbering and who shall represent the general public. A  
15 quorum shall consist of a majority of the members of the  
16 board.

17 Sec. 15. Section 159.5, subsection 9, Code 1999, is  
18 amended to read as follows:

19 9. Inspect and supervise all ~~cold-storage-plants-and~~ food  
20 producing or distributing establishments including the  
21 furniture, fixtures, utensils, machinery, and other equipment  
22 so as to prevent the production, preparation, packing,  
23 storage, or transportation of food in a manner detrimental to  
24 its character or quality.

25 Sec. 16. Section 161A.80, subsection 2, unnumbered  
26 paragraph 1, Code 1999, is amended to read as follows:

27 A blufflands protection revolving fund is created in the  
28 state treasury. All proceeds shall be divided into two equal  
29 accounts. One account shall be used for the purchase of  
30 blufflands along the Mississippi river and its tributaries and  
31 the other account shall be used for the purchase of blufflands  
32 along the Missouri river and its tributaries. The proceeds of  
33 the revolving fund are appropriated to make loans to  
34 conservation organizations which agree to purchase bluffland  
35 properties adjacent to state public lands. The department

1 shall adopt rules pursuant to chapter 17A to administer the  
2 disbursement of funds. Notwithstanding section 12C.7,  
3 interest or earnings on investments made pursuant to this  
4 section or as provided in section 12B.10 shall be credited to  
5 the blufflands protection revolving fund. Notwithstanding  
6 section 8.33, unobligated or unencumbered funds credited to  
7 the blufflands protection revolving fund shall not revert at  
8 the close of a fiscal year. However, the maximum balance in  
9 the blufflands protection revolving fund shall not exceed two  
10 million five hundred thousand dollars. Any funds in excess of  
11 two million five hundred thousand dollars shall be credited to  
12 the rebuild Iowa infrastructure fund.

13 Sec. 17. Section 166.42, unnumbered paragraph 1, Code  
14 1999, is amended to read as follows:

15 The secretary may establish a reserve supply of biological  
16 products of approved modified live virus hog-cholera vaccine  
17 and of anti-hog-cholera serum or its equivalent in antibody  
18 concentrate to be used as directed by the secretary in the  
19 event of an emergency resulting from a hog-cholera outbreak.  
20 Vaccine and serum or antibody concentrate from the reserve  
21 supply, if used for such an emergency, shall be made available  
22 to swine producers at a price which will not result in a  
23 profit. Payment shall be made by the producer to the  
24 department and such vaccine shall be administered by a  
25 licensed practicing veterinarian. The secretary may co-  
26 operate with other states in the accumulation, maintenance and  
27 disbursement of such reserve supply of biological products.  
28 The secretary, with the advice and written consent of the  
29 ~~chief-of-the-division-of-animal-industry-of-the~~ state  
30 veterinarian, and the advice and written consent of the  
31 veterinarian-in-charge in for Iowa, of the animal, plant, and  
32 health ~~division~~ inspection service-veterinary services, United  
33 States department of agriculture, shall determine when an  
34 emergency resulting from a hog-cholera outbreak exists.

35 Sec. 18. Section 173.6, unnumbered paragraph 2, Code 1999,

1065

1 is amended to read as follows:

2 A member of the board who is a board congressional  
3 director, elected as provided in section 173.1, shall serve a  
4 term of two years. The term of a board congressional director  
5 shall begin following the adjournment of the convention at  
6 which the board congressional director was elected and shall  
7 continue until a successor is elected and qualified as  
8 provided in this chapter.

9 Sec. 19. Section 190C.1, subsections 10, 18, and 19, Code  
10 1999, are amended to read as follows:

11 10. "Handler" means a person engaged in the business of  
12 handling agricultural products, including but not limited to  
13 distributors, wholesalers, brokers, and repackers. "Handler"  
14 does not include a person selling agricultural products to  
15 consumers on a retail basis, including a food service  
16 establishment as defined in section ~~137B-2~~ 137F.1, retail  
17 grocery, meat market, or bakery, if the person does not  
18 process the agricultural product.

19 18. "Regional organic association" means a corporation  
20 organized under former chapter 504 or chapter 504A which has  
21 certifying members, elects its own officers and directors, and  
22 is independent from the department.

23 19. "Retailer" means a person, other than an operator of a  
24 food service establishment, who is engaged in the business of  
25 selling food at retail to the ultimate customer.

26 Sec. 20. Section 190C.4, subsection 3, Code 1999, is  
27 amended to read as follows:

28 3. A violation of this chapter includes a violation of any  
29 rule adopted or issue-ordered order issued pursuant to this  
30 chapter as provided in this chapter and under chapter 17A.

31 Sec. 21. Section 200A.3, subsection 2, Code 1999, is  
32 amended to read as follows:

33 2. "Bulk dry animal nutrient product" or "bulk product"  
34 means an a dry animal nutrient product delivered to a  
35 purchaser in bulk form to which a label cannot be attached.

1 Sec. 22. Section 216A.71, subsection 1, Code 1999, is  
2 amended to read as follows:

3 1. "Administrator" means the ~~administrator~~ director of the  
4 department of human rights.

5 Sec. 23. Section 216A.73, subsection 4, Code 1999, is  
6 amended to read as follows:

7 4. The ~~director administrator~~ of the division of  
8 vocational rehabilitation of the department of education.

9 Sec. 24. Section 216B.2, unnumbered paragraph 1, Code  
10 1999, is amended to read as follows:

11 The commission for the blind is established consisting of  
12 three members appointed by the governor, subject to  
13 confirmation by the senate. Members of the commission shall  
14 serve three-year terms beginning and ending as provided in  
15 section 69.19. The commission shall adopt rules concerning  
16 programs and services for blind persons provided under this  
17 ~~subchapter~~ chapter.

18 Sec. 25. Section 216B.6, Code 1999, is amended to read as  
19 follows:

20 216B.6 POWERS.

21 The commission shall have all powers necessary to carry out  
22 the functions and duties specified in this ~~subchapter~~ chapter,  
23 including, but not limited to the power to establish advisory  
24 committees on special studies, to solicit and accept gifts and  
25 grants, to adopt rules according to chapter 17A for the  
26 commission and department, and to contract with public and  
27 private groups to conduct its business. All departments,  
28 divisions, agencies, and offices of the state shall make  
29 available upon request of the commission information which is  
30 pertinent to the subject matter of the study and which is not  
31 by law confidential.

32 Sec. 26. Section 230A.3, subsection 3, Code 1999, is  
33 amended to read as follows:

34 3. Continued operation of a center originally established  
35 prior to July 1, 1998, under subsection 2 without an agreement

1 with the board or boards of supervisors which originally  
2 established the center, provided the center is in compliance  
3 with the applicable standards adopted by the mental health and  
4 mental-retardation developmental disabilities commission.

5 Sec. 27. Section 235A.13, subsections 1 through 7, Code  
6 1999, are amended to read as follows:

7 1. "Assessment data" means any of the following  
8 information pertaining to the department's evaluation of a  
9 family:

10 a. Identification of the strengths and needs of the child,  
11 and of the child's parent, home, and family.

12 b. Identification of services available from the  
13 department and informal and formal services and other support  
14 available in the community to meet identified strengths and  
15 needs.

16 ~~1~~ 2. "Child abuse information" means any or all of the  
17 following data maintained by the department in a manual or  
18 automated data storage system and individually identified:

- 19 a. Report data.
- 20 b. Assessment data.
- 21 c. Disposition data.

22 ~~2~~ 3. "Confidentiality" means the withholding of  
23 information from any manner of communication, public or  
24 private.

25 ~~3~~ 4. "Department" means the department of human services.

26 ~~4~~ 5. "Disposition data" means information pertaining to  
27 an opinion or decision as to the occurrence of child abuse,  
28 including:

- 29 a. Any intermediate or ultimate opinion or decision
- 30 reached by assessment personnel.
- 31 b. Any opinion or decision reached in the course of
- 32 judicial proceedings.
- 33 c. The present status of any case.

34 ~~5~~ 6. "Expungement" means the process of destroying child  
35 abuse information.

1 ~~6.~~ 7. "Individually identified" means any report,  
2 assessment, or disposition data which names the person or  
3 persons responsible or believed responsible for the child  
4 abuse.

5 ~~7.---"Assessment-data" means any of the following~~  
6 ~~information pertaining to the department's evaluation of a~~  
7 ~~family:~~

8 ~~a.---Identification of the strengths and needs of the child,~~  
9 ~~and of the child's parent, home, and family:~~

10 ~~b.---Identification of services available from the~~  
11 ~~department and informal and formal services and other support~~  
12 ~~available in the community to meet identified strengths and~~  
13 ~~needs:~~

14 Sec. 28. Section 249A.4, subsection 15, Code 1999, is  
15 amended to read as follows:

16 15. Establish appropriate reimbursement rates for  
17 community mental health centers that are accredited by the  
18 mental health and ~~mental-retardation~~ developmental  
19 disabilities commission. The reimbursement rates shall be  
20 phased-in over the three-year period beginning July 1, 1998,  
21 and ending June 30, 2001.

22 Sec. 29. Section 280.11, Code 1999, is amended to read as  
23 follows:

24 280.11 EAR-PROTECTIVE DEVICES.

25 1. Every student and teacher in any public or nonpublic  
26 school shall wear industrial quality ear-protective devices  
27 while the student or teacher is participating in any phase or  
28 activity of a course which may subject the student or teacher  
29 to the risk or hazard of hearing loss from noise in processes  
30 or procedures used in ~~any of the following courses:~~

31 ~~1.---Vocational~~ vocational or industrial arts shops or  
32 laboratories involving experiences with any of the following:

33 a. Milling, sawing, turning, shaping, cutting, grinding or  
34 stamping of any solid materials.

35 b. Kiln firing of any metal or other materials.

- 1 c. Electric arc welding.
- 2 d. Repair or servicing of any vehicle while in shop.
- 3 e. Static tests, maintenance or repair of internal
- 4 combustion engines.
- 5 f. Letter press, paper folders, monotype.

6 2. It shall be the duty of the teacher or other person  
 7 supervising the students in said courses to see that the above  
 8 requirements are complied with. Any student failing to comply  
 9 with such requirements may be temporarily suspended from  
 10 participation in the course and the registration of a student  
 11 for the course may be canceled for willful, flagrant or  
 12 repeated failure to observe the above requirements.

13 3. The board of directors of each local public school  
 14 district and the authorities in charge of each nonpublic  
 15 school shall provide the safety devices required herein in  
 16 this section. Such devices may be paid for from the general  
 17 fund, but the board may require students and teachers to pay  
 18 for the safety devices and shall make them available to  
 19 students and teachers at no more than the actual cost to the  
 20 district or school.

21 4. a. "Industrial quality ear-protective devices", as  
 22 used in this section, means devices meeting the American  
 23 National Standard for Measurement of the Real-Ear attenuation  
 24 of Ear Protectors at Threshold promulgated by the American  
 25 National Standards Institute, Inc.

26 b. "Noise" as used in this section, means a noise level  
 27 that meets or exceeds damage-risk criteria established by the  
 28 present federal standard for occupational noise exposure,  
 29 Occupational Safety and Health Standards.

30 Sec. 30. Section 321.187, Code 1999, is amended to read as  
 31 follows:

32 321.187 EXAMINERS.

33 1. The department shall examine applicants for driver's  
 34 licenses. Examiners of the department shall wear an  
 35 identifying badge and uniform provided by the department.

1     2. The department may by rule designate community colleges  
2 to administer the driving skills test required for a  
3 commercial driver's license provided that all of the following  
4 occur:

5     ~~1-~~ a. The driving skills test is the same as that which  
6 would otherwise be administered by the state.

7     ~~2-~~ b. The examiner contractually agrees to comply with the  
8 requirements of 49 C.F.R. § 383.75 as adopted ~~as-of-a-specific~~  
9 ~~date~~ by rule by the department.

10    Sec. 31. Section 321.188, subsection 1, paragraphs a and  
11 c, Code 1999, are amended to read as follows:

12    a. Certify whether the applicant is subject to and meets  
13 applicable driver qualifications of 49 C.F.R. part 391 as  
14 adopted ~~as-of-a-specific-date~~ by rule by the department.

15    c. Successfully pass knowledge tests and driving skills  
16 tests which the department shall require by rule. The rules  
17 adopted shall substantially comply with the federal minimum  
18 testing and licensing requirements in 49 C.F.R. part 383,  
19 subparts E, G, and H as adopted ~~as-of-a-specific-date~~ by rule  
20 by the department.

21    Sec. 32. Section 321.188, subsection 2, paragraph b,  
22 subparagraph (2), Code 1999, is amended to read as follows:

23    (2) The applicant has not had any convictions which are  
24 federal commercial driver's license disqualifying offenses  
25 under 49 C.F.R. § 383.51 as adopted ~~as-of-a-specific-date~~ by  
26 rule by the department while operating any type of vehicle.

27    Sec. 33. Section 321.188, subsection 3, Code 1999, is  
28 amended to read as follows:

29    3. An applicant for a hazardous material endorsement must  
30 pass a knowledge test as required under 49 C.F.R. § 383.121 as  
31 adopted ~~as-of-a-specific-date~~ by rule by the department to  
32 obtain or retain the endorsement. However, an applicant for  
33 license issuance who was previously issued a commercial  
34 driver's license from another state may retain the hazardous  
35 material endorsement from the previously issued license if the

1 applicant successfully passed the endorsement test within the  
2 preceding twenty-four months.

3 Sec. 34. Section 321.208, subsection 2, Code 1999, is  
4 amended to read as follows:

5 2. A person is disqualified for life if convicted or found  
6 to have committed two or more of the above acts or offenses  
7 arising out of two or more separate incidents. However, a  
8 disqualification for life is subject to a reduction to a ten-  
9 year disqualification as provided in 49 C.F.R. § 383.51 as  
10 ~~adopted as-of-a-specific-date~~ by rule by the department.

11 Sec. 35. Section 321.449, Code 1999, is amended to read as  
12 follows:

13 321.449 MOTOR CARRIER SAFETY RULES.

14 1. A person shall not operate a commercial vehicle on the  
15 highways of this state except in compliance with rules adopted  
16 by the department under chapter 17A. The rules shall be  
17 consistent with the federal motor carrier safety regulations  
18 promulgated under United States Code, Title 49, and found in  
19 49 C.F.R. § 390-399 and adopted under chapter 17A ~~which-rules~~  
20 ~~shall-be-to-a-date-certain.~~

21 2. Rules adopted under this section concerning driver  
22 qualifications, hours of service, and recordkeeping  
23 requirements do not apply to the operators of public utility  
24 trucks, trucks hauling gravel, construction trucks and  
25 equipment, trucks moving implements of husbandry, and special  
26 trucks, other than a truck tractor, operating intrastate.  
27 Trucks for hire on construction projects are not exempt from  
28 this section.

29 3. Rules adopted under this section concerning driver age  
30 qualifications do not apply to drivers for private and for-  
31 hire motor carriers which operate solely intrastate except  
32 when the vehicle being driven is transporting a hazardous  
33 material in a quantity which requires placarding. The minimum  
34 age for the exempted intrastate operations is eighteen years  
35 of age.

1     4. Notwithstanding other provisions of this section, rules  
2 adopted under this section for drivers of commercial vehicles  
3 shall not apply to a driver of a commercial vehicle who is  
4 engaged exclusively in intrastate commerce, when the  
5 commercial vehicle's gross vehicle weight rating is 26,000  
6 pounds or less, unless the vehicle is used to transport  
7 hazardous materials requiring a placard or if the vehicle is  
8 designed to transport more than fifteen passengers, including  
9 the driver. For the purpose of complying with the hours of  
10 service recordkeeping requirements under 49 C.F.R. §  
11 395.1(e)(5), a driver's report of daily beginning and ending  
12 on-duty time submitted to the motor carrier at the end of each  
13 work week shall be considered acceptable motor carrier time  
14 records. In addition, rules adopted under this section shall  
15 not apply to a driver for a farm operation as defined in  
16 section 352.2, or for an agricultural interest when the  
17 commercial vehicle is operated between the farm as defined in  
18 section 352.2 and another farm, between the farm and a market  
19 for farm products, or between the farm and an agribusiness  
20 location. A driver or a driver-salesperson for a private  
21 carrier, who is not for hire and who is engaged exclusively in  
22 intrastate commerce, may drive twelve hours, be on duty  
23 sixteen hours in a twenty-four hour period and be on duty  
24 seventy hours in seven consecutive days or eighty hours in  
25 eight consecutive days. A driver-salesperson means as defined  
26 in 49 C.F.R. § 395.2, as adopted as-of-a-specific-date by the  
27 department by rule.

