

CHAPTER 1232

MISCELLANEOUS APPROPRIATIONS AND OTHER PROVISIONS

S.F. 2452

AN ACT relating to public expenditure and regulatory matters, making appropriations, and including effective date and retroactive applicability provisions.

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

DIVISION I

MH/MR/DD ALLOWED GROWTH

Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ADJUSTMENT AND ALLOCATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment, in accordance with section 331.438, subsection 2, and section 331.439, subsection 3, and chapter 426B:

..... \$ 26,492,712

The funding appropriated in this section is the allowed growth factor adjustment for fiscal year 2001-2002, and is allocated as follows:

1. For distribution to counties for fiscal year 2001-2002 in accordance with the formula in section 331.438, subsection 2, paragraph "b":

..... \$ 12,000,000

2. For deposit in the per capita expenditure target pool created in the property tax relief fund pursuant to section 426B.5, subsection 1:

..... \$ 10,492,712

In addition to the requirement of section 426B.5, subsection 1, paragraph "c", limiting eligibility for moneys appropriated in this paragraph to counties levying the maximum amount allowed, both of the following eligibility requirements are applicable:

a. In the fiscal year beginning July 1, 2000, the county's services fund ending balance under generally accepted accounting principles was equal to or less than 35 percent of the county's projected expenditures for that fiscal year.

b. The county is in compliance with the filing date requirements under section 331.403.

3. For deposit in the incentive and efficiency pool created in the property tax relief fund pursuant to section 426B.5, subsection 2:

..... \$ 2,000,000

4. For deposit in the risk pool created in the property tax relief fund pursuant to section 426B.5, subsection 3:

..... \$ 2,000,000

Sec. 2. Section 426B.5, subsection 3, paragraph c, subparagraph (4), Code 1999, is amended to read as follows:

(4) A county receiving risk pool assistance in a fiscal year in which the county did not levy the maximum amount allowed for the county's mental health, mental retardation, and developmental disabilities services fund under section 331.424A shall be required to repay the risk pool assistance ~~in~~ during the two succeeding fiscal year years. The repayment amount shall be limited to the amount by which the actual amount levied was less than the maximum amount allowed.

Sec. 3. EFFECTIVE DATE. Section 2 of this division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 4. 2000 Iowa Acts, House File 2555,¹ section 3, subsection 2, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. A POS provider that has negotiated a reimbursement rate increase with a host county as of July 1, 2000, has the option of exemption from the provisions of this section. Nothing in this section precludes a county from increasing reimbursement rates of POS providers that do not meet the criteria of this section or from increasing the rates by an amount that is greater than that specified in this section.

Sec. 5. Section 331.424A, subsection 6, paragraph c, as enacted by 2000 Iowa Acts, House File 2327,² section 1, is amended to read as follows:

c. If a capital asset is owned by the county or the acquisition cost is charged to the county's general fund and the capital asset is used in part for a purpose payable from the county's services fund, the county's services fund shall annually reimburse the county's general fund for the use of the capital asset. For capital assets acquired on or after July 1, ~~2000~~ 2001, and for subsequent improvements of those capital assets, the reimbursement amount shall be in accordance with comparable federally approved depreciation schedules. For capital assets for which appropriations were included in the county budget prior to July 1, ~~2000~~ 2001, and for subsequent improvements of those capital assets, the reimbursement amount shall be the current fair market rate for use of the capital asset, as determined by an independent real estate appraiser.

Sec. 6. 2000 Iowa Acts, House File 2327,³ section 5, subsection 2, is amended to read as follows:

2. If, as of ~~the effective date of this Act April 13, 2000~~, a county's base year expenditures includes expenditures for acquisition of a capital asset that effective July 1, 2001, are to be charged to the county's general fund in accordance with section 331.424A, subsection 6, as enacted by this Act, the county shall petition the county finance committee by ~~April 30~~ December 1, 2000, to approve an adjustment in the county's base year expenditures in an amount equal to those capital asset expenditures. The amount of the county's base year expenditures shall be adjusted in accordance with the county finance committee's action.

Sec. 7. 2000 Iowa Acts, House File 2327,⁴ section 5, subsection 3, is amended by striking the subsection.

Sec. 8. 2000 Iowa Acts, House File 2327,⁵ section 5, subsection 4, is amended to read as follows:

4. If before ~~the effective date of this section April 13, 2000~~, the ownership or acquisition costs of a county's capital asset used in part for a purpose payable from the county's services fund were accrued to the county's services fund, beginning ~~with the effective date of this Act July 1, 2001~~, any appropriations or revenues attributable to that capital asset shall instead be accrued to the county's general fund. Except as expressly authorized by this Act, the county shall not make any adjustment to the county's services fund or general fund to remunerate the services fund for such appropriations or revenues that were accrued to the services fund before the transfer of accrual to the general fund.

Sec. 9. 2000 Iowa Acts, House File 2327,⁶ section 6, is amended to read as follows:

SEC. 6. EFFECTIVE AND APPLICABILITY DATES. This Act, being deemed of immediate importance, takes effect upon enactment. The amendments to section 331.424A, 331.427, and 331.438, and the transition section in this Act are first applicable to county budgets and levies in effect for the fiscal year beginning July 1, ~~2000~~ 2001, and ending June 30, ~~2001~~ 2002.

¹ Chapter 1221 herein

² Chapter 1090 herein

³ Chapter 1090 herein

⁴ Chapter 1090 herein

⁵ Chapter 1090 herein

⁶ Chapter 1090 herein

Sec. 10. EFFECTIVE DATE — RETROACTIVE APPLICABILITY. The sections in this division of this Act amending 2000 Iowa Acts, House File 2327,⁷ being deemed of immediate importance, take effect upon enactment and are retroactively applicable to April 13, 2000.

DIVISION II
TOBACCO FUNDS — TRANSFER AND CASH FLOW

Sec. 11. TRANSFER OF FUNDS — TOBACCO SETTLEMENT FUND. From moneys deposited in the tobacco settlement fund created in section 12.65, the sum of sixty-four million six hundred thousand dollars is transferred to the general fund of the state for the fiscal year beginning July 1, 2000, and ending June 30, 2001.

Sec. 12. Section 12.65, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

12.65 TOBACCO SETTLEMENT ENDOWMENT FUND.

1. A tobacco settlement endowment fund is created in the office of the treasurer of state. After payment of litigation costs, all moneys paid to the state pursuant to the master settlement agreement, as defined in section 453C.1, shall be deposited in the fund.

2. Any moneys paid to the state by the tobacco settlement authority pursuant to chapter 12E shall be deposited in the fund. Additionally, the state's share of the moneys which are not sold to the tobacco settlement authority pursuant to chapter 12E shall be deposited in the fund.

3. Moneys deposited in the fund shall be used only in accordance with appropriations from the fund for purposes related to health care, substance abuse treatment and enforcement, tobacco use prevention and control, and other purposes related to the needs of children, adults, and families in the state.

4. A savings account for healthy Iowans is created within the tobacco settlement endowment fund. Moneys, appropriated annually, shall be deposited in the account and shall be invested to provide an ongoing source of investment earnings.

5. Notwithstanding section 8.33, any unexpended balance in the fund at the end of the fiscal year shall be retained in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on investments or time deposits of the moneys in the tobacco settlement endowment fund, in the savings account for healthy Iowans, and in any other account established within the fund shall be credited to the tobacco settlement endowment fund, to the savings account for healthy Iowans, or to any other account established, respectively.

6. For the purposes of this section, "litigation costs" are those costs itemized by the attorney general and submitted to and approved by the attorney general.

7. Moneys in the fund shall be considered part of the general fund of the state for cash flow purposes only, provided any moneys used for cash flow purposes are returned to the fund by the close of each fiscal year.

Sec. 13. Section 12E.3, subsection 7, if enacted by 2000 Iowa Acts, House File 2579,⁸ is amended to read as follows:

7. "Program plan" means the tobacco settlement program plan established in this chapter ~~to provide for the implementation of the findings and purposes of this chapter.~~

Sec. 14. Section 12E.4, subsection 2, paragraph i, if enacted by 2000 Iowa Acts, House File 2579,⁹ is amended to read as follows:

i. To implement the purposes of this chapter ~~as stated in the findings of the general assembly in section 12E.2.~~

Sec. 15. The sections in this division of this Act amending sections 12E.3 and 12E.4, being deemed of immediate importance, take effect upon enactment.

⁷ Chapter 1090 herein

⁸ Chapter 1208, §2 herein

⁹ Chapter 1208, §3 herein

Sec. 16. REFERENCES. References to the tobacco settlement fund in other enactments of the 2000 Session of the Seventy-eighth Iowa General Assembly, are references to the tobacco settlement endowment fund.

Sec. 17. CONDITIONAL EFFECTIVENESS. Section 12.65, subsection 2, as enacted in this division of this Act, takes effect only if 2000 Iowa Acts, House File 2579¹⁰ is enacted.

DIVISION III
REDUCTION IN PHASE III MONEYS

Sec. 18. Section 294A.25, subsection 1, Code Supplement 1999, is amended to read as follows:

1. For the fiscal year beginning July 1, ~~1998~~ 2000, and for each succeeding year, there is appropriated from the general fund of the state to the department of education the amount of ~~eighty-two~~ eighty million eight hundred ninety-one thousand three hundred thirty-six dollars to be used to improve teacher salaries. The moneys shall be distributed as provided in this section.

DIVISION IV
MICROSOFT FUND

*Sec. 19. NEW SECTION. 12.67 MICROSOFT SETTLEMENT FUND.

A Microsoft settlement fund is created in the office of the treasurer of state. The state portion of any moneys paid to the state by Microsoft in settlement of its federal antitrust trial or the state's antitrust lawsuit shall be deposited in the Microsoft settlement fund. Moneys deposited in the fund shall be used only as provided in appropriations made by the general assembly.

Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the Microsoft settlement fund shall be credited to the Microsoft settlement fund.*

DIVISION V
WASTE REDUCTION CENTER — NONREVERSION

Sec. 20. Notwithstanding section 8.33, moneys appropriated in 1999 Iowa Acts, chapter 208, section 25, to the state board of regents for the purpose of the Iowa waste reduction center at the university of northern Iowa that remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 1999, shall not revert but shall remain available for expenditure for the purpose for which the moneys were appropriated until the close of the fiscal year beginning July 1, 2000.

Sec. 21. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VI
MISCELLANEOUS

Sec. 22. NEW SECTION. 12C.26 REFUND FROM SINKING FUNDS.

Upon recovery of a loss of public funds due to a failed Iowa financial institution, the treasurer of state may refund all or a portion of the recovered amount to the Iowa financial institutions that paid an assessment under this chapter as a result of that failure.

Sec. 23. Section 100B.1, subsection 1, as enacted by 2000 Iowa Acts, House File 2492,¹¹ section 8, is amended to read as follows:

1. The state fire service and emergency response council is established in the division of fire protection of the department of public safety. The council shall consist of ~~ten~~ eleven

¹⁰ Chapter 1208 herein

* Item veto; see message at end of the Act.

¹¹ Chapter 1117 herein

voting members. Members of the state fire service and emergency response council shall be appointed by the governor. The governor shall appoint members ~~from the following organizations, chosen of the council~~ from a list of ~~names~~ nominees submitted by each of the following organizations:

- a. Two members from a list submitted by the Iowa firemen's association.
- b. Two members from a list submitted by the Iowa fire chiefs' association.
- c. One member from a list submitted by the Iowa association of professional fire fighters.
- d. Two members from a list submitted by the Iowa association of professional fire chiefs.
- e. One member from a list submitted by the Iowa fire fighters group.
- f. One member from a list submitted by the Iowa emergency medical services association.

A person nominated for membership on the council is not required to be a member of the organization that nominates the person.

The tenth ~~member~~ and eleventh members of the council shall be ~~a member~~ members of the general public appointed by the governor.

The labor commissioner, or the labor commissioner's designee, shall be a nonvoting ex officio member of the council. Members of the council shall hold office commencing July 1, 2000, for four years and until their successors are appointed, except that three initial appointees shall be appointed for two years, ~~three~~ four initial appointees for three years, and four initial appointees for four years.

The fire marshal or the fire marshal's designee shall attend each meeting of the council.

Sec. 24. Section 166D.7, subsection 4, paragraph a, Code 1999, as amended by 2000 Iowa Acts, Senate File 2312,¹² section 10, is amended to read as follows:

a. The herd shall be certified when one hundred percent of breeding swine have reacted negatively to a test. The herd must have been free from infection for thirty days prior to testing. At least ninety percent of swine in the herd must have been on the premises as a part of the herd for at least sixty days prior to testing, or swine in the herd must have been directly moved or relocated from a qualified negative herd or qualified differentiable negative herd. A differentiable vaccine must be administered at intervals in accordance with the package insert for that vaccine. To remain certified, the herd must be retested and recertified as provided by the department. The herd shall be recertified when each ~~thirty days~~ month at least ~~twenty-five~~ ten percent of the herd's breeding swine react negatively to a test.

Sec. 25. Section 256E.2, subsection 2, Code Supplement 1999, is amended to read as follows:

2. The department shall adopt rules concerning the grant application and award process, including reasonable cost estimates for beginning teacher induction programs. The department may disapprove a plan submitted by a board if the plan does not meet the minimum criteria set forth in section 256E.3, subsection 2, or the plan exceeds the reasonable costs as determined by the department. If the cost estimates submitted by a board exceed reasonable cost estimates as determined by the department, the department shall work with the board to identify measures for reducing plan costs. If the department determines that moneys appropriated by the general assembly are insufficient to meet the grant requests for all approved beginning teacher induction program plans, the department shall award grants based on the ~~geographic location and~~ district population of the school districts with approved plans. Grants may be awarded in subsequent years based upon the most recent plan on file with the department. It is the intent of the general assembly that the department approve plans that incorporate local innovation and take into consideration local needs.

Sec. 26. Section 322A.11, Code 1999, is amended by adding the following new subsection: NEW SUBSECTION. 5. The fact that the dealership does not meet an index or standard established by the franchiser, unless the franchiser proves that the failure of the dealership to meet the index or standard will be substantially detrimental to the distribution of the franchiser's motor vehicles in the community.

¹² Chapter 1110 herein

Sec. 27. Section 421.38, subsection 1, paragraph a, Code 1999, is amended to read as follows:

a. ~~TIME AND FUNDING LIMIT.~~ A claim shall not be allowed by the department of revenue and finance if either of the following has occurred:

- (1) ~~The claim is presented after the lapse of three months from its accrual.~~
- (2) ~~The~~ the appropriation or fund of certification available for paying the claim has been exhausted or proves insufficient.

Sec. 28. Section 421.38, subsection 1, paragraph b, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The ~~time limitation set forth in paragraph "a", subparagraph (1),~~ authority of the director is subject to the following exceptions:

Sec. 29. Section 554D.104, subsection 4, as enacted by 2000 Iowa Acts, House File 2205,¹³ is amended to read as follows:

4. A choice of law provision, ~~which is contained in a computer information agreement that governs a transaction subject to this chapter, that~~ which provides that the contract is to be interpreted pursuant to the laws of a state that has enacted the uniform computer information transactions Act, as proposed by the national conference of commissioners on uniform state laws, or any substantially similar law, is voidable and the agreement shall be interpreted pursuant to the laws of this state if the party against whom enforcement of the choice of law provision is sought is a resident of this state or has its principal place of business located in this state. For purposes of this subsection, a "computer information agreement" means an agreement that would be governed by the uniform computer information transactions Act or substantially similar law as enacted in the state specified in the choice of laws provision if that state's law were applied to the agreement.

*Sec. 30. 2000 Iowa Acts, Senate File 2453, section 5, subsection 2, is amended to read as follows:

2. For facility utilization review services including a program statement, site recommendations, schematic designs, and other design development for additional facilities which will meet laboratory, office, and other facility needs of state agencies, including but not limited to interim ~~or long term~~ leasing and relocation needs related to such projects, notwithstanding section 8.57, subsection 5, paragraph "c":

..... \$ 3,200,000*

Sec. 31. 2000 Iowa Acts, Senate File 2453,¹⁴ section 5, subsection 3, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department shall adhere to the competitive bidding requirements of chapter 18 for all routine maintenance projects having a total cost of \$25,000 or more.