28     5. a. Notwithstanding other provisions of this section,  
29 rules adopted under this section concerning physical and  
30 medical qualifications for drivers of commercial vehicles  
31 engaged in intrastate commerce shall not be construed as  
32 disqualifying any individual who was employed as a driver of  
33 commercial vehicles engaged in intrastate commerce whose  
34 physical or medical condition existed prior to July 29, 1996.

35     b. Notwithstanding other provisions of this section, rules

1 adopted under this section concerning physical and medical  
2 qualifications for a driver shall not apply to a farmer or a  
3 farmer's hired help when operating a vehicle owned by the  
4 farmer while it is being used in connection with the  
5 intrastate transportation of fertilizers and chemicals used in  
6 the farmer's crop production.

7 c. Notwithstanding other provisions of this section, rules  
8 adopted under this section concerning physical and medical  
9 qualifications for a driver shall not apply to a farmer or a  
10 farmer's hired help when operating a vehicle owned by the  
11 farmer while it is being used in connection with the  
12 intrastate transportation of agricultural commodities or feed.

13 6. Notwithstanding other provisions of this section, rules  
14 adopted under this section shall not impose any requirements  
15 which impose any restrictions upon a person operating an  
16 implement of husbandry or pickup to transport fertilizers and  
17 pesticides in that person's agricultural operations.

18 7. Rules adopted under this section concerning periodic  
19 inspections shall not apply to special trucks as defined in  
20 section 321.1, subsection 76, and registered under section  
21 321.121.

22 8. Rules adopted under this section shall not apply to  
23 vehicles used in combination provided the gross vehicle weight  
24 rating of the towing unit is ten thousand pounds or less and  
25 the gross combination weight rating is twenty-six thousand  
26 pounds or less.

27 Sec. 36. Section 321.491, unnumbered paragraph 2, Code  
28 1999, is amended to read as follows:

29 Within ten days after the conviction or forfeiture of bail  
30 of a person upon a charge of violating any provision of this  
31 chapter or other law regulating the operation of vehicles on  
32 highways every magistrate of the court or clerk of the  
33 district court of record in which the conviction occurred or  
34 bail was forfeited shall prepare and immediately forward to  
35 the department an abstract of the record of the case. The

1 abstract must be certified by the person preparing it to be  
2 true and correct. The clerk of the district court shall  
3 collect a fee of fifty cents for each individual copy of any  
4 record of conviction or forfeiture of bail furnished to any  
5 requestor at the clerk's office except for the department or  
6 other local, state, or federal government entity. Moneys  
7 collected under this section shall be transferred to the  
8 department as a repayment receipt, as defined in section 8.2,  
9 to enhance the efficiency of the department to process records  
10 and information between the department and the Iowa court  
11 information system. Notwithstanding any other provision in  
12 this section or chapter 22, the judicial branch shall be the  
13 provider of public electronic access to the clerk's records of  
14 convictions and forfeitures of bail through the Iowa court  
15 information system and shall, if all such records are provided  
16 monthly to a vendor, ~~the-judicial-branch-shall~~ collect a fee  
17 from such vendor which is the greater of three thousand  
18 dollars per month or the actual direct cost of providing the  
19 records.

20 Sec. 37. Section 321J.2, subsection 7, paragraph a, Code  
21 1999, is amended to read as follows:

22 a. ~~Division-I-of-this~~ This section does not apply to a  
23 person operating a motor vehicle while under the influence of  
24 a drug if the substance was prescribed for the person and was  
25 taken under the prescription and in accordance with the  
26 directions of a medical practitioner as defined in chapter  
27 155A or if the substance was dispensed by a pharmacist without  
28 a prescription pursuant to the rules of the board of pharmacy  
29 examiners, if there is no evidence of the consumption of  
30 alcohol and the medical practitioner or pharmacist had not  
31 directed the person to refrain from operating a motor vehicle.

32 Sec. 38. Section 321M.6, subsection 2, paragraph b, Code  
33 1999, is amended to read as follows:

34 b. The county examiner contractually agrees to comply with  
35 the requirements of 49 C.F.R. § 383.75, as adopted ~~as-of-a~~

1 specific-date by rule by the department.

2 Sec. 39. Section 331.605, subsections 3 and 5, Code 1999,  
3 are amended to read as follows:

4 3. A state migratory game bird fee as provided in section  
5 ~~484A-3~~ 483A.1.

6 5. A county fee of four dollars for ~~the following~~  
7 ~~certificates, records, or services:~~

8 ~~a. A~~ a certified copy of a birth record, death record, or  
9 marriage certificate.

10 Sec. 40. Section 455B.110, subsection 1, paragraph c,  
11 subparagraph (3), Code 1999, is amended to read as follows:

12 (3) The county board of supervisors may designate a county  
13 employee to accompany a departmental official during the  
14 investigation of the premises of a confinement feeding  
15 operation. The county designee shall have the same right of  
16 access to the real estate of the premises as the departmental  
17 official conducting the inspection during the period that the  
18 county designee accompanies the departmental official.

19 Sec. 41. Section 501.101, subsection 2, paragraph b, Code  
20 1999, is amended to read as follows:

21 b. A person who owns at least one hundred fifty acres of  
22 agricultural land and receives as rent a share of the crops or  
23 the animals raised on the land if that person is a natural  
24 person or a general partnership as organized under chapter 486  
25 or 486A in which all partners are natural persons.

26 Sec. 42. Section 501.101, subsection 6, paragraph c, Code  
27 1999, is amended to read as follows:

28 c. A general partnership as organized under chapter 486 or  
29 486A in which all the partners are natural persons actively  
30 engaged in farming as provided in section 9H.1.

31 Sec. 43. Section 501.701, subsection 5, paragraph g, Code  
32 1999, is amended to read as follows:

33 g. Its most recent ~~biennial~~ annual report delivered to the  
34 secretary of state under section 501.713.

35 Sec. 44. Section 501.702, subsection 5, paragraph a, Code

1 1999, is amended to read as follows:

2 a. The right of a member to obtain information under  
3 section ~~501-702~~ 501.304 or the right of an interest holder to  
4 obtain information, if the interest holder is in litigation  
5 with the cooperative, to the same extent as any other  
6 litigant.

7 Sec. 45. Section 501.713, subsection 5, Code 1999, is  
8 amended to read as follows:

9 5. The secretary of state may provide for the change of  
10 registered office or registered agent on the form prescribed  
11 by the secretary of state for the annual report, provided that  
12 the form contains the information required in section 501.106.  
13 If the secretary of state determines that an annual report  
14 does not contain the information required by this section but  
15 otherwise meets the requirements of section 501.106 for the  
16 purpose of changing the registered office or registered agent,  
17 the secretary of state shall file the statement of change of  
18 registered office or registered agent, effective as provided  
19 in section 501.105, before returning the ~~biennial~~ annual  
20 report to the cooperative as provided in this section. A  
21 statement of change of registered office or agent pursuant to  
22 this subsection shall be executed by a person authorized to  
23 execute the annual report.

24 Sec. 46. Section 504A.100, subsection 3, unnumbered  
25 paragraph 1, Code 1999, is amended to read as follows:

26 Any domestic corporation organized or existing under the  
27 provisions of chapter 504, Code 1989, may voluntarily elect to  
28 adopt the provisions of this chapter and thereby become  
29 subject to its provisions and, during the period of two years  
30 from and after the effective date of this chapter, any foreign  
31 corporation holding a permit under the provisions of said  
32 chapter on said date may voluntarily elect to adopt the  
33 provisions of this chapter and thereby become subject to the  
34 provisions of this chapter. The procedure for electing to  
35 adopt the provisions of this chapter shall be as follows:

1 Sec. 47. Section 504A.100, subsection 3, paragraph e,  
2 unnumbered paragraph 1, Code 1999, is amended to read as  
3 follows:

4 The secretary of state shall not file such instrument with  
5 respect to a domestic corporation unless at the time thereof  
6 such corporation is validly existing and in good standing in  
7 that office under the provisions of chapter 504 ~~of the~~ Code  
8 1989. If the articles of incorporation of such corporation  
9 have not heretofore been filed in the office of the secretary  
10 of state, but are on file in the office of a county recorder,  
11 no such instrument of adoption shall be accepted by the  
12 secretary of state until the corporation shall have caused its  
13 articles of incorporation and all amendments duly certified by  
14 the proper county recorder to be recorded in the office of the  
15 secretary of state. Upon the filing of such instrument the  
16 secretary of state shall issue a certificate as to the filing  
17 of such instrument and deliver such certificate to the  
18 corporation or its representative.

19 Sec. 48. Section 504A.100, subsections 5, 6, 9, and 12,  
20 Code 1999, are amended to read as follows:

21 5. The provisions of this chapter becoming applicable to  
22 any domestic or foreign corporation shall not affect any right  
23 accrued or established, or any liability or penalty incurred,  
24 under the provisions of chapter 504, Code 1989, prior to the  
25 filing by the secretary of state in the secretary of state's  
26 office of the instrument manifesting the election of such  
27 corporation to adopt the provisions of this chapter as  
28 provided in subsection 3 of this section.

29 6. Except for the exceptions and limitations of subsection  
30 1 of this section, this chapter shall apply to: all domestic  
31 corporations organized after the date on which this chapter  
32 became effective; domestic corporations organized or existing  
33 under chapter 504, Code 1989, which voluntarily elect to adopt  
34 the provisions of this chapter and comply with the provisions  
35 of subsection 3 of this section; all foreign corporations

1 conducting or seeking to conduct affairs within this state and  
2 not holding, July 4, 1965, a valid permit so to do; foreign  
3 corporations holding, on the date the chapter becomes  
4 effective, a valid permit under the provisions of chapter 504,  
5 Code 1989, which, during the period of two years from and  
6 after said date, voluntarily elect to adopt the provisions of  
7 this chapter and comply with the provisions of subsection 3 of  
8 this section; and, upon the expiration of the period of two  
9 years from and after July 4, 1965, all foreign corporations  
10 holding such a permit on July 4, 1965.

11 9. No corporation to which the provisions of this chapter  
12 apply shall be subject to the provisions of chapter 504, Code  
13 1989.

14 12. Corporations existing under chapter 504, Code 1989,  
15 shall be subject to this chapter on July 1, 1990, except that  
16 the corporations shall be subject to sections 504A.8 and  
17 504A.83 on January 1, 1997. A corporate existence of a  
18 corporation that is not in compliance on the records of the  
19 secretary of state with sections 504A.8 and 504A.83 on June  
20 30, 1997, is terminated, effective July 1, 1997. A  
21 corporation whose existence is terminated pursuant to this  
22 subsection may be reinstated. When the reinstatement is  
23 effective, it relates back to and takes effect as of the  
24 effective date of the termination of its corporate existence  
25 as if such termination had never occurred. The secretary of  
26 state shall adopt rules governing the reinstatement of a  
27 corporation pursuant to this subsection.

28 Sec. 49. Section 523G.4, subsection 2, paragraph d, Code  
29 1999, is amended by striking the paragraph.

30 Sec. 50. Section 602.8102, subsection 152, Code 1999, is  
31 amended by striking the subsection.

32 Sec. 51. Section 692A.2, subsection 4, Code 1999, is  
33 amended to read as follows:

34 4. A person is not required to register while  
35 incarcerated, in foster care, or in a residential treatment

1 program. A person who is convicted, as defined in section  
 2 692A.1, of either a criminal offense against a minor, sexual  
 3 exploitation, a sexually violent offense, or an other relevant  
 4 offense as a result of adjudication of delinquency in juvenile  
 5 court shall be required to register as required in this  
 6 chapter unless the juvenile court finds that the person should  
 7 not be required to register under this chapter. If a juvenile  
 8 is required to register and the court later modifies the order  
 9 regarding the requirement to register, the court shall  
 10 immediately notify the department. Convictions of more than  
 11 one offense which require registration under this chapter but  
 12 which are prosecuted within a single indictment shall be  
 13 considered as a single offense for purposes of registration.

14 Sec. 52. Section 692A.16, subsection 1, Code 1999, is  
 15 amended to read as follows:

16 1. The registration requirements of this chapter shall  
 17 apply to persons convicted of a criminal offense against a  
 18 minor, sexual exploitation, an other relevant offense, or a  
 19 sexually violent offense prior to July 1, 1995, who are  
 20 released on or after July 1, 1995, who are participating in a  
 21 work release or institutional work release program on or after  
 22 July 1, 1995, or who are under parole or probation supervision  
 23 by a judicial district department of correctional services on  
 24 or after July 1, 1995.

25 Sec. 53. Section 915.23, subsection 1, Code 1999, is  
 26 amended to read as follows:

27 1. An employer shall not discharge an employee ~~from~~, or  
 28 take or fail to take action, regarding an employee's promotion  
 29 or proposed promotion, or take action to reduce an employee's  
 30 wages or benefits, for actual time worked, due to the service  
 31 of an employee as a witness in a criminal proceeding.

32 Sec. 54. Section 915.24, subsection 1, unnumbered  
 33 paragraph 1, Code 1999, is amended to read as follows:

34 If a complaint is filed alleging that a child has committed  
 35 a delinquent act, the alleged victim, as defined in section

1 915.10, has and a juvenile court officer shall notify the  
2 alleged victim~~7-as-defined-in-section-915-107~~, of the following  
3 rights:

4 EXPLANATION

5 This bill makes nonsubstantive corrections to the Code of  
6 Iowa.

7 Section 12D.5. Subsection 2, paragraph "a", and section  
8 12D.6, subsection 2, are amended to change the word  
9 "termination" to the word "cancellation" to conform the  
10 terminology usage within section 12D.5 and the reference to  
11 that section in section 12D.6. Section 12D.5 relates to the  
12 cancellation of agreements within the Iowa educational savings  
13 plan trust program established under 1998 Iowa Acts, chapter  
14 1172.

15 Section 16.161. Unnumbered paragraph 1, is amended by  
16 deleting the word "or" and adding punctuation. The  
17 administrator referred to under the section is the E911  
18 administrator appointed pursuant to section 34A.2A.  
19 Subchapter II of chapter 34A relates to the financing of the  
20 E911 program through the issuance of bonds and notes by the  
21 Iowa finance authority. Deleting the word "or" allows the  
22 verb "assist" to be directly modified by the phrase "as  
23 provided in chapter 34A, subchapter II".

24 Section 18.183. Subsection 2, is amended by deleting a  
25 reference to section 18.182. Section 18.182, which related to  
26 the powers and duties of the IowaAccess advisory council under  
27 section 18.181 was contained in section 12 of 1998 Iowa Acts,  
28 chapter 1224, but both the council and the language relating  
29 to the council's powers and duties were item vetoed by the  
30 governor.

31 Section 34A.7A. Subsection 2, paragraph "c", subparagraph  
32 (2), unnumbered paragraph 2, is amended by adding the word  
33 "wireless" to the fund referred to in that paragraph. The  
34 correct name of the fund is the wireless E911 emergency  
35 communications fund, as created in that section.

1 Section 68.10. Subsection 5 is amended by changing the  
2 reference to the chapter entitled "General Assembly" to a  
3 reference to chapter 2. Chapter 2 is entitled "General  
4 Assembly".

5 Section 85B.11. This section is amended by changing the  
6 word "exposed" to "subjected" in a sentence relating to  
7 excessive noise exposure under the occupational hearing loss  
8 chapter to conform the usage of terminology to changes made in  
9 1998 Iowa Acts, chapter 1160. That Act included amendments  
10 which changed language referring to employees who were exposed  
11 to excessive noise levels to language relating to employees  
12 who were subjected to excessive noise exposure.

13 Section 88A.1. This section is amended by striking a comma  
14 and adding the word "or" in subsection 2, to correct the  
15 grammatical usage within that definition. The section is also  
16 amended by adding the word "ride" to the term "amusement  
17 owner" in subsection 11, since the sentence in that subsection  
18 refers to employees, agents, or servants of owners of  
19 amusement rides and not amusement devices.