Sec. 32. 2000 Iowa Acts, House File 2533,¹⁵ section 28, subsections 2 and 29, are amended to read as follows:

2. For school lunch program, grant number 10555:

..... \$ 50,293,658
50,075,000

29. For education of handicapped — infants and toddlers, grant number 84181:

..... \$ 2,869,783
2,863,283

¹³ Chapter 1189, §4 herein

* Item veto; see message at end of the Act

¹⁴ Chapter 1225 herein

¹⁵ Chapter 1220 herein

Sec. 33. 2000 Iowa Acts, House File 2533,¹⁶ section 38, is amended to read as follows:

SEC. 38. JUDICIAL BRANCH. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 2000, and ending June 30, 2001, are appropriated to the judicial branch for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law. The following ~~amount is~~ amounts are appropriated to the judicial branch for the fiscal year beginning July 1, 2000, and ending June 30, 2001:

- 1. For United States department of health and human services, grant number 13000:
..... \$ 150,000
- 2. For United States department of justice, grant number, 16000:
..... \$ 177,028

Sec. 34. 2000 Iowa Acts, House File 2533,¹⁷ section 39, subsection 1, is amended to read as follows:

- 1. For United States department of justice, grant number 16000:
..... \$ 28,988
..... 5,450,000

Sec. 35. 2000 Iowa Acts, House File 2533,¹⁸ section 47, is amended by adding the following new subsections:

- NEW SUBSECTION. 34. For United States department of justice, grant number 16000:
..... \$ 28,988
- NEW SUBSECTION. 35. For state and community highway safety, grant number 20600:
..... \$ 90,000
- NEW SUBSECTION. 36. For education of handicapped — infants and toddlers, grant number 84181:
..... \$ 6,500

Sec. 36. 2000 Iowa Acts, House File 2533,¹⁹ section 48, subsections 2 and 4, are amended to read as follows:

- 2. For department of justice, grant number 16000:
..... \$ 6,684,071
..... 1,017,293
- 4. For state and community highway safety, grant number 20600:
..... \$ 2,534,863
..... 2,444,863

Sec. 37. 2000 Iowa Acts, House File 2533,²⁰ section 49, subsection 4, is amended to read as follows:

- 4. For school lunch program, grant number 10555:
..... \$ 10,010
..... 228,668

Sec. 38. 2000 Iowa Acts, House File 475,²¹ section 5, is repealed.

Sec. 39. EFFECTIVE DATE. The section in this division of this Act amending section 166D.7, being deemed of immediate importance, takes effect upon enactment.

Sec. 40. EFFECTIVE DATE — RETROACTIVE APPLICABILITY. The section in this division of this Act enacting section 12C.26, being deemed of immediate importance, takes effect upon enactment and applies retroactively to refunds of assessments collected under chapter 12C on or after January 1, 2000.

¹⁶ Chapter 1220 herein
¹⁷ Chapter 1220 herein
¹⁸ Chapter 1220 herein
¹⁹ Chapter 1220 herein
²⁰ Chapter 1220 herein
²¹ Chapter 1188 herein

DIVISION VII
CORRECTIVE AMENDMENTS

Sec. 41. Section 2D.3, as enacted by 2000 Iowa Acts, House File 2442,²² section 3, is amended to read as follows:

2D.3 LEGISLATIVE BRANCH PROTOCOL OFFICER.

The legislative service bureau shall employ a legislative branch protocol officer to coordinate activities related to state, national, and international visitors to the state capitol or with an interest in the general assembly, and related to travel of members of the general assembly abroad. The protocol officer shall serve in a consultative capacity and shall provide staff support to the international relations advisory council. The protocol officer shall also work with the executive branch protocol officer to coordinate state, national, and international relations activities. The legislative branch protocol officer shall submit periodic reports to the international relations committee of the legislative council regarding the visits of state, national, and international visitors and regarding international activities.

Sec. 42. Section 12.73, subsection 1, as enacted by 2000 Iowa Acts, Senate File 2447,²³ section 17, is amended to read as follows:

1. It is the intention of the general assembly that a pledge made in respect of bonds or notes shall be valid and binding from the time the pledge is made, that the money or property so pledged and received after the pledge by the ~~authority~~ treasurer of state shall immediately be subject to the lien of the pledge without physical delivery or further act, and that the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the treasurer of state whether or not the parties have notice of the lien.

Sec. 43. Section 12.83, as enacted by 2000 Iowa Acts, Senate File 2447,²⁴ section 23, is amended to read as follows:

12.83 PLEDGES.

1. It is the intention of the general assembly that a pledge made in respect of bonds or notes shall be valid and binding from the time the pledge is made, that the money or property so pledged and received after the pledge by the ~~authority~~ treasurer of state shall immediately be subject to the lien of the pledge without physical delivery or further act, and that the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the treasurer of state whether or not the parties have notice of the lien.

2. The state pledges to and agrees with the holders of bonds or notes issued under section 12.81, that the state will not limit or alter the rights and powers vested in the treasurer of state to fulfill the terms of a contract made by the treasurer of state with respect to the bonds or notes, or in any way impair the rights and remedies of the holders until the bonds and notes, together with the interest on them including interest on unpaid installments of interest, and all costs and expenses in connection with an action or proceeding by or on behalf of the holders, are fully met and discharged. The treasurer of state is authorized to include this pledge and agreement of the state, as it refers to holders of bonds or notes of the ~~author-~~ ity treasurer of state, in a contract with the holders.

Sec. 44. Section 15F.304, subsection 3, paragraph h, subparagraph (4), as enacted by 2000 Iowa Acts, Senate File 2447,²⁵ section 14, is amended to read as follows:

(4) Conservation of open space and farmland and ~~preserve~~ preservation of critical environmental areas.

Sec. 45. Section 30.2, subsection 2, Code 1999, is amended to read as follows:

2. The commission is composed of twelve members appointed by the governor. One member shall be appointed to represent the department of agriculture and land stewardship,

²² Chapter 1102 herein

²³ Chapter 1174 herein

²⁴ Chapter 1174 herein

²⁵ Chapter 1174 herein

one to represent the department of workforce development, one to represent the department of justice, one to represent the department of natural resources, one to represent the department of public defense, one to represent the Iowa department of public health, one to represent the department of public safety, one to represent the state department of transportation, one to represent the state fire service institute of the Iowa state university of science and technology and emergency response council, and one to represent the office of the governor. Two representatives from private industry shall also be appointed by the governor, subject to confirmation by the senate.

Sec. 46. Section 85.3, subsection 3, unnumbered paragraph 1, as enacted by 2000 Iowa Acts, Senate File 2373,²⁶ section 1, is amended to read as follows:

Service of process or original notice upon a nonresident employer may be performed as provided in section 617.3 or as provided in the Iowa rules of civil procedure. In addition, service may be made on any corporation, individual, personal representative, partnership, or association that has the necessary minimum contact with this state as provided in rule of civil procedure 56.1 within or without this state or if such service cannot be made, in any manner consistent with due process of law prescribed by the workers' compensation ~~commission~~ commissioner.

Sec. 47. Section 88.6, subsection 9, as enacted by 2000 Iowa Acts, House File 2492,²⁷ section 6, is amended to read as follows:

9. Reports of inspections and investigations involving the occupational safety and health for fire fighters shall be presented to the state fire service and emergency response council.

Sec. 48. Section 135.110, subsection 1, paragraph a, subparagraph (1), as enacted by 2000 Iowa Acts, House File 2362,²⁸ section 3, is amended to read as follows:

(1) The causes and manner of domestic abuse deaths, including an analysis of factual information obtained through review of domestic abuse death certificates and domestic abuse death data, including patient records and other pertinent confidential and public information concerning domestic abuse deaths.

Sec. 49. Section 148E.3, subsection 1, as enacted by 2000 Iowa Acts, Senate File 182,²⁹ section 7, is amended to read as follows:

1. A person otherwise licensed to practice medicine and surgery, osteopathy, osteopathic medicine and surgery, chiropractic, podiatry, or dentistry who is exclusively engaged in the practice of the person's ~~professions~~ profession.

Sec. 50. Section 152.7, unnumbered paragraph 3, as enacted by 2000 Iowa Acts, House File 2105,³⁰ section 5, is amended to read as follows:

For purposes of licensure pursuant to the nurse licensure compact contained in section 152E.1, the compact administrator may refuse to accept a change in the qualifications for licensure as a registered nurse or as a licensed practical or vocational nurse by a licensing authority in another state which is a party to the compact which substantially modifies that state's qualifications for licensure in effect on July 1, 2000. A refusal to accept a change in a party state's qualifications for licensure may result in submitting the issue to an arbitration panel or in withdrawal from the compact, ~~in~~ at the discretion of the compact administrator.

Sec. 51. Section 152E.1, article II, sections i, k, l, and n, as enacted by 2000 Iowa Acts, House File 2105,³¹ section 8, are amended to read as follows:

i. "Nurse" means a registered nurse or licensed practical or vocational nurse, as those terms are defined by each ~~party's state~~ party state's practice laws.

²⁶ Chapter 1007 herein

²⁷ Chapter 1117 herein

²⁸ Chapter 1136 herein

²⁹ Chapter 1053 herein

³⁰ Chapter 1008 herein

³¹ Chapter 1008 herein

k. "Remote state" means a party state, other than the home state, where either of the following applies:

1. Where the patient is located at the time nursing care is provided.

2. In the case of the practice of nursing not involving a patient, in such party state where the recipient of nursing ~~practice care~~ care is located.

l. "Remote state action" means either of the following:

1. Any administrative, civil, equitable, or criminal action permitted by a remote state's laws which ~~are~~ is imposed on a nurse by the remote state's licensing board or other authority, including actions against an individual's multistate licensure privilege to practice in the remote state.

2. Cease and desist and other injunctive or equitable orders issued by remote states or the licensing ~~boards~~ boards of remote states.

m. "State practice laws" means those individual ~~party's party~~ party's state laws and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. "State practice laws" does not include the initial qualifications for licensure or requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

Sec. 52. Section 152E.1, article III, sections a and e, as enacted by 2000 Iowa Acts, House File 2105,³² section 8, are amended to read as follows:

a. A license to practice registered nursing issued by a home state to a resident in that state ~~will shall~~ be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in such party state. A license to practice licensed practical or vocational nursing issued by a home state to a resident in that state ~~will shall~~ be recognized by each party state as ~~authorized~~ authorizing a multistate licensure privilege to practice as a licensed practical or vocational nurse in such party state. In order to obtain or retain a license, an applicant must meet the home state's qualifications for licensure and license renewal as well as all other applicable state laws.

e. Individuals not residing in a party state shall continue to be able to apply for nurse licensure as provided for under the laws of each party state. However, the license granted to these individuals ~~will shall~~ not be recognized as granting the privilege to practice nursing in any other party state unless explicitly agreed to by that party state.

Sec. 53. Section 152E.1, article IV, sections c and d, as enacted by 2000 Iowa Acts, House File 2105,³³ section 8, are amended to read as follows:

c. A nurse who intends to change the nurse's primary state of residence may apply for licensure in the new home state in advance of such change. However, new licenses ~~will shall~~ not be issued by a party state until after a nurse provides evidence of change in the nurse's primary state of residence satisfactory to the new home state's licensing board.

d. 1. If a nurse changes the nurse's primary state of residence by moving between two party states, and obtains a license from the new home state, the license from the former home state is no longer valid.

2. If a nurse changes the nurse's primary state of residence by moving from a nonparty state to a party state, and obtains a license from the new home state, the individual state license issued by the nonparty state is not affected and ~~will shall~~ remain in full force if so provided by the laws of the nonparty state.

3. If a nurse changes the nurse's primary state of residence by moving from a party state to a nonparty state, the license issued by the prior home state converts to an individual state license, valid only in the former home state, without the multistate licensure privilege to practice in other party states.

Sec. 54. Section 152E.1, article VI, section c, as enacted by 2000 Iowa Acts, House File 2105,³⁴ section 8, is amended to read as follows:

c. Issue cease and desist orders ~~or to~~ limit or revoke a nurse's authority to practice in the ~~nurse's~~ nurse's state.

³² Chapter 1008 herein

³³ Chapter 1008 herein

³⁴ Chapter 1008 herein

Sec. 55. Section 152E.1, article VII, sections a and d, as enacted by 2000 Iowa Acts, House File 2105,³⁵ section 8, are amended to read as follows:

a. All party states shall participate in a cooperative effort to create a coordinated database of all licensed registered nurses and licensed practical or vocational nurses. This system ~~will~~ shall include information on the licensure and disciplinary history of each nurse, as contributed by party states, to assist in the coordination of nurse licensure and enforcement efforts.

d. Notwithstanding any other provision of law, all party states' licensing boards contributing information to the coordinated licensure information system may designate information that ~~may~~ shall not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state.

Sec. 56. Section 232.2, subsection 4, unnumbered paragraph 1, Code Supplement 1999, as amended by 2000 Iowa Acts, Senate File 2344,³⁶ section 4, is amended to read as follows:

"Case permanency plan" means the plan, mandated by Pub. L. No. 96-272 and Pub. L. No. 105-89, as codified in 42 U.S.C. § 622(b)(10), 671(a)(16), and 675(1),(5), which is designed to achieve placement in the most appropriate, least restrictive, and most family-like, ~~and most appropriate~~ setting available and in close proximity to the parent's home, consistent with the best interests and special needs of the child, and which considers the placement's proximity to the school in which the child is enrolled at the time of placement. The plan shall be developed by the department or agency involved and the child's parent, guardian, or custodian. The plan shall specifically include all of the following:

Sec. 57. Section 232.8, subsection 1, paragraph c, Code 1999, as amended by 2000 Iowa Acts, House File 723,³⁷ section 1, is amended to read as follows:

c. Violations by a child, age sixteen or older, which subject the child to the provisions of section 124.401, subsection 1, paragraph "e" or "f", or violations of section 723A.2 which involve a violation of chapter 724, or violation of chapter 724 which constitutes a felony, or violations which constitute a forcible felony are excluded from the jurisdiction of the juvenile court and shall be prosecuted as otherwise provided by law unless the court transfers jurisdiction of the child to the juvenile court upon motion and for good cause. A child over whom jurisdiction has not been transferred to the juvenile court, and who is convicted of a violation excluded from the jurisdiction of the juvenile court under this paragraph, shall be sentenced pursuant to section 124.401B, 902.9, or 903.1. Notwithstanding any other provision of the Code to the contrary, the court may accept from a child a plea of guilty, or may instruct the jury on a lesser included offense to the offense excluded from the jurisdiction of the juvenile court under this section, in the same manner as regarding an adult. However, the juvenile court shall have exclusive original jurisdiction in a proceeding concerning an offense of ~~livestock torture as provided in section 717.3~~ or animal torture as provided in section 717B.3A alleged to have been committed by a child under the age of seventeen.

Sec. 58. Section 232.8, subsection 3, unnumbered paragraph 2, as enacted by 2000 Iowa Acts, House File 723,³⁸ section 2, is amended to read as follows:

This subsection does not apply in a proceeding concerning an offense of ~~livestock torture as provided in section 717.3~~ or animal torture as provided in section 717B.3A alleged to have been committed by a child under the age of seventeen.

Sec. 59. Section 249H.2, subsection 1, paragraphs a and b, as enacted by 2000 Iowa Acts, Senate File 2193,³⁹ section 2, are amended to read as follows:

a. The preservation, improvement, and coordination of the health care infrastructure of Iowa ~~is~~ are critical to the health and safety of Iowans.

b. An increasing number of seniors and persons with disabilities in the state ~~require~~ requires long-term care services provided outside of a medical institution.

³⁵ Chapter 1008 herein

³⁶ Chapter 1067 herein

³⁷ Chapter 1152 herein

³⁸ Chapter 1152 herein

³⁹ Chapter 1004 herein

Sec. 60. Section 249H.3, subsection 1, as enacted by 2000 Iowa Acts, Senate File 2193,⁴⁰ section 3, is amended to read as follows:

1. "Affordable" means rates for payment of services which do not exceed the rates established for providers of medical and health services under the medical assistance program with eligibility for an individual equal to the eligibility for medical assistance pursuant to section 249A.3. In relation to services provided by a provider of services under a home and community-based waiver, "affordable" means that the total monthly cost of the home and community-based waiver services provided ~~do~~ does not exceed the cost for that level of care as established by rule by the department of human services, pursuant to chapter 17A, in consultation with the department of elder affairs.

Sec. 61. Section 249H.6, subsection 12, as enacted by 2000 Iowa Acts, Senate File 2193,⁴¹ section 6, is amended to read as follows:

12. The senior living coordinating unit shall review projects that receive grants under this section to ensure that the goal to provide alternatives to nursing facility care is being met and that an adequate number of nursing facility services ~~remain~~ remains to meet the needs of Iowans.

Sec. 62. Section 249H.8, subsection 1, as enacted by 2000 Iowa Acts, Senate File 2193,⁴² section 8, is amended to read as follows:

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

Sec. 63. Section 261.19B, Code 1999, as amended by 2000 Iowa Acts, Senate File 2248,⁴³ section 13, is amended to read as follows:

261.19B OSTEOPATHIC PHYSICIAN RECRUITMENT REVOLVING FUND.