20 Section 97B.73A. Subsection 1 is amended by striking the  
21 word "employee" from the term "employee contributions" in a  
22 provision of the Iowa public employees' retirement system  
23 chapter which relates to contributions by part-time county  
24 attorneys. Changes in this section made pursuant to 1998 Iowa  
25 Acts, chapter 1183, section 66, changed all other references  
26 from "employee contributions" to "contributions" within this  
27 section, and the language in which this reference is contained  
28 refers back to language in which the reference was changed.

29 Section 124.502. Subsection 1, paragraph "c", is amended  
30 by adding the words "and to" to the last sentence to indicate  
31 that a copy of the inventory of property seized is also to be  
32 delivered to the applicant for an administrative inspection  
33 search warrant. The words were inadvertently omitted during  
34 codification of the amendments to the section into the 1983  
35 Code Supplement of the Iowa Code.

1 Section 135C.33. Subsection 5, paragraph "e", unnumbered  
2 paragraph 2, is amended by adding the word "checks" to  
3 language pertaining to the child abuse record. The section  
4 relates to the performance of checks of criminal and child  
5 abuse and dependent adult abuse records.

6 Section 136B.5. This section is amended by changing the  
7 word "division" to the word "chapter". There are no divisions  
8 within chapter 136B, which relates to radon testing.

9 Section 144.13A. A reference in section 331.605, which  
10 provides for the charging of fees for certain records, is  
11 corrected to refer to subsection 5 instead of subsection 6.  
12 1995 Iowa Acts, chapter 124, section 11, added new subsections  
13 6 and 7 to section 331.605. The subsections were renumbered  
14 during the codification process. However, references to the  
15 new subsections, one of which was contained in this section,  
16 were not corrected to reflect that renumbering.

17 Section 147.14. Subsection 1 is amended by restructuring  
18 the sentence relating to the licensing board for the  
19 profession of barbering. The subsection previously related to  
20 various licensing boards for the professions of barbering,  
21 podiatry, and social work, but amendments made by 1996 Iowa  
22 Acts, chapter 1035, sections 2 and 13, and 1998 Iowa Acts,  
23 chapter 1002, removed the other two professions from this  
24 subsection effective July 1, 1998, and necessitated the  
25 sentence restructure to reflect the reference to a single  
26 licensing board.

27 Section 159.5. Subsection 9, is amended by striking a  
28 reference to inspection of cold storage plants. Chapter 171,  
29 which pertained to regulation and inspection of cold storage  
30 plants was repealed by 1998 Iowa Acts, chapter 1032, section  
31 9, and was not replaced by other provisions.

32 Section 161A.80. Subsection 2, unnumbered paragraph 1, is  
33 amended by adding the word "revolving" to language referring  
34 to a fund for protections of blufflands. The correct name of  
35 the fund is the blufflands protection revolving fund.

1 Section 166.42. Unnumbered paragraph 1 is amended by  
 2 changing references to the chief of the division of animal  
 3 industry of the state and the veterinarian-in-charge for Iowa  
 4 of the animal, plant, and health division of the United States  
 5 department of agriculture. There is no longer a division of  
 6 animal industry within the Iowa department of agriculture and  
 7 land stewardship and the functions related to hog-cholera  
 8 outbreaks under this paragraph are performed by the state  
 9 veterinarian. The correct name of the federal inspection  
 10 service is the animal, plant, and health inspection service-  
 11 veterinary services of the United States department of  
 12 agriculture.

13 Section 173.6. Unnumbered paragraph 2 is amended by adding  
 14 the words "board congressional" to the term "director". The  
 15 individuals elected under section 173.1, which is referenced  
 16 in this paragraph, are board congressional directors.

17 Section 190C.1. Subsections 10 and 19 are amended by  
 18 changing references to food service establishments to  
 19 references to food establishments and changing a reference to  
 20 former section 137B.2 to section 137F.1. Former chapter 137B,  
 21 pertaining to food service establishments, was repealed and  
 22 replaced by new chapter 137F, pertaining to food  
 23 establishments, pursuant to 1998 Iowa Acts, chapter 1162.  
 24 Subsection 18 is amended by adding the word "former" before a  
 25 reference to chapter 504 and adding the word "chapter" before  
 26 a reference to chapter 504A. Chapter 504 was repealed by 1990  
 27 Iowa Acts, chapter 1164, effective July 1, 1990, and  
 28 corporations established under the provisions of that chapter  
 29 are currently subject to the requirements of chapter 504A.

30 Section 190C.4. Subsection 3 is amended to change the  
 31 words "issue ordered" to the words "order issued". The  
 32 violation referred to in the subsection is a violation of an  
 33 order which is issued by the department of agriculture and  
 34 land stewardship under the chapter. Chapter 190C pertains to  
 35 the regulation and sale of organic agricultural products.

1 Section 200A.3. Subsection 2 is amended by changing a  
2 reference to "an animal nutrient product" to "a dry animal  
3 nutrient product". The term "dry animal nutrient product" is  
4 defined under chapter 200A, which is limited to the regulation  
5 and licensing of those persons who distribute bulk dry animal  
6 nutrient products as opposed to any other animal nutrient  
7 products.

8 Section 216A.71. Subsection 1 changes the word  
9 "administrator" to "director" to correct the reference to the  
10 title of the administrative head of the department of human  
11 rights in the chapter pertaining to the department of human  
12 rights.

13 Section 216A.73. Subsection 4 of this section, which  
14 establishes the ex officio membership of the commission of  
15 persons with disabilities, is amended to change a reference to  
16 the director of vocational rehabilitation to a reference to  
17 the administrator of the division of vocational rehabilitation  
18 of the department of education. Vocational rehabilitation is  
19 currently a division of that department and the title of the  
20 head of that division is "administrator".

21 Sections 216B.2 and 216B.6. Unnumbered paragraph 1 is  
22 amended by replacing the word "subchapter" with "chapter".  
23 There are no subchapters in chapter 216B, which establishes  
24 the department for the blind.

25 Section 230A.3. Subsection 3 is amended to change the name  
26 of the mental health and mental retardation commission to the  
27 correct name of the mental health and developmental  
28 disabilities commission.

29 Section 235A.13. This section, containing the definitions  
30 which apply to the child abuse information registry, is  
31 amended by striking subsection 7, moving the identical  
32 language to new subsection 1, and renumbering the remaining  
33 subsections to place the subsections in proper alphabetical  
34 order.

35 Section 249A.4. Subsection 15 is amended to change the

1065

1 name of the mental health and mental retardation commission to  
2 the correct name of the mental health and developmental  
3 disabilities commission.

4 Section 280.11. This section is amended by combining  
5 unnumbered paragraph 1 and subsection 1 (no subsection 2  
6 currently exists) and numbering and renumbering the section.  
7 The section pertains to the use of ear-protective devices in  
8 vocational or industrial arts shops or laboratories.

9 Sections 321.187, 321.188, 321.208, 321.449, and 321M.6.  
10 These sections are amended by deleting language which refers  
11 to an adoption of rules relating to requirements for  
12 commercial driver's licenses by the department of  
13 transportation by a specific date. The rules were adopted  
14 pursuant to the federal requirements and, under the federal  
15 language, persons subject to the federal requirements must  
16 comply with those requirements irrespective of any state rules  
17 adopted pursuant to the federal requirements. The unnumbered  
18 paragraphs in section 321.449 were also assigned alpha-numeric  
19 section designations.

20 Section 321.491. Unnumbered paragraph 2 is amended by  
21 striking the words "the judicial branch shall" to correct the  
22 sentence structure in that paragraph. The subject and verb  
23 auxiliary antecedents are still "the judicial branch" and  
24 "shall" under the sentence as amended.

25 Section 321J.2. Subsection 7, paragraph "a", is amended by  
26 striking the words "Division I of this" and replacing the  
27 words with "This". There are no divisions in Code section  
28 321J.2 and the words "Division I of this" were inadvertently  
29 added during the amending and enrolling process for 1998 Iowa  
30 Acts, chapter 1138.

31 Section 331.605. Subsection 3 is amended by changing a  
32 reference from Code section 484A.3 to 483A.1. Code section  
33 484A.3 was repealed by 1998 Iowa Acts, chapter 1199, section  
34 26. Code section 483A.1 lists the fees and the charges for  
35 various licenses and contains the separate migratory game bird

1 fee. Subsection 5 is amended by combining paragraph "a" with  
2 unnumbered paragraph 1. 1998 Iowa Acts, chapter 1020, struck  
3 paragraph "b" in this subsection, leaving the obtaining of a  
4 certified copy of a birth record, death record, or marriage  
5 certificate as the only services for which a four-dollar  
6 county fee may be charged.

7 Section 455B.110. Subsection 1, paragraph "c",  
8 subparagraph (3), is amended by adding the word "designee"  
9 after the word "county" to refer to the official who will  
10 accompany the departmental official during the investigation  
11 of the premises of a confinement feeding operation.

12 Section 501.101. Subsection 2, paragraph "b", and  
13 subsection 6, paragraph c, are amended by adding references to  
14 new Code chapter 486A. 1998 Iowa Acts, chapter 1201,  
15 established a new uniform partnership act, which is currently  
16 optional but will replace current Code chapter 486 on January  
17 1, 2001.

18 Sections 501.701 and 501.713. Subsection 5, paragraph "g",  
19 of 501.701 and subsection 5, of section 501.713, are amended  
20 by changing the word "biennial" to "annual". 1998 Iowa Acts,  
21 chapter 1152, changed the timeframe for the submission of  
22 reports by cooperative corporations under Code section 501.713  
23 from biennial reporting to annual reporting.

24 Section 501.702. Subsection 5, paragraph "a", is amended  
25 to correct a reference which relates to a member of a  
26 cooperative corporation to receive information from Code  
27 section 501.702 to Code section 501.304. Code section 501.304  
28 pertains to member information.

29 Section 504A.100. Subsections 3, 5, 6, 9, and 12, are  
30 amended by adding the words "Code 1989" after references to  
31 chapter 504. Chapter 504 was repealed by 1990 Iowa Acts,  
32 chapter 1164, effective July 1, 1990, and corporations  
33 established under the provisions of that chapter are currently  
34 subject to the requirements of Code chapter 504A.

35 Section 523G.4. Subsection 2, paragraph "d", which

1 requires an invention developer to include in a written  
2 disclosure to a customer a copy of current registration  
3 certificate issued under section 523G.10, is stricken. 1998  
4 Acts, chapter 1119, section 6, repealed section 523G.10.

5 Section 602.8102. Subsection 152, which relates to the  
6 clerk of the district court's duties relating to a trial  
7 certificate list, is stricken. The 1998 revisions by the Iowa  
8 supreme court to the Iowa rules of civil procedure eliminated  
9 the trial certificate and the trial certificate list.

10 Section 692A.2. Subsection 4 is amended by striking the  
11 word "either" in the sentence referring to the offenses which  
12 require registration under the sex offender registration  
13 chapter. There are more than two classes of offenses which  
14 trigger the registration requirements.

15 Section 692A.16. Subsection 1 is amended by adding the  
16 word "who" to indicate the applicability of the sex offender  
17 registration requirements to persons convicted of a criminal  
18 offense against a minor, sexual exploitation, another relevant  
19 offense, or a sexually violent offense prior to July 1, 1995,  
20 but who are released on or after July 1, 1995, or who meet  
21 certain other criteria.

22 Section 915.23. Subsection 1 is amended by making  
23 grammatical corrections. The corrections specify that an  
24 employer is not to discharge an employee or take or fail to  
25 take action regarding a promotion or proposed promotion or  
26 take action to reduce benefits for actual time worked when an  
27 employee serves as a witness in a criminal proceeding.

28 Section 915.24. Subsection 1 is amended to specify that an  
29 alleged victim of a delinquent act has the rights which are to  
30 be included in the notice provided by the juvenile court  
31 officer.

32

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21-2/15/99 Judicary  
H. 2/18/99 Amend/Do Pass  
w/H. 1115

FILED FEB 8 1999

SENATE FILE 102  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1065)

Passed Senate, Date 2/10/99 (P.264) Passed House, Date 4/6/99 (P.1057)  
Vote: Ayes 45 Nays 0 Vote: Ayes 97 Nays 0  
Approved May 10, 1999  
*Repassed 4/15/99*  
*(P.1163) Vote 45-0*

A BILL FOR

- 1 An Act relating to nonsubstantive Code corrections.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3
- 4

SENATE FILE 102

H-1115

- 1 Amend Senate File 102, as passed by the Senate, as
- 2 follows:
- 3 1. Page 9, by striking lines 1 through 4.
- 4 2. By renumbering as necessary.

*adopted 4/6/99 p.1056* By COMMITTEE ON JUDICIARY  
LARSON of Linn, Chairperson  
H-1115 FILED MARCH 18, 1999

SF 102

HOUSE AMENDMENT TO  
SENATE FILE 102

S-3263

- 1 Amend Senate File 102, as passed by the Senate, as
- 2 follows:
- 3 1. Page 9, by striking lines 1 through 4.
- 4 2. By renumbering as necessary.

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1 Section 1. Section 12D.5, subsection 2, paragraph a,  
2 unnumbered paragraph 1, Code 1999, is amended to read as  
3 follows:

4 Upon the occurrence of any of the following circumstances,  
5 no refund penalty shall be levied by the trust in the event of  
6 termination cancellation of a participation agreement:

7 Sec. 2. Section 12D.6, subsection 2, unnumbered paragraph  
8 2, Code 1999, is amended to read as follows:

9 No right to receive investment income shall exist in cases  
10 of voluntary participant termination cancellation except as  
11 provided in section 12D.5.

12 Sec. 3. Section 16.161, unnumbered paragraph 1, Code 1999,  
13 is amended to read as follows:

14 The authority shall assist the administrator, appointed  
15 pursuant to section 34A.2A or, as provided in chapter 34A,  
16 subchapter II, and the authority shall have all of the powers  
17 delegated to it by a joint E911 service board or the  
18 department of public defense in a chapter 28E agreement with  
19 respect to the issuance and securing of bonds or notes and the  
20 carrying out of the purposes of chapter 34A.

21 Sec. 4. Section 18.183, subsection 2, Code 1999, is  
22 amended to read as follows:

23 2. The division of information technology services shall  
24 not have authority to determine whether an individual  
25 government agency should automate records of which the  
26 individual government agency is the lawful custodian.  
27 However, the division may encourage governmental agencies to  
28 implement electronic access to government records ~~as provided~~  
29 ~~in section 18.182.~~

30 Sec. 5. Section 34A.7A, subsection 2, paragraph c,  
31 subparagraph (2), unnumbered paragraph 2, Code 1999, is  
32 amended to read as follows:

33 A joint E911 service board or the department of public  
34 safety, to receive funds from the wireless E911 emergency  
35 communications fund, must submit a written request for such

1 funds to the administrator in a form as approved by the  
2 administrator. A request shall be for funding under an  
3 approved E911 service plan for equipment which is directly  
4 related to the reception and disposition of incoming wireless  
5 E911 calls. The administrator may approve the distribution of  
6 funds pursuant to such request if the administrator finds that  
7 the requested funding is for equipment necessary for the  
8 reception and disposition of such calls and that sufficient  
9 funds are available for such distribution.

10 Sec. 6. Section 68.10, subsection 5, Code 1999, is amended  
11 to read as follows:

12 5. To exercise the powers and privileges conferred upon  
13 the senate for punishment as for contempts in the chapter  
14 entitled "~~General-Assembly~~" 2.

15 Sec. 7. Section 85B.11, Code 1999, is amended to read as  
16 follows:

17 85B.11 PREVIOUS HEARING LOSS EXCLUDED.

18 An employer is liable, as provided in this chapter and  
19 subject to the provisions of chapter 85, for an occupational  
20 hearing loss to which the employment has contributed, but if  
21 previous hearing loss, whether occupational or not, is  
22 established by an audiometric examination or other competent  
23 evidence, whether or not the employee was ~~exposed~~ subjected to  
24 excessive noise exposure within six months preceding the test,  
25 the employer is not liable for the previous loss, nor is the  
26 employer liable for a loss for which compensation has  
27 previously been paid or awarded. The employer is liable only  
28 for the difference between the percent of occupational hearing  
29 loss determined as of the date of the audiometric examination  
30 used to determine occupational hearing loss and the percentage  
31 of loss established by the pre-employment audiometric  
32 examination. An amount paid to an employee for occupational  
33 hearing loss by any other employer shall be credited against  
34 compensation payable by an employer for the hearing loss. An  
35 employee shall not receive in the aggregate greater

1 compensation from all employers for occupational hearing loss  
2 than that provided in this section for total occupational  
3 hearing loss. A payment shall not be made to an employee  
4 unless the employee has worked in excessive noise exposure  
5 employment for a total period of at least ninety days for the  
6 employer from whom compensation is claimed.