An osteopathic physician recruitment revolving fund is created in the state treasury as a separate fund under the control of the commission. The commission shall deposit payments made by osteopathic physician recruitment recipients and the proceeds from the sale of osteopathic loans into the osteopathic ~~loan~~ physician recruitment revolving fund. Moneys credited to the fund shall be used to supplement moneys appropriated for the osteopathic physician recruitment program, for loan forgiveness to eligible physicians, and to pay for loan or interest repayment defaults by eligible physicians. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

Sec. 64. Section 279.52, unnumbered paragraph 1, Code 1999, as amended by 2000 Iowa Acts, House File 2435,⁴⁴ section 1, is amended to read as follows:

The board of directors may pay the actual cost of an asbestos project from any funds in the general fund of the district, funds received from the physical plant and equipment levy, or moneys obtained through a federal asbestos loan program, to be repaid from any of the funds specified in this ~~subsection~~ section over a three-year period.

Sec. 65. Section 306.11, Code 1999, as amended by 2000 Iowa Acts, Senate File 2194,⁴⁵ section 1, is amended to read as follows:

306.11 HEARING — PLACE — DATE.

In proceeding to the vacation and closing of a road, part thereof, or railroad crossing, the agency in control of the road, or road system, shall fix a date for a hearing on the vacation and closing in the county where the road, or part thereof, or crossing, is located, and if located in more than one county, then in a county in which any part of the road or crossing

⁴⁰ Chapter 1004 herein

⁴¹ Chapter 1004 herein

⁴² Chapter 1004 herein

⁴³ Chapter 1095 herein

⁴⁴ Chapter 1072 herein

⁴⁵ Chapter 1074 herein

is located. If the road to be vacated or changed is a secondary road located in more than one county, the boards of supervisors of the counties, acting jointly, shall fix a date for a hearing on the vacation or change in either or any of the counties where the road, or part thereof, is located. If the proposed vacation is of part of a road right-of-way held by easement and will not change the existing traveled portion of the road or deny access to the road by adjoining landowners, a hearing is not required.

Sec. 66. Section 322.3, subsection 14, paragraph b, unnumbered paragraph 1, as enacted by 2000 Iowa Acts, House File 2106,⁴⁶ section 1, is amended to read as follows:

A manufacturer or importer from temporarily owning an interest in a motor vehicle dealership for the purpose of enhancing opportunities for persons who lack the financial resources to purchase the motor vehicle dealership without such assistance. A manufacturer or importer may temporarily own an interest in a motor vehicle dealership pursuant to this paragraph only if the manufacturer or importer enters into a contract with a person pursuant to ~~whom~~ which all of the following apply:

Sec. 67. Section 331.506, subsection 1, paragraphs b, c, and d, as enacted by 2000 Iowa Acts, Senate File 2047,⁴⁷ section 1, if 2000 Iowa Acts, House File 2205⁴⁸ is enacted, are amended to read as follows:

b. The auditor shall not issue a warrant to a drawee until the auditor has transmitted to the treasurer a list of the warrants to be issued. The list shall include the date, amount, and number of the warrant, name of the person to whom the warrant is issued, and the purpose for which the warrant is issued. The treasurer shall acknowledge receipt of the list by affixing the treasurer's signature at the bottom of the list and immediately returning the list to the auditor. The requirement that the treasurer sign to acknowledge receipt of the list is satisfied by use of a digital signature or other secure electronic signature if the county auditor and treasurer have complied with the applicable provisions of chapter ~~554C~~ 554D.

c. The warrant list signed by the treasurer shall be preserved by the auditor for at least two years. The requirement that the list be preserved is satisfied by preservation of the list in electronic form if the requirements of section ~~554C.205~~ 554D.113 are met.

d. The requirement that the county auditor sign a warrant is satisfied by use of a digital signature or other secure electronic signature if the county auditor has complied with the applicable provisions of chapter ~~554C~~ 554D.

Sec. 68. Section 331.554, subsection 4, Code 1999, as amended by 2000 Iowa Acts, Senate File 2047,⁴⁹ section 3, if 2000 Iowa Acts, House File 2205⁵⁰ is enacted, is amended to read as follows:

4. The treasurer shall return the paid warrants to the auditor. The original warrant shall be preserved for at least two years. The requirement that the original warrant be preserved is satisfied by preservation of the warrant in electronic form if the requirements of section ~~554C.205~~ 554D.113 are met. The treasurer shall make monthly reports to show for each warrant the number, date, drawee's name, when paid, to whom paid, original amount, and interest.

Sec. 69. Section 411.22, subsection 1, unnumbered paragraph 1, as enacted by 2000 Iowa Acts, Senate File 2411,⁵¹ section 109, is amended to read as follows:

If a member receives an injury or dies for which benefits are payable under section 411.6, subsection 3, 5, 8, or 9, or section 411.15, and if the injury or death is caused under circumstances creating a legal liability for damages against a third party other than the retirement system, the retirement system is subrogated to the rights of the member or the member's ~~legal representative~~ beneficiary entitled to receive a death benefit and may maintain an action for damages against the third party for lost earnings and lost earnings capacity. If

⁴⁶ Chapter 1003 herein

⁴⁷ Chapter 1084 herein

⁴⁸ Chapter 1189 herein

⁴⁹ Chapter 1084 herein

⁵⁰ Chapter 1189 herein

⁵¹ Chapter 1077 herein

the retirement system recovers damages in the action, the court shall enter judgment for distribution of the recovery as follows:

Sec. 70. Section 453A.3, subsection 1, Code 1999, is amended to read as follows:

1. A person who violates section 453A.2, subsection 1, ~~or section 453A.39~~ is guilty of a simple misdemeanor.

Sec. 71. Section 453A.22, subsection 2, unnumbered paragraph 1, Code 1999, is amended to read as follows:

If a retailer or employee of a retailer has violated section 453A.2; or section 453A.36, subsection 6, ~~or 453A.39~~, the department or local authority, in addition to the other penalties fixed for such violations in this section, shall assess a penalty upon the same hearing and notice as prescribed in subsection 1 as follows:

Sec. 72. Section 455B.171, subsection 31B, as enacted by 2000 Iowa Acts, Senate File 2371,⁵² section 9, is amended to read as follows:

31B. "Section 305(b) ~~list~~ report" means any report ~~or list~~ required under 33 U.S.C. § 1315(b).

Sec. 73. Section 455B.193, unnumbered paragraph 2, as enacted by 2000 Iowa Acts, Senate File 2371,⁵³ section 10, is amended to read as follows:

The department of natural resources shall develop a methodology for water quality assessments as used in the section 303(d) ~~listings~~ lists and assess the validity of the data.

Sec. 74. Section 462A.14, subsection 12, paragraph d, as enacted by 2000 Iowa Acts, House File 2331,⁵⁴ section 2, if 2000 Iowa Acts, House File 2511⁵⁵ is enacted, is amended to read as follows:

d. The court may prescribe the length of time for the evaluation and treatment or the court may request that the community college or licensed substance abuse program conducting the course for drinking drivers which the defendant is ordered to attend or the treatment program to which the defendant is committed immediately report to the court when the defendant has received maximum benefit from the course for drinking drivers or treatment program or has recovered from the defendant's addiction, dependency, or tendency to chronically abuse alcohol or drugs.

Sec. 75. Section 466.4, subsections 2 and 5, as enacted by 2000 Iowa Acts, Senate File 2371,⁵⁶ section 5, are amended to read as follows:

2. The department of agriculture and land stewardship shall request the assistance of and consult with the United States department of ~~agriculture~~ agriculture's natural resources conservation service and farm service agency to implement the conservation reserve enhancement program. The department shall also consult with county boards of supervisors, county conservation boards, drainage district representatives, department of natural resources, and soil and water conservation districts affected by the implementation of the conservation reserve enhancement program. The department shall also collaborate with other public agencies and private organizations to develop wetland habitat and related projects to improve water quality.

5. The five-year goal of the conservation reserve ~~enhanced~~ enhancement program is the establishment of thirty-two thousand five hundred acres of wetlands.

Sec. 76. Section 481A.125, subsection 1, paragraphs a, b, and c, as enacted by 2000 Iowa Acts, Senate File 2300,⁵⁷ section 1, are amended to read as follows:

a. To intentionally place oneself in a location where a human presence may affect the behavior of a fur-bearing ~~game~~ animal, game, bird, or fish or the feasibility of killing or

⁵² Chapter 1068 herein

⁵³ Chapter 1068 herein

⁵⁴ Chapter 1099 herein

⁵⁵ Chapter 1138 herein

⁵⁶ Chapter 1068 herein

⁵⁷ Chapter 1076 herein

taking a fur-bearing game animal, game, bird, or fish with the intent of obstructing or harassing another person who is lawfully hunting, fishing, or fur harvesting.

b. To intentionally create a visual, aural, olfactory, or physical stimulus for the purpose of affecting the behavior of a fur-bearing game animal, game, bird, or fish with the intent of obstructing or harassing another person who is lawfully hunting, fishing, or fur harvesting.

c. To intentionally affect the condition or alter the placement of personal property used for the purpose of killing or taking a fur-bearing game animal, game, bird, or fish with the intent of obstructing or harassing another person who is lawfully hunting, fishing, or fur harvesting.

Sec. 77. Section 481A.125, subsection 5, as enacted by 2000 Iowa Acts, Senate File 2300,⁵⁸ section 1, is amended to read as follows:

5. This ~~subsection~~ section shall not prohibit a landowner, tenant, or an employee of a landowner or tenant from performing normal agricultural operations or a law enforcement officer from performing official duties.

*Sec. 78. Section 483A.2, as enacted by 2000 Iowa Acts, House File 2486, section 6, is amended to read as follows:

483A.2 DUAL RESIDENCY.

*A resident license shall be limited to persons who do not claim any resident privileges, except as defined in section 483A.1A, subsection 4, paragraphs "b", ~~and "c", and "d"~~, in another state or country. A person shall not purchase or apply for any resident license or permit if that person has claimed residency in any other state or country.**

Sec. 79. Section 521F.3, subsection 2, paragraph a, unnumbered paragraph 1, as enacted by 2000 Iowa Acts, House File 2316,⁵⁹ section 3, is amended to read as follows:

A health organization's risk-based capital shall be determined pursuant to the formula set forth in the risk-based capital instructions. The formula shall take into account all of the following, and may ~~by~~ be adjusted, as deemed appropriate by the commissioner, for the covariance between the following:

Sec. 80. Section 521F.4, subsection 3, as enacted by 2000 Iowa Acts, House File 2316,⁶⁰ section 4, is amended to read as follows:

3. The risk-based capital plan shall be filed within forty-five days of the company-action-level event, or, if the health organization requests a hearing pursuant to section 521F.8 for the purpose of challenging the adjusted risk-based capital report, within forty-five days after notification to the ~~insurer~~ health organization that the commissioner, after hearing, has rejected the ~~insurer's~~ health organization's challenge.

Sec. 81. Section 521F.8, subsection 2, paragraph b, subparagraph (1), as enacted by 2000 Iowa Acts, House File 2316,⁶¹ section 8, is amended to read as follows:

(1) ~~The~~ That the health organization's risk-based capital plan or revised risk-based capital plan is unsatisfactory.

Sec. 82. Section 523C.19, subsections 2 and 3, as enacted by 2000 Iowa Acts, House File 2317,⁶² section 30, are amended to read as follows:

2. If a hearing is not timely requested, the summary order becomes final by operation of law. The order shall remain effective from the date of issuance until the date the order becomes final by operation of law or is overturned by a presiding officer or court following a request for hearing. A person who has been issued a summary order under this section may contest it by filing a request for a contested case proceeding as provided in chapter 17A and in accordance with rules adopted by the commissioner. However, the person shall have

⁵⁸ Chapter 1076 herein

* Item veto; see message at end of the Act

⁵⁹ Chapter 1050 herein

⁶⁰ Chapter 1050 herein

⁶¹ Chapter 1050 herein

⁶² Chapter 1147 herein

at least thirty days from the date that the order is issued in order to file the request. Section 17A.18A is inapplicable to a summary order issued under this ~~subsection~~ section.

3. A person violating a summary order issued under this ~~subsection~~ section shall be deemed in contempt of that order. The commissioner may petition the district court to enforce the order as certified by the commissioner. The district court shall adjudge the person in contempt of the order if the court finds after hearing that the person is not in compliance with the order. The court shall assess a civil penalty against the person in an amount not less than three thousand dollars but not greater than ten thousand dollars per violation, and may issue further orders as it deems appropriate.

Sec. 83. Section 600.13, subsection 1, paragraph c, as amended by 2000 Iowa Acts, Senate File 421,⁶³ section 17, is amended to read as follows:

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

Sec. 84. Section 692B.2, article XI(a)(1)(B), as enacted by 2000 Iowa Acts, Senate File 2145,⁶⁴ section 2, is amended to read as follows:

(B) any rule or standard established by the council pursuant to Article ~~V~~ VI; and

Sec. 85. Section 714.16, subsection 2, paragraph n, subparagraph (3), subparagraph subdivision (a), as enacted by 2000 Iowa Acts, House File 2148,⁶⁵ section 1, is amended to read as follows:

(a) "Local telephone directory" means a telephone classified advertising directory or the business section of a telephone directory that is distributed free of charge to some or all telephone subscribers in a local area ~~directory~~.

Sec. 86. 2000 Iowa Acts, House File 683,⁶⁶ section 4, is amended to read as follows:

SEC. 4. EFFECTIVE DATE. This Act takes effect July 1, 2001, except that ~~section 598.7A, subsection 5, as enacted in section 2 of this Act and~~ section 3 of this Act ~~takes take~~ effect upon enactment.

Sec. 87. 2000 Iowa Acts, House File 2433,⁶⁷ section 4, subsections 1 and 2, are amended to read as follows:

1. A comparison of the data elements collected by the basic educational data ~~elements~~ survey for K-12 schools to the data ~~elements~~ being collected by the management information system for community colleges to the chairpersons and ranking members of the joint ~~appropriations~~ subcommittee on education ~~appropriations~~ by January 15, 2001.

2. A report on the progress toward implementation of the management information system to the legislative fiscal bureau and department of management by ~~June 30~~ July 1, 2000.

Sec. 88. 2000 Iowa Acts, Senate File 2193, section 23,⁶⁸ is amended to read as follows:

SEC. 23. RETROACTIVE APPLICABILITY. The section in this Act that creates section ~~249H.6~~ 249H.4 as it relates to receipt of federal funding, is retroactively applicable to October 1, 1999.

Sec. 89. 2000 Iowa Acts, Senate File 2248,⁶⁹ section 20, is amended to read as follows:

SEC. 20. TRANSFER OF OSTEOPATHIC ~~FORGIVABLE~~ LOAN REVOLVING FUND MONEYS BY TREASURER. On the effective date of this Act, the treasurer of state shall

⁶³ Chapter 1145 herein

⁶⁴ Chapter 1065 herein

⁶⁵ Chapter 1079 herein

⁶⁶ Chapter 1159 herein

⁶⁷ Chapter 1167 herein

⁶⁸ Chapter 1004 herein

⁶⁹ Chapter 1095 herein

transfer any balance in the osteopathic ~~forgivable loan program revolving fund~~ to the osteopathic physician recruitment revolving fund established pursuant to section 13 of this Act.

Sec. 90. 2000 Iowa Acts, Senate File 2254,⁷⁰ section 4, is amended to read as follows:

SEC. 4. RETROACTIVE APPLICABILITY. Section 252I.4, subsection ~~3~~ 4, as amended in this Act, is retroactively applicable to January 1, 2000.

Sec. 91. 2000 Iowa Acts, Senate File 2344,⁷¹ section 16, is amended by striking the section and inserting in lieu thereof the following:

SEC. 16. Section 239B.24, subsection 1, unnumbered paragraph 1, Code Supplement 1999, is amended to read as follows:

The following persons are deemed to be eligible for benefits under the state child care assistance program administered by the department in accordance with section 237A.13, notwithstanding the program's eligibility requirements or any waiting list:

Sec. 92. APPROPRIATIONS FOR THE DRUG POLICY COORDINATOR. References in 2000 Iowa Acts, House File 2533,⁷² sections 5 through 8 and 33, to the drug enforcement and abuse prevention coordinator are deemed to be references to the drug policy coordinator if 2000 Iowa Acts, House File 2153⁷³ is enacted.

Sec. 93. CODE EDITOR DIRECTIVE. The Iowa Code editor shall transfer section 325A.16, as amended by 2000 Iowa Acts, Senate File 2147,⁷⁴ section 36, to an appropriate place in subchapter 1 of chapter 325A and change internal references as necessary.

Sec. 94. AMENDMENTS TO DISAPPROVED BILLS VOID. If a provision of a bill, which is amended in this division of this Act, does not become law due to the governor's disapproval of the provision, the amendment to that disapproved provision in this division of this Act is void.

Sec. 95. EFFECTIVE AND RETROACTIVE APPLICABILITY PROVISIONS.