7 Sec. 8. Section 88A.1, subsections 2 and 11, Code 1999,  
8 are amended to read as follows:

9 2. "Amusement ride" means any mechanized device, or  
10 combination of devices which carries passengers along, around,  
11 or over a fixed or restricted course for the purpose of giving  
12 its passengers amusement, pleasure, thrills, or excitement.

13 "Amusement ride" does not include a device or structure that  
14 is devoted principally to exhibitions related to agriculture,  
15 the arts, education, industry, religion, or science.

16 11. "Rider" means a person waiting in the immediate  
17 vicinity of an amusement ride to get on the amusement ride,  
18 getting on an amusement ride, using an amusement ride, getting  
19 off an amusement ride, or leaving an amusement ride and still  
20 in the immediate vicinity of the amusement ride. "Rider" does  
21 not include an employee, agent, or servant of the amusement  
22 ride owner while engaged in the duties of their employment.

23 Sec. 9. Section 97B.73A, subsection 1, Code 1999, is  
24 amended to read as follows:

25 1. A part-time county attorney may elect in writing to the  
26 department to make contributions to the system for the county  
27 attorney's previous service as a county attorney and receive  
28 credit for membership service in the system for the applicable  
29 period of service as a part-time county attorney for which  
30 **employee** contributions are made. A member making  
31 contributions pursuant to this section may make the  
32 contributions either for the entire applicable period of  
33 service, or for portions of the period of service, and if  
34 contributions are made for portions of the period of service,  
35 the contributions shall be in increments of one or more

1 calendar quarters.

2 Sec. 10. Section 124.502, subsection 1, paragraph c, Code  
3 1999, is amended to read as follows:

4 c. A warrant issued pursuant to this section must be  
5 executed and returned within ten days after its date unless,  
6 upon a showing of a need for additional time, the court so  
7 instructs otherwise in the warrant. If property is seized  
8 pursuant to a warrant, the person executing the warrant shall  
9 give to the person from whom the property is seized, or the  
10 person in charge of the premises from which the property is  
11 seized, a copy of the warrant and a receipt for the property  
12 seized or shall leave the copy and receipt at the place from  
13 which the property is seized. The return of the warrant shall  
14 be made promptly and shall be accompanied by a written  
15 inventory of any property seized. The inventory shall be made  
16 in the presence of the person executing the warrant and of the  
17 person from whose possession or premises the property was  
18 seized, if they are present, or in the presence of at least  
19 one credible person other than the person executing the  
20 warrant. A copy of the inventory shall be delivered to the  
21 person from whom or from whose premises the property was  
22 seized and to the applicant for the warrant.

23 Sec. 11. Section 135C.33, subsection 5, paragraph e,  
24 unnumbered paragraph 2, Code 1999, is amended to read as  
25 follows:

26 In substantial conformance with the provisions of this  
27 section, prior to the employment of such an employee, the  
28 provider shall request the performance of the criminal and  
29 dependent adult abuse record checks and may request the  
30 performance of the child abuse record checks. The provider  
31 shall inform the prospective employee and obtain the  
32 prospective employee's signed acknowledgment. The department  
33 of human services shall perform the evaluation of any criminal  
34 record or founded child or dependent adult abuse record and  
35 shall make the determination of whether a prospective employee

1 of a provider shall not be employed by the provider.

2 Sec. 12. Section 136B.5, Code 1999, is amended to read as  
3 follows:

4 136B.5 PENALTY FOR VIOLATION.

5 A person who violates a provision of this division chapter  
6 is guilty of a serious misdemeanor.

7 Sec. 13. Section 144.13A, Code 1999, is amended to read as  
8 follows:

9 144.13A FEES -- USE OF FUNDS.

10 The county registrar or state registrar shall charge the  
11 parent a ten dollar fee for the registration of a certificate  
12 of birth and a separate fee established under section 144.46  
13 for a certified copy of the certificate except as otherwise  
14 provided in section 331.605, subsection 6 5. The certified  
15 copy shall be mailed to the parent by the state registrar. If  
16 the person responsible for the filing of the certificate of  
17 birth under section 144.13 is not the parent, the person is  
18 entitled to collect the fee from the parent. The fee shall be  
19 remitted to the appropriate registrar. If the expenses of the  
20 birth are reimbursed under the medical assistance program  
21 established by chapter 249A, or paid for under the statewide  
22 indigent patient care program established by chapter 255, or  
23 paid for under the obstetrical and newborn indigent patient  
24 care program established by chapter 255A, or if the parent is  
25 indigent and unable to pay the expenses of the birth and no  
26 other means of payment is available to the parent, the  
27 registration fee and certified copy fee are waived. If the  
28 person responsible for the filing of the certificate is not  
29 the parent, the person is discharged from the duty to collect  
30 and remit the fee under this section if the person has made a  
31 good faith effort to collect the fee from the parent. The  
32 fees collected by the county registrar and state registrar  
33 shall be remitted to the treasurer of state for deposit in the  
34 general fund of the state. It is the intent of the general  
35 assembly that the funds generated from the registration fees

1 be appropriated and used for primary and secondary child abuse  
2 prevention programs. It is the intent of the general assembly  
3 that the funds generated from the fees as established under  
4 section 144.46 for the mailing of the certified copy of the  
5 birth certificate be appropriated and used to support the  
6 distribution of the automatic birth certificate and the  
7 implementation of the electronic birth certificate system.

8 Sec. 14. Section 147.14, subsection 1, Code 1999, is  
9 amended to read as follows:

10 1. For barbering, three members each, licensed to practice  
11 ~~the profession for which the board conducts examinations~~  
12 barbering, and two members who are not licensed to practice  
13 ~~the profession for which the board conducts examinations~~  
14 barbering and who shall represent the general public. A  
15 quorum shall consist of a majority of the members of the  
16 board.

17 Sec. 15. Section 159.5, subsection 9, Code 1999, is  
18 amended to read as follows:

19 9. Inspect and supervise all ~~cold-storage-plants-and~~ food  
20 producing or distributing establishments including the  
21 furniture, fixtures, utensils, machinery, and other equipment  
22 so as to prevent the production, preparation, packing,  
23 storage, or transportation of food in a manner detrimental to  
24 its character or quality.

25 Sec. 16. Section 161A.80, subsection 2, unnumbered  
26 paragraph 1, Code 1999, is amended to read as follows:

27 A blufflands protection revolving fund is created in the  
28 state treasury. All proceeds shall be divided into two equal  
29 accounts. One account shall be used for the purchase of  
30 blufflands along the Mississippi river and its tributaries and  
31 the other account shall be used for the purchase of blufflands  
32 along the Missouri river and its tributaries. The proceeds of  
33 the revolving fund are appropriated to make loans to  
34 conservation organizations which agree to purchase bluffland  
35 properties adjacent to state public lands. The department

1 shall adopt rules pursuant to chapter 17A to administer the  
2 disbursement of funds. Notwithstanding section 12C.7,  
3 interest or earnings on investments made pursuant to this  
4 section or as provided in section 12B.10 shall be credited to  
5 the blufflands protection revolving fund. Notwithstanding  
6 section 8.33, unobligated or unencumbered funds credited to  
7 the blufflands protection revolving fund shall not revert at  
8 the close of a fiscal year. However, the maximum balance in  
9 the blufflands protection revolving fund shall not exceed two  
10 million five hundred thousand dollars. Any funds in excess of  
11 two million five hundred thousand dollars shall be credited to  
12 the rebuild Iowa infrastructure fund.

13 Sec. 17. Section 166.42, unnumbered paragraph 1, Code  
14 1999, is amended to read as follows:

15 The secretary may establish a reserve supply of biological  
16 products of approved modified live virus hog-cholera vaccine  
17 and of anti-hog-cholera serum or its equivalent in antibody  
18 concentrate to be used as directed by the secretary in the  
19 event of an emergency resulting from a hog-cholera outbreak.  
20 Vaccine and serum or antibody concentrate from the reserve  
21 supply, if used for such an emergency, shall be made available  
22 to swine producers at a price which will not result in a  
23 profit. Payment shall be made by the producer to the  
24 department and such vaccine shall be administered by a  
25 licensed practicing veterinarian. The secretary may co-  
26 operate with other states in the accumulation, maintenance and  
27 disbursement of such reserve supply of biological products.  
28 The secretary, with the advice and written consent of the  
29 ~~chief-of-the-division-of-animal-industry-of-the~~ state  
30 veterinarian, and the advice and written consent of the  
31 veterinarian-in-charge in for Iowa, of the animal, plant, and  
32 health division inspection service-veterinary services, United  
33 States department of agriculture, shall determine when an  
34 emergency resulting from a hog-cholera outbreak exists.

35 Sec. 18. Section 173.6, unnumbered paragraph 2, Code 1999,

1 is amended to read as follows:

2 A member of the board who is a board congressional  
3 director, elected as provided in section 173.1, shall serve a  
4 term of two years. The term of a board congressional director  
5 shall begin following the adjournment of the convention at  
6 which the board congressional director was elected and shall  
7 continue until a successor is elected and qualified as  
8 provided in this chapter.

9 Sec. 19. Section 190C.1, subsections 10, 18, and 19, Code  
10 1999, are amended to read as follows:

11 10. "Handler" means a person engaged in the business of  
12 handling agricultural products, including but not limited to  
13 distributors, wholesalers, brokers, and repackers. "Handler"  
14 does not include a person selling agricultural products to  
15 consumers on a retail basis, including a food **service**  
16 establishment as defined in section ~~137B-2~~ 137F.1, retail  
17 grocery, meat market, or bakery, if the person does not  
18 process the agricultural product.

19 18. "Regional organic association" means a corporation  
20 organized under former chapter 504 or chapter 504A which has  
21 certifying members, elects its own officers and directors, and  
22 is independent from the department.

23 19. "Retailer" means a person, other than an operator of a  
24 food **service** establishment, who is engaged in the business of  
25 selling food at retail to the ultimate customer.

26 Sec. 20. Section 190C.4, subsection 3, Code 1999, is  
27 amended to read as follows:

28 3. A violation of this chapter includes a violation of any  
29 rule adopted or issue-ordered order issued pursuant to this  
30 chapter as provided in this chapter and under chapter 17A.

31 Sec. 21. Section 200A.3, subsection 2, Code 1999, is  
32 amended to read as follows:

33 2. "Bulk dry animal nutrient product" or "bulk product"  
34 means ~~an~~ a dry animal nutrient product delivered to a  
35 purchaser in bulk form to which a label cannot be attached.

1 Sec. 22. Section 216A.71, subsection 1, Code 1999, is  
2 amended to read as follows:

3 1. "Administrator" means the ~~administrator~~ director of the  
4 department of human rights.

5 Sec. 23. Section 216A.73, subsection 4, Code 1999, is  
6 amended to read as follows:

7 4. The ~~director~~ administrator of the division of  
8 vocational rehabilitation of the department of education.

9 Sec. 24. Section 216B.2, unnumbered paragraph 1, Code  
10 1999, is amended to read as follows:

11 The commission for the blind is established consisting of  
12 three members appointed by the governor, subject to  
13 confirmation by the senate. Members of the commission shall  
14 serve three-year terms beginning and ending as provided in  
15 section 69.19. The commission shall adopt rules concerning  
16 programs and services for blind persons provided under this  
17 ~~subchapter~~ chapter.

18 Sec. 25. Section 216B.6, Code 1999, is amended to read as  
19 follows:

20 216B.6 POWERS.

21 The commission shall have all powers necessary to carry out  
22 the functions and duties specified in this ~~subchapter~~ chapter,  
23 including, but not limited to the power to establish advisory  
24 committees on special studies, to solicit and accept gifts and  
25 grants, to adopt rules according to chapter 17A for the  
26 commission and department, and to contract with public and  
27 private groups to conduct its business. All departments,  
28 divisions, agencies, and offices of the state shall make  
29 available upon request of the commission information which is  
30 pertinent to the subject matter of the study and which is not  
31 by law confidential.

32 Sec. 26. Section 230A.3, subsection 3, Code 1999, is  
33 amended to read as follows:

34 3. Continued operation of a center originally established  
35 prior to July 1, 1998, under subsection 2 without an agreement

1 with the board or boards of supervisors which originally  
2 established the center, provided the center is in compliance  
3 with the applicable standards adopted by the mental health and  
4 mental-retardation developmental disabilities commission.

5 Sec. 27. Section 235A.13, subsections 1 through 7, Code  
6 1999, are amended to read as follows:

7 1. "Assessment data" means any of the following  
8 information pertaining to the department's evaluation of a  
9 family:

10 a. Identification of the strengths and needs of the child,  
11 and of the child's parent, home, and family.

12 b. Identification of services available from the  
13 department and informal and formal services and other support  
14 available in the community to meet identified strengths and  
15 needs.

16 ~~1~~ 2. "Child abuse information" means any or all of the  
17 following data maintained by the department in a manual or  
18 automated data storage system and individually identified:

- 19 a. Report data.
- 20 b. Assessment data.
- 21 c. Disposition data.

22 ~~2~~ 3. "Confidentiality" means the withholding of  
23 information from any manner of communication, public or  
24 private.

25 ~~3~~ 4. "Department" means the department of human services.

26 ~~4~~ 5. "Disposition data" means information pertaining to  
27 an opinion or decision as to the occurrence of child abuse,  
28 including:

- 29 a. Any intermediate or ultimate opinion or decision
- 30 reached by assessment personnel.
- 31 b. Any opinion or decision reached in the course of
- 32 judicial proceedings.
- 33 c. The present status of any case.

34 ~~5~~ 6. "Expungement" means the process of destroying child  
35 abuse information.

1     6- 7. "Individually identified" means any report,  
2 assessment, or disposition data which names the person or  
3 persons responsible or believed responsible for the child  
4 abuse.

5     7.--"Assessment data"--means-any-of-the-following  
6 information-pertaining-to-the-department's-evaluation-of-a  
7 family:

8     a. --Identification-of-the-strengths-and-needs-of-the-child,  
9 and-of-the-child's-parent, home, and family:

10    b.--Identification-of-services-available-from-the  
11 department-and-informal-and-formal-services-and-other-support  
12 available-in-the-community-to-meet-identified-strengths-and  
13 needs:

14    Sec. 28. Section 249A.4, subsection 15, Code 1999, is  
15 amended to read as follows:

16    15. Establish appropriate reimbursement rates for  
17 community mental health centers that are accredited by the  
18 mental health and mental-retardation developmental  
19 disabilities commission. The reimbursement rates shall be  
20 phased-in over the three-year period beginning July 1, 1998,  
21 and ending June 30, 2001.

22    Sec. 29. Section 280.11, Code 1999, is amended to read as  
23 follows:

24    280.11 EAR-PROTECTIVE DEVICES.

25    1. Every student and teacher in any public or nonpublic  
26 school shall wear industrial quality ear-protective devices  
27 while the student or teacher is participating in any phase or  
28 activity of a course which may subject the student or teacher  
29 to the risk or hazard of hearing loss from noise in processes  
30 or procedures used in any-of-the-following-courses:

31    ~~1.--~~Vocational vocational or industrial arts shops or  
32 laboratories involving experiences with any of the following:

33    a. Milling, sawing, turning, shaping, cutting, grinding or  
34 stamping of any solid materials.

35    b. Kiln firing of any metal or other materials.

1 c. Electric arc welding.

2 d. Repair or servicing of any vehicle while in shop.

3 e. Static tests, maintenance or repair of internal  
4 combustion engines.

5 f. Letter press, paper folders, monotype.

6 2. It shall be the duty of the teacher or other person  
7 supervising the students in said courses to see that the above  
8 requirements are complied with. Any student failing to comply  
9 with such requirements may be temporarily suspended from  
10 participation in the course and the registration of a student  
11 for the course may be canceled for willful, flagrant or  
12 repeated failure to observe the above requirements.