1. The amendments in this division of this Act to sections 453A.3 and 453A.22, being deemed of immediate importance, take effect upon enactment.

2. The amendment in this division of this Act to 2000 Iowa Acts, Senate File 2193,⁷⁵ section 23, being deemed of immediate importance, takes effect upon enactment, and applies retroactively to October 1, 1999.

3. The amendment in this division of this Act to 2000 Iowa Acts, Senate File 2254,⁷⁶ section 4, being deemed of immediate importance, takes effect upon enactment, and applies retroactively to January 1, 2000.

DIVISION VIII VOLUNTEER EMERGENCY SERVICES PROVIDERS

Sec. 96. Section 80.9, subsection 2, Code Supplement 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. To administer section 100B.11 relating to volunteer emergency services provider death benefits.

Sec. 97. NEW SECTION. 100B.11 VOLUNTEER EMERGENCY SERVICES PROVIDER DEATH BENEFIT — ELIGIBILITY.

1. There is appropriated annually from the general fund of the state to the department of revenue and finance an amount sufficient to pay death benefit claims under this section. The director of revenue and finance shall issue warrants for payment of death benefit claims approved for payment by the department of public safety under subsection 2.

⁷⁰ Chapter 1096 herein

⁷¹ Chapter 1067 herein

⁷² Chapter 1220 herein

⁷³ Chapter 1126 herein

⁷⁴ Chapter 1016 herein

⁷⁵ Chapter 1004 herein

⁷⁶ Chapter 1096 herein

2. a. If the department of public safety determines, upon the receipt of evidence and proof from the fire chief or supervising officer, that the death of a volunteer emergency services provider was the direct and proximate result of a traumatic personal injury incurred in the line of duty as a volunteer, a line of duty death benefit in an amount of one hundred thousand dollars shall be paid in a lump sum to the volunteer emergency services provider's beneficiary. A line of duty death benefit payable under this subsection shall be in addition to any other death benefit payable to the volunteer emergency services provider.

b. A line of duty death benefit shall not be payable under this subsection if any of the following applies:

(1) The death resulted from stress, strain, occupational illness, or a chronic, progressive, or congenital illness, including, but not limited to, a disease of the heart, lungs, or respiratory system, unless a traumatic personal injury was a substantial contributing factor to the volunteer emergency services provider's death.

(2) The death was caused by the intentional misconduct of the volunteer emergency services provider or by such provider's intent to cause the provider's own death.

(3) The volunteer emergency services provider was voluntarily intoxicated at the time of death.

(4) The volunteer emergency services provider was performing the provider's duties in a grossly negligent manner at the time of death.

(5) A beneficiary who would otherwise be entitled to a benefit under this subsection was, through the beneficiary's actions, a substantial contributing factor to the volunteer emergency services provider's death.

3. For purposes of this section, "volunteer emergency services provider" means a volunteer fire fighter as defined in section 85.61 or a volunteer emergency medical care provider or volunteer emergency rescue technician defined in section 147A.1 who is not covered as a volunteer emergency services provider under chapter 97A, 97B, or 411.

Sec. 98. REPEAL — LEGISLATIVE INTENT.

1. This division of this Act is repealed July 1, 2002.

2. It is the intent of the general assembly that the repeal of this division of this Act on July 1, 2002, will allow consideration of recommendations relating to this division of this Act to be received by the general assembly from the department of management based on the department's study of the possible implementation of a system to provide retirement benefits and death and survivor benefits to volunteer fire fighters and volunteer emergency medical service personnel.

DIVISION IX FINANCIAL INSTITUTIONS — SATELLITE TERMINALS

Sec. 99. Section 527.2, subsections 10, 14, and 15, Code 1999, are amended to read as follows:

10. "Limited-function terminal" means an on-line point-of-sale terminal, ~~or an off-line point-of-sale terminal which satisfies the requirements of section 527.4, subsection 3, paragraph "d"~~, or a multiple use terminal, which is not operated in a manner to accept an electronic personal identifier. Except as otherwise provided, a limited-function terminal shall not be subject to the requirements imposed upon other satellite terminals pursuant to sections 527.4 and 527.5, subsections 1, 2, 3, 7, and 8.

14. "Off-line point-of-sale terminal" means a satellite terminal ~~that satisfies the requirements of section 527.4, subsection 3, paragraph "d" and is at any location in this state off the premises of the financial institution~~, other than an on-line point-of-sale terminal, that satisfies all of the following:

a. The satellite terminal is not operated to accept deposits or to dispense scrip or other negotiable instruments.

b. The satellite terminal is not operated to dispense cash except when operated by a person other than the customer initiating the transaction.

c. The satellite terminal is utilized for the purpose of making payment to the provider of goods or services purchased or provided at the location of the satellite terminal.

15. "On-line point-of-sale terminal" means a satellite terminal ~~that satisfies the requirements of section 527.4, subsection 3, paragraph "d" and is at any location in this state off the premises of the financial institution operated on an on-line real time basis, that satisfies all of the following:~~

a. The satellite terminal is not operated to accept deposits or to dispense scrip or other negotiable instruments.

b. The satellite terminal is not operated to dispense cash except when operated by a person other than the customer initiating the transaction.

c. The satellite terminal is utilized for the purpose of making payment to the provider of goods or services purchased or provided at the location of the satellite terminal.

Sec. 100. Section 527.4, subsection 1, Code 1999, is amended by striking the subsection and inserting in lieu thereof the following:

1. A satellite terminal shall not be established within this state except by a financial institution.

Sec. 101. Section 527.4, subsection 2, Code 1999, is amended by striking the subsection.

Sec. 102. Section 527.4, subsection 3, Code 1999, is amended to read as follows:

~~3. A financial institution whose licensed or principal place of business is located within this state may establish any number of satellite terminals in any of the following locations:~~

~~a. Within the boundaries of a municipal corporation if the principal place of business or an office of the financial institution is also located within the boundaries of the municipal corporation.~~

~~b. Within the boundaries of an urban complex composed of two or more Iowa municipal corporations each of which is contiguous to or corners upon at least one of the other municipal corporations within the urban complex if the principal place of business or an office of the financial institution is also located in the urban complex.~~

~~c. Within the Iowa county in which the financial institution has its principal place of business or an office.~~

~~d. At any location in this state off the premises of the financial institution if all of the following apply:~~

~~(1) The satellite terminal is not operated to accept deposits or to dispense scrip or other negotiable instruments.~~

~~(2) The satellite terminal is not operated to dispense cash except when operated by a person other than the customer initiating the transaction.~~

~~(3) The satellite terminal is utilized for the purpose of making payment to the provider of goods or services purchased or provided at the location of the satellite terminal.~~

~~3. A financial institution shall not may establish a satellite terminal at any other location except pursuant to an agreement with a financial institution which is authorized by this subsection to establish a satellite terminal at that location and which will utilize the satellite terminal at that location within this state. This subsection does not amend, modify, or supersede any provision of chapter 524 regulating the number or locations of bank offices of a state or national bank, or authorize the establishment by a financial institution of any offices or other facilities except satellite terminals at locations permitted by this subsection.~~

Sec. 103. Section 527.4, subsection 4, Code 1999, is amended to read as follows:

4. A financial institution whose licensed or principal place of business is not located in this state may establish, control, maintain, or operate any number of satellite terminals at ~~the locations identified in subsection 3, paragraphs "a", "b", "c", and "d"~~ any location within this state if both of the following apply:

a. The other state provides for the establishment, control, maintenance, or operation of satellite terminals by a financial institution, whose licensed or principal place of business is located in this state, on a reciprocal basis.

b. ~~All~~ all satellite terminals, wherever located, that are owned, controlled, maintained, or operated by the financial institution are available for use on a nondiscriminatory basis by any other financial institution which engages in electronic transactions in this state and by all customers who have minimum contact with this state and who have been designated by a financial institution using the satellite terminal and who have been provided with an access device, approved by the administrator, by which to engage in electronic transactions by means of the satellite terminal.

Sec. 104. Section 527.5, subsection 5, Code 1999, is amended to read as follows:

5. ~~A satellite terminal in this state shall bear a sign or label identifying each type of financial institution utilizing the terminal. A satellite terminal location in this state shall not be used to advertise individual financial institutions or a group of financial institutions. However, a~~ A satellite terminal shall bear a sign or label no larger than three inches by two inches identifying the name, address, and telephone number of the owner of the satellite terminal. The administrator may authorize methods of identification the administrator deems necessary to enable the general public to determine the accessibility of a satellite terminal.

Sec. 105. Section 527.5, subsection 11, paragraph a, Code 1999, is amended to read as follows:

a. If at any time, a limited-function terminal at a location ~~as defined in section 527.4, subsection 3, paragraph "d", in this state off the premises of the financial institution~~ is replaced by a device constituting either an on-line or an off-line point-of-sale terminal which may be utilized to initiate transactions which affect customer asset accounts through the use of an electronic personal identifier, or is upgraded, altered, or modified to be operated in a manner which allows the use of an electronic personal identifier to initiate transactions which affect customer asset accounts, or an on-line or an off-line point-of-sale terminal which may be utilized to initiate transactions which affect customer asset accounts through the use of an electronic personal identifier is newly established at a location ~~defined in section 527.4, subsection 3, paragraph "d" in this state off the premises of the financial institution~~, then such upgraded, altered, or modified limited-function terminal or replacement point-of-sale terminal or such newly established point-of-sale terminal is deemed to be a full-function point-of-sale terminal for purposes of this subsection and all requirements of a satellite terminal in this chapter apply to the full-function point-of-sale terminal with regard to all transactions affecting customer asset accounts which are initiated through the use of an electronic personal identifier, except for section 527.4, ~~subsections 1, 2, and subsection 4, section 527.4, subsection 3, paragraphs "a", "b", and "c", and subsections 1, 3, and 7 of this section.~~

Sec. 106. Section 527.5, subsection 12, Code 1999, is amended to read as follows:

12. Effective July 1, 1994, any transaction engaged in with a retailer through a satellite terminal at a location ~~described in section 527.4, subsection 3, paragraph "d", in this state off the premises of the financial institution~~ by means of an access device which results in a debit to a customer asset account shall be cleared and paid at par during the settlement of such transaction. Notwithstanding the terms of any contractual agreement between a retailer or financial institution and a national card association as described in subsection 11, an electronic funds transfer processing facility of a national card association, a central routing unit approved pursuant to this chapter, or a data processing center, the processing fees and charges for such transactions to the retailer shall be as contractually agreed upon between the retailer and the financial institution which establishes, owns, operates, controls, or processes transactions initiated at the satellite terminal. All accounting documents reflecting such fees and charges imposed on the retailer shall separately identify transactions which have resulted in a debit to a customer asset account and the charges imposed. The provisions of this subsection shall apply to all satellite terminals, including limited-function terminals, full-function point-of-sale terminals as identified in subsection 11, paragraph "a", and multiple use terminals.

Sec. 107. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION X
OTHER APPROPRIATIONS

Sec. 108. DEPARTMENT FOR THE BLIND. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 2000, and ending June 30, 2001, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For establishment of statewide access to the newslines for the blind furnished by the national federation of the blind:

..... \$ 15,000

2. For use in enabling blind individuals to independently access newspapers through the operations of the Iowa radio reading information service:

..... \$ 15,000

Sec. 109. 2000 Iowa Acts, Senate File 2435,⁷⁷ section 7, unnumbered paragraph 2, is amended to read as follows:

For child support recovery, including salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

..... \$ 6,471,841

6,671,841

..... FTEs 272.40

Sec. 110. 2000 Iowa Acts, House File 2552,⁷⁸ section 4, subsection 1, paragraph a, is amended to read as follows:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, employment of correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 30,153,720

29,865,654

..... FTEs 533.50

528.58

Sec. 111. 2000 Iowa Acts, House File 2552,⁷⁹ section 4, subsection 1, paragraph c, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In addition to the funds appropriated in this paragraph, \$50,000 is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2000, and ending June 30, 2001, for ongoing technology needs at the Oakdale correctional facility.

Sec. 112. 2000 Iowa Acts, House File 2552,⁸⁰ section 4, subsection 1, paragraph h, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In addition to the funds appropriated in this paragraph, \$62,572 is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2000, and ending June 30, 2001, for ongoing technology needs at the Mitchellville correctional facility.

Sec. 113. 2000 Iowa Acts, House File 2552,⁸¹ section 7, subsection 1, paragraph a, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In addition to the funds appropriated in this paragraph, \$22,571 is appropriated from the general fund of the state to the department of correc-

⁷⁷ Chapter 1228 herein

⁷⁸ Chapter 1229 herein

⁷⁹ Chapter 1229 herein

⁸⁰ Chapter 1229 herein

⁸¹ Chapter 1229 herein

tions for the fiscal year beginning July 1, 2000, and ending June 30, 2001, for ongoing technology needs of the first judicial district department of correctional services.

Sec. 114. 2000 Iowa Acts, House File 2552,⁸² section 7, subsection 1, paragraph b, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In addition to the funds appropriated in this paragraph, \$1,680 is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2000, and ending June 30, 2001, for ongoing technology needs of the second judicial district department of correctional services.

Sec. 115. 2000 Iowa Acts, House File 2552,⁸³ section 7, subsection 1, paragraph e, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In addition to the funds appropriated in this paragraph, \$70,095 is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2000, and ending June 30, 2001, for ongoing technology needs of the fifth judicial district department of correctional services.

Sec. 116. 2000 Iowa Acts, House File 2552,⁸⁴ section 7, subsection 1, paragraph f, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In addition to the funds appropriated in this paragraph, \$60,000 is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2000, and ending June 30, 2001, for ongoing technology needs of the sixth judicial district department of correctional services.

Sec. 117. 2000 Iowa Acts, House File 2552,⁸⁵ section 7, subsection 1, paragraph g, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In addition to the funds appropriated in this paragraph, \$11,740 is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2000, and ending June 30, 2001, for ongoing technology needs of the seventh judicial district department of correctional services.

Approved May 23, 2000, with exceptions noted.

THOMAS J. VILSACK, Governor

Dear Mr. Secretary:

I hereby transmit Senate File 2452, an Act relating to public expenditure and regulatory matters, making appropriations, and including effective date and retroactive applicability provisions.

Senate File 2452 is the annual standings appropriation bill and provides for many technical changes and corrections in numerous bills passed during this session. The bill provides for a two percent increase in fiscal year 2002 for county mental health/mental retardation/developmental disabilities appropriation. The bill also provides for a new program to pay death benefit claims for volunteer fire fighters, emergency medical care providers, and emergency rescue technicians who are killed in the line of duty.

I am unable to approve the item designated as Section 19 in its entirety. This section establishes a Microsoft Settlement Fund and requires that the state's portion of any moneys paid to the state by Microsoft in settlement of its federal antitrust lawsuit be deposited into this fund and used only as appropriated by the general assembly. In previous years, includ-

⁸² Chapter 1229 herein

⁸³ Chapter 1229 herein

⁸⁴ Chapter 1229 herein

⁸⁵ Chapter 1229 herein

ing the current year, the Legislature has authorized the Department, in the Department of Justice appropriation bill, to retain damages, costs and attorney fees awarded to the state in antitrust cases. These moneys are held in a non-reverting fund that is to be used exclusively for the enforcement of the Iowa competition law. While the state's antitrust litigation against Microsoft does not include a request for monetary damages, the Department of Justice has incurred significant costs in the case, and the Department will seek to recover these costs and attorneys fees for this time from Microsoft. These costs should be placed in the antitrust fund like all other antitrust cases — not in a separate fund.

I am unable to approve the item designated as Section 30 in its entirety. This section strikes in Senate File 2453, the opportunity for the Department of General Services to include a recommendation of long-term leases from the study for additional facilities for state agencies. This elimination unnecessarily limits the options available for the Department to include in the study.

I am unable to approve the item designated as Section 78 in its entirety. This section makes a technical amendment to House File 2486 that deals with residency requirements to obtain fishing and hunting licenses. However, House File 2008, which was approved by the Legislature, corrected the deficiency. Therefore, the amendment in Senate File 2452, Section 78 is inaccurate and should be removed.

For the above reasons, I hereby respectfully approve Senate File 2452 with the exceptions noted above.

Sincerely,
THOMAS J. VILSACK, *Governor*

CHAPTER 1233

WORLD FOOD PRIZE AWARDS CEREMONY

H.J.R. 2014

A JOINT RESOLUTION authorizing the temporary use and consumption of wine in the state capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

WHEREAS, the State of Iowa has the honor of being the home of the World Food Prize Foundation which annually presents an international award recognizing outstanding individual achievement in improving the quality, quantity, or availability of food in the world; and

WHEREAS, Iowa's unique State Capitol is an optimal location for this awards ceremony of the World Food Prize Foundation; and

WHEREAS, wine is customarily served as an accompaniment to the food and entertainment provided at this type of awards ceremony; and