13 3. The board of directors of each local public school  
14 district and the authorities in charge of each nonpublic  
15 school shall provide the safety devices required herein in  
16 this section. Such devices may be paid for from the general  
17 fund, but the board may require students and teachers to pay  
18 for the safety devices and shall make them available to  
19 students and teachers at no more than the actual cost to the  
20 district or school.

21 4. a. "Industrial quality ear-protective devices", as  
22 used in this section, means devices meeting the American  
23 National Standard for Measurement of the Real-Ear attenuation  
24 of Ear Protectors at Threshold promulgated by the American  
25 National Standards Institute, Inc.

26 b. "Noise" as used in this section, means a noise level  
27 that meets or exceeds damage-risk criteria established by the  
28 present federal standard for occupational noise exposure,  
29 Occupational Safety and Health Standards.

30 Sec. 30. Section 321.187, Code 1999, is amended to read as  
31 follows:

32 321.187 EXAMINERS.

33 1. The department shall examine applicants for driver's  
34 licenses. Examiners of the department shall wear an  
35 identifying badge and uniform provided by the department.

1     2. The department may by rule designate community colleges  
2 to administer the driving skills test required for a  
3 commercial driver's license provided that all of the following  
4 occur:

5     ~~1-~~ a. The driving skills test is the same as that which  
6 would otherwise be administered by the state.

7     ~~2-~~ b. The examiner contractually agrees to comply with the  
8 requirements of 49 C.F.R. § 383.75 as adopted ~~as-of-a-specific~~  
9 ~~date~~ by rule by the department.

10    Sec. 31. Section 321.188, subsection 1, paragraphs a and  
11 c, Code 1999, are amended to read as follows:

12    a. Certify whether the applicant is subject to and meets  
13 applicable driver qualifications of 49 C.F.R. part 391 as  
14 adopted ~~as-of-a-specific-date~~ by rule by the department.

15    c. Successfully pass knowledge tests and driving skills  
16 tests which the department shall require by rule. The rules  
17 adopted shall substantially comply with the federal minimum  
18 testing and licensing requirements in 49 C.F.R. part 383,  
19 subparts E, G, and H as adopted ~~as-of-a-specific-date~~ by rule  
20 by the department.

21    Sec. 32. Section 321.188, subsection 2, paragraph b,  
22 subparagraph (2), Code 1999, is amended to read as follows:

23    (2) The applicant has not had any convictions which are  
24 federal commercial driver's license disqualifying offenses  
25 under 49 C.F.R. § 383.51 as adopted ~~as-of-a-specific-date~~ by  
26 rule by the department while operating any type of vehicle.

27    Sec. 33. Section 321.188, subsection 3, Code 1999, is  
28 amended to read as follows:

29    3. An applicant for a hazardous material endorsement must  
30 pass a knowledge test as required under 49 C.F.R. § 383.121 as  
31 adopted ~~as-of-a-specific-date~~ by rule by the department to  
32 obtain or retain the endorsement. However, an applicant for  
33 license issuance who was previously issued a commercial  
34 driver's license from another state may retain the hazardous  
35 material endorsement from the previously issued license if the

1 applicant successfully passed the endorsement test within the  
2 preceding twenty-four months.

3 Sec. 34. Section 321.208, subsection 2, Code 1999, is  
4 amended to read as follows:

5 2. A person is disqualified for life if convicted or found  
6 to have committed two or more of the above acts or offenses  
7 arising out of two or more separate incidents. However, a  
8 disqualification for life is subject to a reduction to a ten-  
9 year disqualification as provided in 49 C.F.R. § 383.51 as  
10 ~~adopted as-of-a-specific-date~~ by rule by the department.

11 Sec. 35. Section 321.449, Code 1999, is amended to read as  
12 follows:

13 321.449 MOTOR CARRIER SAFETY RULES.

14 1. A person shall not operate a commercial vehicle on the  
15 highways of this state except in compliance with rules adopted  
16 by the department under chapter 17A. The rules shall be  
17 consistent with the federal motor carrier safety regulations  
18 promulgated under United States Code, Title 49, and found in  
19 49 C.F.R. § 390-399 and adopted under chapter 17A ~~which-rules~~  
20 ~~shall-be-to-a-date-certain.~~

21 2. Rules adopted under this section concerning driver  
22 qualifications, hours of service, and recordkeeping  
23 requirements do not apply to the operators of public utility  
24 trucks, trucks hauling gravel, construction trucks and  
25 equipment, trucks moving implements of husbandry, and special  
26 trucks, other than a truck tractor, operating intrastate.  
27 Trucks for hire on construction projects are not exempt from  
28 this section.

29 3. Rules adopted under this section concerning driver age  
30 qualifications do not apply to drivers for private and for-  
31 hire motor carriers which operate solely intrastate except  
32 when the vehicle being driven is transporting a hazardous  
33 material in a quantity which requires placarding. The minimum  
34 age for the exempted intrastate operations is eighteen years  
35 of age.

1 4. Notwithstanding other provisions of this section, rules  
2 adopted under this section for drivers of commercial vehicles  
3 shall not apply to a driver of a commercial vehicle who is  
4 engaged exclusively in intrastate commerce, when the  
5 commercial vehicle's gross vehicle weight rating is 26,000  
6 pounds or less, unless the vehicle is used to transport  
7 hazardous materials requiring a placard or if the vehicle is  
8 designed to transport more than fifteen passengers, including  
9 the driver. For the purpose of complying with the hours of  
10 service recordkeeping requirements under 49 C.F.R. §  
11 395.1(e)(5), a driver's report of daily beginning and ending  
12 on-duty time submitted to the motor carrier at the end of each  
13 work week shall be considered acceptable motor carrier time  
14 records. In addition, rules adopted under this section shall  
15 not apply to a driver for a farm operation as defined in  
16 section 352.2, or for an agricultural interest when the  
17 commercial vehicle is operated between the farm as defined in  
18 section 352.2 and another farm, between the farm and a market  
19 for farm products, or between the farm and an agribusiness  
20 location. A driver or a driver-salesperson for a private  
21 carrier, who is not for hire and who is engaged exclusively in  
22 intrastate commerce, may drive twelve hours, be on duty  
23 sixteen hours in a twenty-four hour period and be on duty  
24 seventy hours in seven consecutive days or eighty hours in  
25 eight consecutive days. A driver-salesperson means as defined  
26 in 49 C.F.R. § 395.2, as adopted ~~as-of-a-specific-date~~ by the  
27 department by rule.

28 5. a. Notwithstanding other provisions of this section,  
29 rules adopted under this section concerning physical and  
30 medical qualifications for drivers of commercial vehicles  
31 engaged in intrastate commerce shall not be construed as  
32 disqualifying any individual who was employed as a driver of  
33 commercial vehicles engaged in intrastate commerce whose  
34 physical or medical condition existed prior to July 29, 1996.

35 b. Notwithstanding other provisions of this section, rules

1 adopted under this section concerning physical and medical  
2 qualifications for a driver shall not apply to a farmer or a  
3 farmer's hired help when operating a vehicle owned by the  
4 farmer while it is being used in connection with the  
5 intrastate transportation of fertilizers and chemicals used in  
6 the farmer's crop production.

7 c. Notwithstanding other provisions of this section, rules  
8 adopted under this section concerning physical and medical  
9 qualifications for a driver shall not apply to a farmer or a  
10 farmer's hired help when operating a vehicle owned by the  
11 farmer while it is being used in connection with the  
12 intrastate transportation of agricultural commodities or feed.

13 6. Notwithstanding other provisions of this section, rules  
14 adopted under this section shall not impose any requirements  
15 which impose any restrictions upon a person operating an  
16 implement of husbandry or pickup to transport fertilizers and  
17 pesticides in that person's agricultural operations.

18 7. Rules adopted under this section concerning periodic  
19 inspections shall not apply to special trucks as defined in  
20 section 321.1, subsection 76, and registered under section  
21 321.121.

22 8. Rules adopted under this section shall not apply to  
23 vehicles used in combination provided the gross vehicle weight  
24 rating of the towing unit is ten thousand pounds or less and  
25 the gross combination weight rating is twenty-six thousand  
26 pounds or less.

27 Sec. 36. Section 321.491, unnumbered paragraph 2, Code  
28 1999, is amended to read as follows:

29 Within ten days after the conviction or forfeiture of bail  
30 of a person upon a charge of violating any provision of this  
31 chapter or other law regulating the operation of vehicles on  
32 highways every magistrate of the court or clerk of the  
33 district court of record in which the conviction occurred or  
34 bail was forfeited shall prepare and immediately forward to  
35 the department an abstract of the record of the case. The

1 abstract must be certified by the person preparing it to be  
2 true and correct. The clerk of the district court shall  
3 collect a fee of fifty cents for each individual copy of any  
4 record of conviction or forfeiture of bail furnished to any  
5 requestor at the clerk's office except for the department or  
6 other local, state, or federal government entity. Moneys  
7 collected under this section shall be transferred to the  
8 department as a repayment receipt, as defined in section 8.2,  
9 to enhance the efficiency of the department to process records  
10 and information between the department and the Iowa court  
11 information system. Notwithstanding any other provision in  
12 this section or chapter 22, the judicial branch shall be the  
13 provider of public electronic access to the clerk's records of  
14 convictions and forfeitures of bail through the Iowa court  
15 information system and shall, if all such records are provided  
16 monthly to a vendor, ~~the-judicial-branch-shall~~ collect a fee  
17 from such vendor which is the greater of three thousand  
18 dollars per month or the actual direct cost of providing the  
19 records.

20 Sec. 37. Section 321J.2, subsection 7, paragraph a, Code  
21 1999, is amended to read as follows:

22 a. ~~Division-I-of-this~~ This section does not apply to a  
23 person operating a motor vehicle while under the influence of  
24 a drug if the substance was prescribed for the person and was  
25 taken under the prescription and in accordance with the  
26 directions of a medical practitioner as defined in chapter  
27 155A or if the substance was dispensed by a pharmacist without  
28 a prescription pursuant to the rules of the board of pharmacy  
29 examiners, if there is no evidence of the consumption of  
30 alcohol and the medical practitioner or pharmacist had not  
31 directed the person to refrain from operating a motor vehicle.

32 Sec. 38. Section 321M.6, subsection 2, paragraph b, Code  
33 1999, is amended to read as follows:

34 b. The county examiner contractually agrees to comply with  
35 the requirements of 49 C.F.R. § 383.75, as adopted ~~as-of-a~~

1 specific-date by rule by the department.

2 Sec. 39. Section 331.605, subsections 3 and 5, Code 1999,  
3 are amended to read as follows:

4 3. A state migratory game bird fee as provided in section  
5 ~~484A-3~~ 483A.1.

6 5. A county fee of four dollars for ~~the following~~  
7 ~~certificates, records, or services:~~

8 ~~a--~~ a a certified copy of a birth record, death record, or  
9 marriage certificate.

10 Sec. 40. Section 455B.110, subsection 1, paragraph c,  
11 subparagraph (3), Code 1999, is amended to read as follows:

12 (3) The county board of supervisors may designate a county  
13 employee to accompany a departmental official during the  
14 investigation of the premises of a confinement feeding  
15 operation. The county designee shall have the same right of  
16 access to the real estate of the premises as the departmental  
17 official conducting the inspection during the period that the  
18 county designee accompanies the departmental official.

19 Sec. 41. Section 501.101, subsection 2, paragraph b, Code  
20 1999, is amended to read as follows:

21 b. A person who owns at least one hundred fifty acres of  
22 agricultural land and receives as rent a share of the crops or  
23 the animals raised on the land if that person is a natural  
24 person or a general partnership as organized under chapter 486  
25 or 486A in which all partners are natural persons.

26 Sec. 42. Section 501.101, subsection 6, paragraph c, Code  
27 1999, is amended to read as follows:

28 c. A general partnership as organized under chapter 486 or  
29 486A in which all the partners are natural persons actively  
30 engaged in farming as provided in section 9H.1.

31 Sec. 43. Section 501.701, subsection 5, paragraph g, Code  
32 1999, is amended to read as follows:

33 g. Its most recent ~~biennial~~ annual report delivered to the  
34 secretary of state under section 501.713.

35 Sec. 44. Section 501.702, subsection 5, paragraph a, Code

1 1999, is amended to read as follows:

2 a. The right of a member to obtain information under  
3 section ~~501.702~~ 501.304 or the right of an interest holder to  
4 obtain information, if the interest holder is in litigation  
5 with the cooperative, to the same extent as any other  
6 litigant.

7 Sec. 45. Section 501.713, subsection 5, Code 1999, is  
8 amended to read as follows:

9 5. The secretary of state may provide for the change of  
10 registered office or registered agent on the form prescribed  
11 by the secretary of state for the annual report, provided that  
12 the form contains the information required in section 501.106.  
13 If the secretary of state determines that an annual report  
14 does not contain the information required by this section but  
15 otherwise meets the requirements of section 501.106 for the  
16 purpose of changing the registered office or registered agent,  
17 the secretary of state shall file the statement of change of  
18 registered office or registered agent, effective as provided  
19 in section 501.105, before returning the ~~biennial~~ annual  
20 report to the cooperative as provided in this section. A  
21 statement of change of registered office or agent pursuant to  
22 this subsection shall be executed by a person authorized to  
23 execute the annual report.

24 Sec. 46. Section 504A.100, subsection 3, unnumbered  
25 paragraph 1, Code 1999, is amended to read as follows:

26 Any domestic corporation organized or existing under the  
27 provisions of chapter 504, Code 1989, may voluntarily elect to  
28 adopt the provisions of this chapter and thereby become  
29 subject to its provisions and, during the period of two years  
30 from and after the effective date of this chapter, any foreign  
31 corporation holding a permit under the provisions of said  
32 chapter on said date may voluntarily elect to adopt the  
33 provisions of this chapter and thereby become subject to the  
34 provisions of this chapter. The procedure for electing to  
35 adopt the provisions of this chapter shall be as follows:

1     Sec. 47. Section 504A.100, subsection 3, paragraph e,  
2 unnumbered paragraph 1, Code 1999, is amended to read as  
3 follows:

4     The secretary of state shall not file such instrument with  
5 respect to a domestic corporation unless at the time thereof  
6 such corporation is validly existing and in good standing in  
7 that office under the provisions of chapter 504 ~~of-the,~~ Code  
8 1989. If the articles of incorporation of such corporation  
9 have not heretofore been filed in the office of the secretary  
10 of state, but are on file in the office of a county recorder,  
11 no such instrument of adoption shall be accepted by the  
12 secretary of state until the corporation shall have caused its  
13 articles of incorporation and all amendments duly certified by  
14 the proper county recorder to be recorded in the office of the  
15 secretary of state. Upon the filing of such instrument the  
16 secretary of state shall issue a certificate as to the filing  
17 of such instrument and deliver such certificate to the  
18 corporation or its representative.

19     Sec. 48. Section 504A.100, subsections 5, 6, 9, and 12,  
20 Code 1999, are amended to read as follows:

21     5. The provisions of this chapter becoming applicable to  
22 any domestic or foreign corporation shall not affect any right  
23 accrued or established, or any liability or penalty incurred,  
24 under the provisions of chapter 504, Code 1989, prior to the  
25 filing by the secretary of state in the secretary of state's  
26 office of the instrument manifesting the election of such  
27 corporation to adopt the provisions of this chapter as  
28 provided in subsection 3 of this section.

29     6. Except for the exceptions and limitations of subsection  
30 1 of this section, this chapter shall apply to: all domestic  
31 corporations organized after the date on which this chapter  
32 became effective; domestic corporations organized or existing  
33 under chapter 504, Code 1989, which voluntarily elect to adopt  
34 the provisions of this chapter and comply with the provisions  
35 of subsection 3 of this section; all foreign corporations

1 conducting or seeking to conduct affairs within this state and  
2 not holding, July 4, 1965, a valid permit so to do; foreign  
3 corporations holding, on the date the chapter becomes  
4 effective, a valid permit under the provisions of chapter 504,  
5 Code 1989, which, during the period of two years from and  
6 after said date, voluntarily elect to adopt the provisions of  
7 this chapter and comply with the provisions of subsection 3 of  
8 this section; and, upon the expiration of the period of two  
9 years from and after July 4, 1965, all foreign corporations  
10 holding such a permit on July 4, 1965.

11 9 No corporation to which the provisions of this chapter  
12 apply shall be subject to the provisions of chapter 504, Code  
13 1989.

14 12. Corporations existing under chapter 504, Code 1989,  
15 shall be subject to this chapter on July 1, 1990, except that  
16 the corporations shall be subject to sections 504A.8 and  
17 504A.83 on January 1, 1997. A corporate existence of a  
18 corporation that is not in compliance on the records of the  
19 secretary of state with sections 504A.8 and 504A.83 on June  
20 30, 1997, is terminated, effective July 1, 1997. A  
21 corporation whose existence is terminated pursuant to this  
22 subsection may be reinstated. When the reinstatement is  
23 effective, it relates back to and takes effect as of the  
24 effective date of the termination of its corporate existence  
25 as if such termination had never occurred. The secretary of  
26 state shall adopt rules governing the reinstatement of a  
27 corporation pursuant to this subsection.

28 Sec. 49. Section 523G.4, subsection 2, paragraph d, Code  
29 1999, is amended by striking the paragraph.

30 Sec. 50. Section 602.8102, subsection 152, Code 1999, is  
31 amended by striking the subsection.

32 Sec. 51. Section 692A.2, subsection 4, Code 1999, is  
33 amended to read as follows:

34 4. A person is not required to register while  
35 incarcerated, in foster care, or in a residential treatment

1 program. A person who is convicted, as defined in section  
2 692A.1, of either a criminal offense against a minor, sexual  
3 exploitation, a sexually violent offense, or an other relevant  
4 offense as a result of adjudication of delinquency in juvenile  
5 court shall be required to register as required in this  
6 chapter unless the juvenile court finds that the person should  
7 not be required to register under this chapter. If a juvenile  
8 is required to register and the court later modifies the order  
9 regarding the requirement to register, the court shall  
10 immediately notify the department. Convictions of more than  
11 one offense which require registration under this chapter but  
12 which are prosecuted within a single indictment shall be  
13 considered as a single offense for purposes of registration.

14 Sec. 52. Section 692A.16, subsection 1, Code 1999, is  
15 amended to read as follows:

16 1. The registration requirements of this chapter shall  
17 apply to persons convicted of a criminal offense against a  
18 minor, sexual exploitation, an other relevant offense, or a  
19 sexually violent offense prior to July 1, 1995, who are  
20 released on or after July 1, 1995, who are participating in a  
21 work release or institutional work release program on or after  
22 July 1, 1995, or who are under parole or probation supervision  
23 by a judicial district department of correctional services on  
24 or after July 1, 1995.

25 Sec. 53. Section 915.23, subsection 1, Code 1999, is  
26 amended to read as follows:

27 1. An employer shall not discharge an employee ~~from~~, or  
28 take or fail to take action, regarding an employee's promotion  
29 or proposed promotion, or take action to reduce an employee's  
30 wages or benefits, for actual time worked, due to the service  
31 of an employee as a witness in a criminal proceeding.

32 Sec. 54. Section 915.24, subsection 1, unnumbered  
33 paragraph 1, Code 1999, is amended to read as follows:

34 If a complaint is filed alleging that a child has committed  
35 a delinquent act, the alleged victim, as defined in section

1 915.10, has and a juvenile court officer shall notify the  
2 alleged victim, ~~as defined in section 915.10,~~ of the following  
3 rights:

4 EXPLANATION

5 This bill makes nonsubstantive corrections to the Code of  
6 Iowa.

7 Section 12D.5. Subsection 2, paragraph "a", and section  
8 12D.6 subsection 2, are amended to change the word  
9 "termination" to the word "cancellation" to conform the  
10 terminology usage within section 12D.5 and the reference to  
11 that section in section 12D.6. Section 12D.5 relates to the  
12 cancellation of agreements within the Iowa educational savings  
13 plan trust program established under 1998 Iowa Acts, chapter  
14 1172.

15 Section 16.161. Unnumbered paragraph 1, is amended by  
16 deleting the word "or" and adding punctuation. The  
17 administrator referred to under the section is the E911  
18 administrator appointed pursuant to section 34A.2A.  
19 Subchapter II of chapter 34A relates to the financing of the  
20 E911 program through the issuance of bonds and notes by the  
21 Iowa finance authority. Deleting the word "or" allows the  
22 verb "assist" to be directly modified by the phrase "as  
23 provided in chapter 34A, subchapter II".

24 Section 18.183. Subsection 2, is amended by deleting a  
25 reference to section 18.182. Section 18.182, which related to  
26 the powers and duties of the IowaAccess advisory council under  
27 section 18.181 was contained in section 12 of 1998 Iowa Acts,  
28 chapter 1224, but both the council and the language relating  
29 to the council's powers and duties were item vetoed by the  
30 governor.

31 Section 34A.7A. Subsection 2, paragraph "c", subparagraph  
32 (2), unnumbered paragraph 2, is amended by adding the word  
33 "wireless" to the fund referred to in that paragraph. The  
34 correct name of the fund is the wireless E911 emergency  
35 communications fund, as created in that section.

1 Section 68.10. Subsection 5 is amended by changing the  
2 reference to the chapter entitled "General Assembly" to a  
3 reference to chapter 2. Chapter 2 is entitled "General  
4 Assembly".

5 Section 85B.11. This section is amended by changing the  
6 word "exposed" to "subjected" in a sentence relating to  
7 excessive noise exposure under the occupational hearing loss  
8 chapter to conform the usage of terminology to changes made in  
9 1998 Iowa Acts, chapter 1160. That Act included amendments  
10 which changed language referring to employees who were exposed  
11 to excessive noise levels to language relating to employees  
12 who were subjected to excessive noise exposure.

13 Section 88A.1. This section is amended by striking a comma  
14 and adding the word "or" in subsection 2, to correct the  
15 grammatical usage within that definition. The section is also  
16 amended by adding the word "ride" to the term "amusement  
17 owner" in subsection 11, since the sentence in that subsection  
18 refers to employees, agents, or servants of owners of  
19 amusement rides and not amusement devices.

20 Section 97B.73A. Subsection 1 is amended by striking the  
21 word "employee" from the term "employee contributions" in a  
22 provision of the Iowa public employees' retirement system  
23 chapter which relates to contributions by part-time county  
24 attorneys. Changes in this section made pursuant to 1998 Iowa  
25 Acts, chapter 1183, section 66, changed all other references  
26 from "employee contributions" to "contributions" within this  
27 section, and the language in which this reference is contained  
28 refers back to language in which the reference was changed.

29 Section 124.502. Subsection 1, paragraph "c", is amended  
30 by adding the words "and to" to the last sentence to indicate  
31 that a copy of the inventory of property seized is also to be  
32 delivered to the applicant for an administrative inspection  
33 search warrant. The words were inadvertently omitted during  
34 codification of the amendments to the section into the 1983  
35 Code Supplement of the Iowa Code.

1 Section 135C.33. Subsection 5, paragraph "e", unnumbered  
2 paragraph 2, is amended by adding the word "checks" to  
3 language pertaining to the child abuse record. The section  
4 relates to the performance of checks of criminal and child  
5 abuse and dependent adult abuse records.

6 Section 136B.5. This section is amended by changing the  
7 word "division" to the word "chapter". There are no divisions  
8 within chapter 136B, which relates to radon testing.

9 Section 144.13A. A reference in section 331.605, which  
10 provides for the charging of fees for certain records, is  
11 corrected to refer to subsection 5 instead of subsection 6.  
12 1995 Iowa Acts, chapter 124, section 11, added new subsections  
13 6 and 7 to section 331.605. The subsections were renumbered  
14 during the codification process. However, references to the  
15 new subsections, one of which was contained in this section,  
16 were not corrected to reflect that renumbering.

17 Section 147.14. Subsection 1 is amended by restructuring  
18 the sentence relating to the licensing board for the  
19 profession of barbering. The subsection previously related to  
20 various licensing boards for the professions of barbering,  
21 podiatry, and social work, but amendments made by 1996 Iowa  
22 Acts, chapter 1035, sections 2 and 13, and 1998 Iowa Acts,  
23 chapter 1002, removed the other two professions from this  
24 subsection effective July 1, 1998, and necessitated the  
25 sentence restructure to reflect the reference to a single  
26 licensing board.

27 Section 159.5. Subsection 9, is amended by striking a  
28 reference to inspection of cold storage plants. Chapter 171,  
29 which pertained to regulation and inspection of cold storage  
30 plants was repealed by 1998 Iowa Acts, chapter 1032, section  
31 9, and was not replaced by other provisions.

32 Section 161A.80. Subsection 2, unnumbered paragraph 1, is  
33 amended by adding the word "revolving" to language referring  
34 to a fund for protection of blufflands. The correct name of  
35 the fund is the blufflands protection revolving fund.

1 Section 166.42. Unnumbered paragraph 1 is amended by  
2 changing references to the chief of the division of animal  
3 industry of the state and the veterinarian-in-charge for Iowa  
4 of the animal, plant, and health division of the United States  
5 department of agriculture. There is no longer a division of  
6 animal industry within the Iowa department of agriculture and  
7 land stewardship and the functions related to hog-cholera  
8 outbreaks under this paragraph are performed by the state  
9 veterinarian. The correct name of the federal inspection  
10 service is the animal, plant, and health inspection service-  
11 veterinary services of the United States department of  
12 agriculture.

13 Section 173.6. Unnumbered paragraph 2 is amended by adding  
14 the words "board congressional" to the term "director". The  
15 individuals elected under section 173.1, which is referenced  
16 in this paragraph, are board congressional directors.

17 Section 190C.1. Subsections 10 and 19 are amended by  
18 changing references to food service establishments to  
19 references to food establishments and changing a reference to  
20 former section 137B.2 to section 137F.1. Former chapter 137B,  
21 pertaining to food service establishments, was repealed and  
22 replaced by new chapter 137F, pertaining to food  
23 establishments, pursuant to 1998 Iowa Acts, chapter 1162.  
24 Subsection 18 is amended by adding the word "former" before a  
25 reference to chapter 504 and adding the word "chapter" before  
26 a reference to chapter 504A. Chapter 504 was repealed by 1990  
27 Iowa Acts, chapter 1164, effective July 1, 1990, and  
28 corporations established under the provisions of that chapter  
29 are currently subject to the requirements of chapter 504A.

30 Section 190C.4. Subsection 3 is amended to change the  
31 words "issue ordered" to the words "order issued". The  
32 violation referred to in the subsection is a violation of an  
33 order which is issued by the department of agriculture and  
34 land stewardship under the chapter. Chapter 190C pertains to  
35 the regulation and sale of organic agricultural products.

1 Section 200A.3. Subsection 2 is amended by changing a  
2 reference to "an animal nutrient product" to "a dry animal  
3 nutrient product". The term "dry animal nutrient product" is  
4 defined under chapter 200A, which is limited to the regulation  
5 and licensing of those persons who distribute bulk dry animal  
6 nutrient products as opposed to any other animal nutrient  
7 products.

8 Section 216A.71. Subsection 1 changes the word  
9 "administrator" to "director" to correct the reference to the  
10 title of the administrative head of the department of human  
11 rights in the chapter pertaining to the department of human  
12 rights.

13 Section 216A.73. Subsection 4 of this section, which  
14 establishes the ex officio membership of the commission of  
15 persons with disabilities, is amended to change a reference to  
16 the director of vocational rehabilitation to a reference to  
17 the administrator of the division of vocational rehabilitation  
18 of the department of education. Vocational rehabilitation is  
19 currently a division of that department and the title of the  
20 head of that division is "administrator".

21 Sections 216B.2 and 216B.6. Unnumbered paragraph 1 is  
22 amended by replacing the word "subchapter" with "chapter".  
23 There are no subchapters in chapter 216B, which establishes  
24 the department for the blind.

25 Section 230A.3. Subsection 3 is amended to change the name  
26 of the mental health and mental retardation commission to the  
27 correct name of the mental health and developmental  
28 disabilities commission.

29 Section 235A.13. This section, containing the definitions  
30 which apply to the child abuse information registry, is  
31 amended by striking subsection 7, moving the identical  
32 language to new subsection 1, and renumbering the remaining  
33 subsections to place the subsections in proper alphabetical  
34 order.

35 Section 249A.4. Subsection 15 is amended to change the

1 name of the mental health and mental retardation commission to  
2 the correct name of the mental health and developmental  
3 disabilities commission.

4 Section 280.11. This section is amended by combining  
5 unnumbered paragraph 1 and subsection 1 (no subsection 2  
6 currently exists) and numbering and renumbering the section.  
7 The section pertains to the use of ear-protective devices in  
8 vocational or industrial arts shops or laboratories.

9 Sections 321.187, 321.188, 321.208, 321.449, and 321M.6.  
10 These sections are amended by deleting language which refers  
11 to an adoption of rules relating to requirements for  
12 commercial driver's licenses by the department of  
13 transportation by a specific date. The rules were adopted  
14 pursuant to the federal requirements and, under the federal  
15 language, persons subject to the federal requirements must  
16 comply with those requirements irrespective of any state rules  
17 adopted pursuant to the federal requirements. The unnumbered  
18 paragraphs in section 321.449 were also assigned alpha-numeric  
19 section designations.

20 Section 321.491. Unnumbered paragraph 2 is amended by  
21 striking the words "the judicial branch shall" to correct the  
22 sentence structure in that paragraph. The subject and verb  
23 auxiliary antecedents are still "the judicial branch" and  
24 "shall" under the sentence as amended.

25 Section 321J.2. Subsection 7, paragraph "a", is amended by  
26 striking the words "Division I of this" and replacing the  
27 words with "This". There are no divisions in Code section  
28 321J.2 and the words "Division I of this" were inadvertently  
29 added during the amending and enrolling process for 1998 Iowa  
30 Acts, chapter 1138.

31 Section 331.605. Subsection 3 is amended by changing a  
32 reference from Code section 484A.3 to 483A.1. Code section  
33 484A.3 was repealed by 1998 Iowa Acts, chapter 1199, section  
34 26. Code section 483A.1 lists the fees and the charges for  
35 various licenses and contains the separate migratory game bird

1 fee. Subsection 5 is amended by combining paragraph "a" with  
2 unnumbered paragraph 1. 1998 Iowa Acts, chapter 1020, struck  
3 paragraph "b" in this subsection, leaving the obtaining of a  
4 certified copy of a birth record, death record, or marriage  
5 certificate as the only services for which a four-dollar  
6 county fee may be charged.

7 Section 455B.110. Subsection 1, paragraph "c",  
8 subparagraph (3), is amended by adding the word "designee"  
9 after the word "county" to refer to the official who will  
10 accompany the departmental official during the investigation  
11 of the premises of a confinement feeding operation.

12 Section 501.101. Subsection 2, paragraph "b", and  
13 subsection 6, paragraph "c", are amended by adding references  
14 to new Code chapter 486A. 1998 Iowa Acts, chapter 1201,  
15 established a new uniform partnership act, which is currently  
16 optional but will replace current Code chapter 486 on January  
17 1, 2001.

18 Sections 501.701 and 501.713. Subsection 5, paragraph "g",  
19 of 501.701 and subsection 5, of section 501.713, are amended  
20 by changing the word "biennial" to "annual". 1998 Iowa Acts,  
21 chapter 1152, changed the timeframe for the submission of  
22 reports by cooperative corporations under Code section 501.713  
23 from biennial reporting to annual reporting.

24 Section 501.702. Subsection 5, paragraph "a", is amended  
25 to correct a reference which relates to a member of a  
26 cooperative corporation to receive information from Code  
27 section 501.702 to Code section 501.304. Code section 501.304  
28 pertains to member information.

29 Section 504A.100. Subsections 3, 5, 6, 9, and 12, are  
30 amended by adding the words "Code 1989" after references to  
31 chapter 504. Chapter 504 was repealed by 1990 Iowa Acts,  
32 chapter 1164, effective July 1, 1990, and corporations  
33 established under the provisions of that chapter are currently  
34 subject to the requirements of Code chapter 504A.

35 Section 523G.4. Subsection 2, paragraph "d", which

1 requires an invention developer to include in a written  
2 disclosure to a customer a copy of the current registration  
3 certificate issued under section 523G.10, is stricken. 1998  
4 Acts, chapter 1119, section 6, repealed section 523G.10.

5 Section 602.8102. Subsection 152, which relates to the  
6 clerk of the district court's duties relating to a trial  
7 certificate list, is stricken. The 1998 revisions by the Iowa  
8 supreme court to the Iowa rules of civil procedure eliminated  
9 the trial certificate and the trial certificate list.

10 Section 692A.2. Subsection 4 is amended by striking the  
11 word "either" in the sentence referring to the offenses which  
12 require registration under the sex offender registration  
13 chapter. There are more than two classes of offenses which  
14 trigger the registration requirements.

15 Section 692A.16. Subsection 1 is amended by adding the  
16 word "who" to indicate the applicability of the sex offender  
17 registration requirements to persons convicted of a criminal  
18 offense against a minor, sexual exploitation, another relevant  
19 offense, or a sexually violent offense prior to July 1, 1995,  
20 but who are released on or after July 1, 1995, or who meet  
21 certain other criteria.

22 Section 915.23. Subsection 1 is amended by making  
23 grammatical corrections. The corrections specify that an  
24 employer is not to discharge an employee or take or fail to  
25 take action regarding a promotion or proposed promotion or  
26 take action to reduce benefits for actual time worked when an  
27 employee serves as a witness in a criminal proceeding.

28 Section 915.24. Subsection 1 is amended to specify that an  
29 alleged victim of a delinquent act has the rights which are to  
30 be included in the notice provided by the juvenile court  
31 officer.

32  
33  
34  
35

AN ACT  
RELATING TO NONSUBSTANTIVE CODE CORRECTIONS.

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

Section 1. Section 12D.5, subsection 2, paragraph a, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Upon the occurrence of any of the following circumstances, no refund penalty shall be levied by the trust in the event of termination cancellation of a participation agreement:

Sec. 2. Section 12D.6, subsection 2, unnumbered paragraph 2, Code 1999, is amended to read as follows:

No right to receive investment income shall exist in cases of voluntary participant termination cancellation except as provided in section 12D.5.

Sec. 3. Section 16.161, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The authority shall assist the administrator, appointed pursuant to section 34A.2A or, as provided in chapter 34A, subchapter II, and the authority shall have all of the powers delegated to it by a joint E911 service board or the department of public defense in a chapter 28E agreement with

respect to the issuance and securing of bonds or notes and the carrying out of the purposes of chapter 34A.

Sec. 4. Section 18.183, subsection 2, Code 1999, is amended to read as follows:

2. The division of information technology services shall not have authority to determine whether an individual government agency should automate records of which the individual government agency is the lawful custodian. However, the division may encourage governmental agencies to implement electronic access to government records ~~as provided in section 18.182.~~

Sec. 5. Section 34A.7A, subsection 2, paragraph c, subparagraph (2), unnumbered paragraph 2, Code 1999, is amended to read as follows:

A joint E911 service board or the department of public safety, to receive funds from the wireless E911 emergency communications fund, must submit a written request for such funds to the administrator in a form as approved by the administrator. A request shall be for funding under an approved E911 service plan for equipment which is directly related to the reception and disposition of incoming wireless E911 calls. The administrator may approve the distribution of funds pursuant to such request if the administrator finds that the requested funding is for equipment necessary for the reception and disposition of such calls and that sufficient funds are available for such distribution.

Sec. 6. Section 68.10, subsection 5, Code 1999, is amended to read as follows:

5. To exercise the powers and privileges conferred upon the senate for punishment as for contempts in the chapter entitled "~~General Assembly~~" 2.

Sec. 7. Section 85B.11, Code 1999, is amended to read as follows:

85B.11 PREVIOUS HEARING LOSS EXCLUDED.

An employer is liable, as provided in this chapter and subject to the provisions of chapter 85, for an occupational hearing loss to which the employment has contributed, but if

previous hearing loss, whether occupational or not, is established by an audiometric examination or other competent evidence, whether or not the employee was exposed subjected to excessive noise exposure within six months preceding the test, the employer is not liable for the previous loss, nor is the employer liable for a loss for which compensation has previously been paid or awarded. The employer is liable only for the difference between the percent of occupational hearing loss determined as of the date of the audiometric examination used to determine occupational hearing loss and the percentage of loss established by the pre-employment audiometric examination. An amount paid to an employee for occupational hearing loss by any other employer shall be credited against compensation payable by an employer for the hearing loss. An employee shall not receive in the aggregate greater compensation from all employers for occupational hearing loss than that provided in this section for total occupational hearing loss. A payment shall not be made to an employee unless the employee has worked in excessive noise exposure employment for a total period of at least ninety days for the employer from whom compensation is claimed.

Sec. 8. Section 88A.1, subsections 2 and 11, Code 1999, are amended to read as follows:

2. "Amusement ride" means any mechanized device, or combination of devices which carries passengers along, around, or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement. "Amusement ride" does not include a device or structure that is devoted principally to exhibitions related to agriculture, the arts, education, industry, religion, or science.

11. "Rider" means a person waiting in the immediate vicinity of an amusement ride to get on the amusement ride, getting on an amusement ride, using an amusement ride, getting off an amusement ride, or leaving an amusement ride and still in the immediate vicinity of the amusement ride. "Rider" does not include an employee, agent, or servant of the amusement ride owner while engaged in the duties of their employment.

Sec. 9. Section 97B.73A, subsection 1, Code 1999, is amended to read as follows:

1. A part-time county attorney may elect in writing to the department to make contributions to the system for the county attorney's previous service as a county attorney and receive credit for membership service in the system for the applicable period of service as a part-time county attorney for which employee contributions are made. A member making contributions pursuant to this section may make the contributions either for the entire applicable period of service, or for portions of the period of service, and if contributions are made for portions of the period of service, the contributions shall be in increments of one or more calendar quarters.

Sec. 10. Section 124.502, subsection 1, paragraph c, Code 1999, is amended to read as follows:

c. A warrant issued pursuant to this section must be executed and returned within ten days after its date unless, upon a showing of a need for additional time, the court so instructs otherwise in the warrant. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom the property is seized, or the person in charge of the premises from which the property is seized, a copy of the warrant and a receipt for the property seized or shall leave the copy and receipt at the place from which the property is seized. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property seized. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was seized, if they are present, or in the presence of at least one credible person other than the person executing the warrant. A copy of the inventory shall be delivered to the person from whom or from whose premises the property was seized and to the applicant for the warrant.

Sec. 11. Section 135C.33, subsection 5, paragraph e, unnumbered paragraph 2, Code 1999, is amended to read as follows:

In substantial conformance with the provisions of this section, prior to the employment of such an employee, the provider shall request the performance of the criminal and dependent adult abuse record checks and may request the performance of the child abuse record checks. The provider shall inform the prospective employee and obtain the prospective employee's signed acknowledgment. The department of human services shall perform the evaluation of any criminal record or founded child or dependent adult abuse record and shall make the determination of whether a prospective employee of a provider shall not be employed by the provider.

Sec. 12. Section 136B.5, Code 1999, is amended to read as follows:

136B.5 PENALTY FOR VIOLATION.

A person who violates a provision of this division chapter is guilty of a serious misdemeanor.

Sec. 13. Section 144.13A, Code 1999, is amended to read as follows:

144.13A FEES -- USE OF FUNDS.

The county registrar or state registrar shall charge the parent a ten dollar fee for the registration of a certificate of birth and a separate fee established under section 144.46 for a certified copy of the certificate except as otherwise provided in section 331.605, subsection 6 5. The certified copy shall be mailed to the parent by the state registrar. If the person responsible for the filing of the certificate of birth under section 144.13 is not the parent, the person is entitled to collect the fee from the parent. The fee shall be remitted to the appropriate registrar. If the expenses of the birth are reimbursed under the medical assistance program established by chapter 249A, or paid for under the statewide indigent patient care program established by chapter 255, or paid for under the obstetrical and newborn indigent patient care program established by chapter 255A, or if the parent is indigent and unable to pay the expenses of the birth and no other means of payment is available to the parent, the registration fee and certified copy fee are waived. If the

person responsible for the filing of the certificate is not the parent, the person is discharged from the duty to collect and remit the fee under this section if the person has made a good faith effort to collect the fee from the parent. The fees collected by the county registrar and state registrar shall be remitted to the treasurer of state for deposit in the general fund of the state. It is the intent of the general assembly that the funds generated from the registration fees be appropriated and used for primary and secondary child abuse prevention programs. It is the intent of the general assembly that the funds generated from the fees as established under section 144.46 for the mailing of the certified copy of the birth certificate be appropriated and used to support the distribution of the automatic birth certificate and the implementation of the electronic birth certificate system.

Sec. 14. Section 147.14, subsection 1, Code 1999, is amended to read as follows:

1. For barbering, three members ~~each~~, licensed to practice ~~the-profession-for-which-the-board-conducts-examinations~~ barbering, and two members who are not licensed to practice ~~the-profession-for-which-the-board-conducts-examinations~~ barbering and who shall represent the general public. A quorum shall consist of a majority of the members of the board.

Sec. 15. Section 159.5, subsection 9, Code 1999, is amended to read as follows:

9. Inspect and supervise all ~~cold-storage-plants-and~~ food producing or distributing establishments including the furniture, fixtures, utensils, machinery, and other equipment so as to prevent the production, preparation, packing, storage, or transportation of food in a manner detrimental to its character or quality.

Sec. 16. Section 161A.80, subsection 2, unnumbered paragraph 1, Code 1999, is amended to read as follows:

A blufflands protection revolving fund is created in the state treasury. All proceeds shall be divided into two equal accounts. One account shall be used for the purchase of

blufflands along the Mississippi river and its tributaries and the other account shall be used for the purchase of blufflands along the Missouri river and its tributaries. The proceeds of the revolving fund are appropriated to make loans to conservation organizations which agree to purchase bluffland properties adjacent to state public lands. The department shall adopt rules pursuant to chapter 17A to administer the disbursement of funds. Notwithstanding section 12C.7, interest or earnings on investments made pursuant to this section or as provided in section 12B.10 shall be credited to the blufflands protection revolving fund. Notwithstanding section 8.33, unobligated or unencumbered funds credited to the blufflands protection revolving fund shall not revert at the close of a fiscal year. However, the maximum balance in the blufflands protection revolving fund shall not exceed two million five hundred thousand dollars. Any funds in excess of two million five hundred thousand dollars shall be credited to the rebuild Iowa infrastructure fund.

Sec. 17. Section 166.42, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The secretary may establish a reserve supply of biological products of approved modified live virus hog-cholera vaccine and of anti-hog-cholera serum or its equivalent in antibody concentrate to be used as directed by the secretary in the event of an emergency resulting from a hog-cholera outbreak. Vaccine and serum or antibody concentrate from the reserve supply, if used for such an emergency, shall be made available to swine producers at a price which will not result in a profit. Payment shall be made by the producer to the department and such vaccine shall be administered by a licensed practicing veterinarian. The secretary may cooperate with other states in the accumulation, maintenance and disbursement of such reserve supply of biological products. The secretary, with the advice and written consent of the ~~chief-of-the-division-of-animal-industry-of-the~~ state veterinarian, and the advice and written consent of the veterinarian-in-charge ~~in~~ for Iowa of the animal, plant, and

health division inspection service-veterinary services, United States department of agriculture, shall determine when an emergency resulting from a hog-cholera outbreak exists.

Sec. 18. Section 173.6, unnumbered paragraph 2, Code 1999, is amended to read as follows:

A member of the board who is a board congressional director, elected as provided in section 173.1, shall serve a term of two years. The term of a board congressional director shall begin following the adjournment of the convention at which the board congressional director was elected and shall continue until a successor is elected and qualified as provided in this chapter.

Sec. 19. Section 190C.1, subsections 10, 18, and 19, Code 1999, are amended to read as follows:

10. "Handler" means a person engaged in the business of handling agricultural products, including but not limited to distributors, wholesalers, brokers, and repackers. "Handler" does not include a person selling agricultural products to consumers on a retail basis, including a food ~~service~~ establishment as defined in section ~~137B-2~~ 137F.1, retail grocery, meat market, or bakery, if the person does not process the agricultural product.

18. "Regional organic association" means a corporation organized under former chapter 504 or chapter 504A which has certifying members, elects its own officers and directors, and is independent from the department.

19. "Retailer" means a person, other than an operator of a food ~~service~~ establishment, who is engaged in the business of selling food at retail to the ultimate customer.

Sec. 20. Section 190C.4, subsection 3, Code 1999, is amended to read as follows:

3. A violation of this chapter includes a violation of any rule adopted or ~~issue-ordered~~ order issued pursuant to this chapter as provided in this chapter and under chapter 17A.

Sec. 21. Section 200A.3, subsection 2, Code 1999, is amended to read as follows:

2. "Bulk dry animal nutrient product" or "bulk product" means ~~an a~~ dry animal nutrient product delivered to a purchaser in bulk form to which a label cannot be attached.

Sec. 22. Section 216A.73, subsection 4, Code 1999, is amended to read as follows:

4. The ~~director~~ administrator of the division of vocational rehabilitation of the department of education.

Sec. 23. Section 216B.2, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The commission for the blind is established consisting of three members appointed by the governor, subject to confirmation by the senate. Members of the commission shall serve three-year terms beginning and ending as provided in section 69.19. The commission shall adopt rules concerning programs and services for blind persons provided under this ~~subchapter~~ chapter.

Sec. 24. Section 216B.6, Code 1999, is amended to read as follows:

216B.6 POWERS.

The commission shall have all powers necessary to carry out the functions and duties specified in this ~~subchapter~~ chapter, including, but not limited to the power to establish advisory committees on special studies, to solicit and accept gifts and grants, to adopt rules according to chapter 17A for the commission and department, and to contract with public and private groups to conduct its business. All departments, divisions, agencies, and offices of the state shall make available upon request of the commission information which is pertinent to the subject matter of the study and which is not by law confidential.

Sec. 25. Section 230A.3, subsection 3, Code 1999, is amended to read as follows:

3. Continued operation of a center originally established prior to July 1, 1998, under subsection 2 without an agreement with the board or boards of supervisors which originally established the center, provided the center is in compliance with the applicable standards adopted by the mental health and ~~mental-retardation~~ developmental disabilities commission.

Sec. 26. Section 235A.13, subsections 1 through 7, Code 1999, are amended to read as follows:

1. "Assessment data" means any of the following information pertaining to the department's evaluation of a family:

a. Identification of the strengths and needs of the child, and of the child's parent, home, and family.

b. Identification of services available from the department and informal and formal services and other support available in the community to meet identified strengths and needs.

2. "Child abuse information" means any or all of the following data maintained by the department in a manual or automated data storage system and individually identified:

- a. Report data.
- b. Assessment data.
- c. Disposition data.

3. "Confidentiality" means the withholding of information from any manner of communication, public or private.

4. "Department" means the department of human services.

5. "Disposition data" means information pertaining to an opinion or decision as to the occurrence of child abuse, including:

- a. Any intermediate or ultimate opinion or decision reached by assessment personnel.
- b. Any opinion or decision reached in the course of judicial proceedings.
- c. The present status of any case.

6. "Expungement" means the process of destroying child abuse information.

7. "Individually identified" means any report, assessment, or disposition data which names the person or persons responsible or believed responsible for the child abuse.

~~7. -- "Assessment data" means any of the following information pertaining to the department's evaluation of a family:~~

~~a. Identification of the strengths and needs of the child, and of the child's parent, home, and family;~~

~~b. Identification of services available from the department and informal and formal services and other support available in the community to meet identified strengths and needs;~~

Sec. 27. Section 249A.4, subsection 15, Code 1999, is amended to read as follows:

15. Establish appropriate reimbursement rates for community mental health centers that are accredited by the mental health and ~~mental-retardation~~ developmental disabilities commission. The reimbursement rates shall be phased-in over the three-year period beginning July 1, 1998, and ending June 30, 2001.

Sec. 28. Section 280.11, Code 1999, is amended to read as follows:

280.11 EAR-PROTECTIVE DEVICES.

1. Every student and teacher in any public or nonpublic school shall wear industrial quality ear-protective devices while the student or teacher is participating in any phase or activity of a course which may subject the student or teacher to the risk or hazard of hearing loss from noise in processes or procedures used in ~~any of the following courses:~~

~~1. Vocational~~ vocational or industrial arts shops or laboratories involving experiences with any of the following:

- a. Milling, sawing, turning, shaping, cutting, grinding or stamping of any solid materials.
- b. Kiln firing of any metal or other materials.
- c. Electric arc welding.
- d. Repair or servicing of any vehicle while in shop.
- e. Static tests, maintenance or repair of internal combustion engines.
- f. Letter press, paper folders, monotype.

2. It shall be the duty of the teacher or other person supervising the students in said courses to see that the above requirements are complied with. Any student failing to comply with such requirements may be temporarily suspended from

participation in the course and the registration of a student for the course may be canceled for willful, flagrant or repeated failure to observe the above requirements.

3. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall provide the safety devices required herein in this section. Such devices may be paid for from the general fund, but the board may require students and teachers to pay for the safety devices and shall make them available to students and teachers at no more than the actual cost to the district or school.

4. a. "Industrial quality ear-protective devices", as used in this section, means devices meeting the American National Standard for Measurement of the Real-Ear attenuation of Ear Protectors at Threshold promulgated by the American National Standards Institute, Inc.

b. "Noise" as used in this section, means a noise level that meets or exceeds damage-risk criteria established by the present federal standard for occupational noise exposure, Occupational Safety and Health Standards.

Sec. 29. Section 321.187, Code 1999, is amended to read as follows:

321.187 EXAMINERS.

1. The department shall examine applicants for driver's licenses. Examiners of the department shall wear an identifying badge and uniform provided by the department.

2. b. The department may by rule designate community colleges to administer the driving skills test required for a commercial driver's license provided that all of the following occur:

1. a. The driving skills test is the same as that which would otherwise be administered by the state.

2. b. The examiner contractually agrees to comply with the requirements of 49 C.F.R. § 383.75 as adopted as-of-a-specific date by rule by the department.

Sec. 30. Section 321.188, subsection 1, paragraphs a and c, Code 1999, are amended to read as follows:

a. Certify whether the applicant is subject to and meets applicable driver qualifications of 49 C.F.R. part 391 as adopted as-of-a-specific-date by rule by the department.

c. Successfully pass knowledge tests and driving skills tests which the department shall require by rule. The rules adopted shall substantially comply with the federal minimum testing and licensing requirements in 49 C.F.R. part 383, subparts E, G, and H as adopted as-of-a-specific-date by rule by the department.

Sec. 31. Section 321.188, subsection 2, paragraph b, subparagraph (2), Code 1999, is amended to read as follows:

(2) The applicant has not had any convictions which are federal commercial driver's license disqualifying offenses under 49 C.F.R. § 383.51 as adopted as-of-a-specific-date by rule by the department while operating any type of vehicle.

Sec. 32. Section 321.188, subsection 3, Code 1999, is amended to read as follows:

3. An applicant for a hazardous material endorsement must pass a knowledge test as required under 49 C.F.R. § 383.121 as adopted as-of-a-specific-date by rule by the department to obtain or retain the endorsement. However, an applicant for license issuance who was previously issued a commercial driver's license from another state may retain the hazardous material endorsement from the previously issued license if the applicant successfully passed the endorsement test within the preceding twenty-four months.

Sec. 33. Section 321.208, subsection 2, Code 1999, is amended to read as follows:

2. A person is disqualified for life if convicted or found to have committed two or more of the above acts or offenses arising out of two or more separate incidents. However, a disqualification for life is subject to a reduction to a ten-year disqualification as provided in 49 C.F.R. § 383.51 as adopted as-of-a-specific-date by rule by the department.

Sec. 34. Section 321.449, Code 1999, is amended to read as follows:

321.449 MOTOR CARRIER SAFETY RULES.

1. A person shall not operate a commercial vehicle on the highways of this state except in compliance with rules adopted by the department under chapter 17A. The rules shall be consistent with the federal motor carrier safety regulations promulgated under United States Code, Title 49, and found in 49 C.F.R. § 390-399 and adopted under chapter 17A which-rules shall-be-to-a-date-certain.

2. Rules adopted under this section concerning driver qualifications, hours of service, and recordkeeping requirements do not apply to the operators of public utility trucks, trucks hauling gravel, construction trucks and equipment, trucks moving implements of husbandry, and special trucks, other than a truck tractor, operating intrastate. Trucks for hire on construction projects are not exempt from this section.

3. Rules adopted under this section concerning driver age qualifications do not apply to drivers for private and for-hire motor carriers which operate solely intrastate except when the vehicle being driven is transporting a hazardous material in a quantity which requires placarding. The minimum age for the exempted intrastate operations is eighteen years of age.

4. Notwithstanding other provisions of this section, rules adopted under this section for drivers of commercial vehicles shall not apply to a driver of a commercial vehicle who is engaged exclusively in intrastate commerce, when the commercial vehicle's gross vehicle weight rating is 26,000 pounds or less, unless the vehicle is used to transport hazardous materials requiring a placard or if the vehicle is designed to transport more than fifteen passengers, including the driver. For the purpose of complying with the hours of service recordkeeping requirements under 49 C.F.R. § 395.1(e)(5), a driver's report of daily beginning and ending on-duty time submitted to the motor carrier at the end of each work week shall be considered acceptable motor carrier time records. In addition, rules adopted under this section shall not apply to a driver for a farm operation as defined in

section 352.2, or for an agricultural interest when the commercial vehicle is operated between the farm as defined in section 352.2 and another farm, between the farm and a market for farm products, or between the farm and an agribusiness location. A driver or a driver-salesperson for a private carrier, who is not for hire and who is engaged exclusively in intrastate commerce, may drive twelve hours, be on duty sixteen hours in a twenty-four hour period and be on duty seventy hours in seven consecutive days or eighty hours in eight consecutive days. A driver-salesperson means as defined in 49 C.F.R. § 395.2, as adopted as-of-a-specific-date by the department by rule.

5. a. Notwithstanding other provisions of this section, rules adopted under this section concerning physical and medical qualifications for drivers of commercial vehicles engaged in intrastate commerce shall not be construed as disqualifying any individual who was employed as a driver of commercial vehicles engaged in intrastate commerce whose physical or medical condition existed prior to July 29, 1996.

b. Notwithstanding other provisions of this section, rules adopted under this section concerning physical and medical qualifications for a driver shall not apply to a farmer or a farmer's hired help when operating a vehicle owned by the farmer while it is being used in connection with the intrastate transportation of fertilizers and chemicals used in the farmer's crop production.

c. Notwithstanding other provisions of this section, rules adopted under this section concerning physical and medical qualifications for a driver shall not apply to a farmer or a farmer's hired help when operating a vehicle owned by the farmer while it is being used in connection with the intrastate transportation of agricultural commodities or feed.

6. Notwithstanding other provisions of this section, rules adopted under this section shall not impose any requirements which impose any restrictions upon a person operating an implement of husbandry or pickup to transport fertilizers and pesticides in that person's agricultural operations.

7. Rules adopted under this section concerning periodic inspections shall not apply to special trucks as defined in section 321.1, subsection 76, and registered under section 321.121.

8. Rules adopted under this section shall not apply to vehicles used in combination provided the gross vehicle weight rating of the towing unit is ten thousand pounds or less and the gross combination weight rating is twenty-six thousand pounds or less.

Sec. 35. Section 321.491, unnumbered paragraph 2, Code 1999, is amended to read as follows:

Within ten days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on highways every magistrate of the court or clerk of the district court of record in which the conviction occurred or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of the case. The abstract must be certified by the person preparing it to be true and correct. The clerk of the district court shall collect a fee of fifty cents for each individual copy of any record of conviction or forfeiture of bail furnished to any requestor at the clerk's office except for the department or other local, state, or federal government entity. Moneys collected under this section shall be transferred to the department as a repayment receipt, as defined in section 8.2, to enhance the efficiency of the department to process records and information between the department and the Iowa court information system. Notwithstanding any other provision in this section or chapter 22, the judicial branch shall be the provider of public electronic access to the clerk's records of convictions and forfeitures of bail through the Iowa court information system and shall, if all such records are provided monthly to a vendor, ~~the-judicial-branch-shall~~ collect a fee from such vendor which is the greater of three thousand dollars per month or the actual direct cost of providing the records.

Sec. 36. Section 321J.2, subsection 7, paragraph a, Code 1999, is amended to read as follows:

a. ~~Division I of this~~ This section does not apply to a person operating a motor vehicle while under the influence of a drug if the substance was prescribed for the person and was taken under the prescription and in accordance with the directions of a medical practitioner as defined in chapter 155A or if the substance was dispensed by a pharmacist without a prescription pursuant to the rules of the board of pharmacy examiners, if there is no evidence of the consumption of alcohol and the medical practitioner or pharmacist had not directed the person to refrain from operating a motor vehicle.

Sec. 37. Section 321M.6, subsection 2, paragraph b, Code 1999, is amended to read as follows:

b. The county examiner contractually agrees to comply with the requirements of 49 C.F.R. § 383.75, as adopted as-of-a specific-date by rule by the department.

Sec. 38. Section 331.605, subsections 3 and 5, Code 1999, are amended to read as follows:

3. A state migratory game bird fee as provided in section ~~484A:3~~ 483A.1.

5. A county fee of four dollars for ~~the following certificates, records, or services:~~

~~a. A~~ a certified copy of a birth record, death record, or marriage certificate.

Sec. 39. Section 455B.110, subsection 1, paragraph c, subparagraph (3), Code 1999, is amended to read as follows:

(3) The county board of supervisors may designate a county employee to accompany a departmental official during the investigation of the premises of a confinement feeding operation. The county designee shall have the same right of access to the real estate of the premises as the departmental official conducting the inspection during the period that the county designee accompanies the departmental official.

Sec. 40. Section 501.101, subsection 2, paragraph b, Code 1999, is amended to read as follows:

b. A person who owns at least one hundred fifty acres of agricultural land and receives as rent a share of the crops or the animals raised on the land if that person is a natural person or a general partnership as organized under chapter 486 or 486A in which all partners are natural persons.

Sec. 41. Section 501.101, subsection 6, paragraph c, Code 1999, is amended to read as follows:

c. A general partnership as organized under chapter 486 or 486A in which all the partners are natural persons actively engaged in farming as provided in section 9H.1.

Sec. 42. Section 501.701, subsection 5, paragraph g, Code 1999, is amended to read as follows:

g. Its most recent ~~biennial~~ annual report delivered to the secretary of state under section 501.713.

Sec. 43. Section 501.702, subsection 5, paragraph a, Code 1999, is amended to read as follows:

a. The right of a member to obtain information under section ~~501:702~~ 501.304 or the right of an interest holder to obtain information, if the interest holder is in litigation with the cooperative, to the same extent as any other litigant.

Sec. 44. Section 501.713, subsection 5, Code 1999, is amended to read as follows:

5. The secretary of state may provide for the change of registered office or registered agent on the form prescribed by the secretary of state for the annual report, provided that the form contains the information required in section 501.106. If the secretary of state determines that an annual report does not contain the information required by this section but otherwise meets the requirements of section 501.106 for the purpose of changing the registered office or registered agent, the secretary of state shall file the statement of change of registered office or registered agent, effective as provided in section 501.105, before returning the ~~biennial~~ annual report to the cooperative as provided in this section. A statement of change of registered office or agent pursuant to this subsection shall be executed by a person authorized to execute the annual report.

Sec. 45. Section 504A.100, subsection 3, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Any domestic corporation organized or existing under the provisions of chapter 504, Code 1989, may voluntarily elect to adopt the provisions of this chapter and thereby become subject to its provisions and, during the period of two years from and after the effective date of this chapter, any foreign corporation holding a permit under the provisions of said chapter on said date may voluntarily elect to adopt the provisions of this chapter and thereby become subject to the provisions of this chapter. The procedure for electing to adopt the provisions of this chapter shall be as follows:

Sec. 46. Section 504A.100, subsection 3, paragraph e, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The secretary of state shall not file such instrument with respect to a domestic corporation unless at the time thereof such corporation is validly existing and in good standing in that office under the provisions of chapter 504 ~~of the~~ Code 1989. If the articles of incorporation of such corporation have not heretofore been filed in the office of the secretary of state, but are on file in the office of a county recorder, no such instrument of adoption shall be accepted by the secretary of state until the corporation shall have caused its articles of incorporation and all amendments duly certified by the proper county recorder to be recorded in the office of the secretary of state. Upon the filing of such instrument the secretary of state shall issue a certificate as to the filing of such instrument and deliver such certificate to the corporation or its representative.

Sec. 47. Section 504A.100, subsections 5, 6, 9, and 12, Code 1999, are amended to read as follows:

5. The provisions of this chapter becoming applicable to any domestic or foreign corporation shall not affect any right accrued or established, or any liability or penalty incurred, under the provisions of chapter 504, Code 1989, prior to the filing by the secretary of state in the secretary of state's

office of the instrument manifesting the election of such corporation to adopt the provisions of this chapter as provided in subsection 3 of this section.

6. Except for the exceptions and limitations of subsection 1 of this section, this chapter shall apply to: all domestic corporations organized after the date on which this chapter became effective; domestic corporations organized or existing under chapter 504, Code 1989, which voluntarily elect to adopt the provisions of this chapter and comply with the provisions of subsection 3 of this section; all foreign corporations conducting or seeking to conduct affairs within this state and not holding, July 4, 1965, a valid permit so to do; foreign corporations holding, on the date the chapter becomes effective, a valid permit under the provisions of chapter 504, Code 1989, which, during the period of two years from and after said date, voluntarily elect to adopt the provisions of this chapter and comply with the provisions of subsection 3 of this section; and, upon the expiration of the period of two years from and after July 4, 1965, all foreign corporations holding such a permit on July 4, 1965.

9. No corporation to which the provisions of this chapter apply shall be subject to the provisions of chapter 504, Code 1989.

12. Corporations existing under chapter 504, Code 1989, shall be subject to this chapter on July 1, 1990, except that the corporations shall be subject to sections 504A.8 and 504A.83 on January 1, 1997. A corporate existence of a corporation that is not in compliance on the records of the secretary of state with sections 504A.8 and 504A.83 on June 30, 1997, is terminated, effective July 1, 1997. A corporation whose existence is terminated pursuant to this subsection may be reinstated. When the reinstatement is effective, it relates back to and takes effect as of the effective date of the termination of its corporate existence as if such termination had never occurred. The secretary of state shall adopt rules governing the reinstatement of a corporation pursuant to this subsection.

Sec. 48. Section 523G.4, subsection 2, paragraph d, Code 1999, is amended by striking the paragraph.

Sec. 49. Section 602.8102, subsection 152, Code 1999, is amended by striking the subsection.

Sec. 50. Section 692A.2, subsection 4, Code 1999, is amended to read as follows:

4. A person is not required to register while incarcerated, in foster care, or in a residential treatment program. A person who is convicted, as defined in section 692A.1, of either a criminal offense against a minor, sexual exploitation, a sexually violent offense, or an other relevant offense as a result of adjudication of delinquency in juvenile court shall be required to register as required in this chapter unless the juvenile court finds that the person should not be required to register under this chapter. If a juvenile is required to register and the court later modifies the order regarding the requirement to register, the court shall immediately notify the department. Convictions of more than one offense which require registration under this chapter but which are prosecuted within a single indictment shall be considered as a single offense for purposes of registration.

Sec. 51. Section 692A.16, subsection 1, Code 1999, is amended to read as follows:

1. The registration requirements of this chapter shall apply to persons convicted of a criminal offense against a minor, sexual exploitation, an other relevant offense, or a sexually violent offense prior to July 1, 1995, who are released on or after July 1, 1995, who are participating in a work release or institutional work release program on or after July 1, 1995, or who are under parole or probation supervision by a judicial district department of correctional services on or after July 1, 1995.

Sec. 52. Section 915.23, subsection 1, Code 1999, is amended to read as follows:

1. An employer shall not discharge an employee from, or take or fail to take action, regarding an employee's promotion or proposed promotion, or take action to reduce an employee's

wages or benefits, for actual time worked, due to the service of an employee as a witness in a criminal proceeding.

Sec. 53. Section 915.24, subsection 1, unnumbered paragraph 1, Code 1999, is amended to read as follows:

If a complaint is filed alleging that a child has committed a delinquent act, the alleged victim, as defined in section 915.10, has and a juvenile court officer shall notify the ~~alleged victim, as defined in section 915.10,~~ of the following rights:

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MARY E. KRAMER  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 102, Seventy-eighth General Assembly.

Approved May 10, 1999

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MICHAEL E. MARSHALL  
Secretary of the Senate

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THOMAS J. VILSACK  
Governor